

# Student Refund Policy and Procedure

<b>Supporting plans, policies and procedures</b>	<ul style="list-style-type: none"> <li>• Student Handbooks</li> <li>• Student Complaints and Appeals Policy and Procedure</li> <li>• Admissions and Enrolment Policy and Procedure</li> <li>• Academic Progress and Student At-Risk Policy and Procedure</li> <li>• Credit and Recognition of Prior Learning Policy and Procedure</li> <li>• Records, Data and Information Management and Security Policy</li> <li>• Equity, Diversity and Aboriginal and Torres Strait Islander Peoples Framework and Policy</li> <li>• Student Orientation Policy and Procedure</li> <li>• Student Welfare, Wellbeing and Support Policy and Procedure</li> <li>• Teach Out Policy</li> </ul>
<b>Related Legislation</b>	<ul style="list-style-type: none"> <li>• Higher Education Standards Framework (Threshold Standards) 2021</li> <li>• Tertiary Education Quality and Standards Agency (TEQSA) Act 2011</li> <li>• Education Services for Overseas Students Act (ESOS Act)</li> <li>• National Code of Practice for Providers of Education and Training to Overseas Students (National Code)</li> </ul>
<b>Version</b>	3.1
<b>Approved by</b>	Board of Directors and Academic Board
<b>Date approved</b>	07 December 2023
<b>Document Review</b>	This document is to be reviewed every two-years at a minimum from the date of final approval.

<b>Version</b>	<b>Review Date and Person/Body</b>	<b>Notes</b>
0.1	Draft prepared by LTC in May 2020	
1.0	Approved on 3 June 2020 by Board of Directors	
2.0	Approved on 16 June 2020 by Academic Board	
2.1	Reviewed and approved at 20 October 2020 Academic Board meeting	Minor amendments following comments from external reviewers
	Reviewed and approved at 28 October 2020 Board of Directors meeting	
3.0	Reviewed and approved by the Board of Directors and Academic Board via email circulation on 23 July 2021	Updates made following the response to the TEQSA Request for Information 23 July 2021
3.1	Reviewed and approved by the Board of Directors and Academic Board by 07 December 2023	Updated minor changes

## Background and Scope

MIHE acknowledges that students' ability to study and pay course fees are impacted by changes occurred in their personal conditions. Students may be eligible for refund in case they wish to withdraw from their studies.

This Student Refund Policy and Procedure supports MIHE's commitment to fair trading practices. It outlines how MIHE manages refund of course fees and other charges to domestic as well as international students in compliance with government regulation.

This Student Refund Policy and Procedure applies to all commencing and continuing domestic as well as international students and staff who assess and process fee refund requests at MIHE. It is also applicable to any payment received as course fees by approved education agents on behalf of MIHE (if applicable).

## Definitions

<b>Census Date</b>	The date by which students must have finalised their course of study and enrolment details for the trimester. It is the last date students can change enrolment without any financial penalty. If the student withdraws from a unit after the Census Date, they be liable for any fees relating to the unit.
<b>Commencing student</b>	A student who has accepted an offer of a place at MIHE and has enrolled in the course for the first time and has yet to commence their studies.
<b>Continuing student</b>	A student who has completed at least a trimester of study and is eligible to remain enrolled in the course.
<b>Domestic student</b>	Australian citizens, New Zealand citizens, or holders of an Australian permanent visa (holders of all categories of permanent resident visas including Humanitarian Visas).
<b>Leave of absence</b>	An approved period during which a student is not enrolled in any unit
<b>International Student</b>	A student studying in Australia on an international student visa.
<b>Unit</b>	An individual subject of study which makes up a course in collaboration with other units.
<b>Tuition Protection Service (TPS)</b>	It is an initiative of the Australian Government to assist international students whose education providers are unable to fully deliver their course of study.
<b>Withdrawal</b>	The termination of enrolment in a unit or program by a student.

## Student Refund Policy Details

MIHE will be transparent, accurate, comprehensive and consistent in informing students about fees refund. All students will be treated fairly and equally. All matters relating to student refund will addressed in a timely manner.

### 1. Refund Policy for Domestic Students

A domestic student will be considered eligible for refund if the student is enrolled in an approved higher education course at MIHE. The student must be:

- An Australian Citizen;
- An Australian Permanent Humanitarian visa holder; or
- A New Zealand (NZ) Special Category visa holder (who arrived in Australia as children and have been long term residents).

- a) A domestic student will be eligible for refund if the student withdraws from a unit of study on or before the Census Date of the trimester. Once the student is approved of a Withdrawal, the student will be refunded the unused portion of the prepaid course fees within 28 business days.
- b) A domestic student will be eligible for refund if the student wants to take a Leave of Absence for the entire trimester and withdraw from units of study on or before the Census Date of the trimester. Once the student is approved of a Leave of Absence, the student will be refunded the unused portion of the prepaid course fees within 28 business days.
- c) If MIHE is unable to offer a course the student will either be refunded the unused portion of the prepaid tuition fees for the course or offered an alternative place at MIHE's expense that is accepted by the student in writing (no refund in this case).
- d) If MIHE fails to make a refund, then MIHE will offer a place in a similar course of study offered by another institution leading to a comparable award.
- e) A domestic student will be eligible for refund (subject to approval) if the student withdraws from a unit of study after the Census Date/ Cut-off Date of the trimester only in the case of the following **Special Circumstances**:
  - Medical circumstances due to which the student has become unable to continue studying.
  - Compassionate circumstances due to which the student faces an unforeseen situation such as serious illness or death in the family, disruption to domestic arrangements or victim of a crime.
  - Employment-related circumstances where the employment arrangements of the student have changed and due to that the student is unable to continue studying.

Special circumstances mentioned above that significantly affect the student's ability to continue studying will be assessed on a case-by-case basis and if approved the student will be refunded the unused portion of the prepaid course fees within 28 business days.

- a) A domestic student will NOT be eligible for refund if the student withdraws from a unit of study after the Census Date/ Cut-off Date of the trimester and was not approved of the Special circumstances mentioned above.
- b) A domestic student will NOT be eligible for refund in the case of the following circumstances:
  - If the student's enrolment is terminated or cancelled due to unsatisfactory progress, academic or behavioural misconduct, lack of attendance or a student has provided fraudulent or misleading information.
  - If the student's enrolment is terminated or cancelled due to non-payment of course fees or other charges.

## 2. Refund Policy for International Students

An international student will be considered eligible for refund in the case of the following circumstances:

- a) If the visa application has been unsuccessful and the student has notified MIHE before commencement of the trimester. The student will be eligible for refund of the unused portion of course fees paid in advance. Application fee and administration fee will NOT be refunded.
- b) If the visa application has been unsuccessful and the student has notified MIHE after commencement of the trimester. Pro-rata of tuition fee calculated on a weekly basis will deducted from course fees paid in advance and the student will be refunded of the unused portion of course fees. Application fee and administration fee will NOT be refunded.
- c) If an international student with an approved visa withdraws from a course or enrolment is cancelled due to breach will be eligible for a refund in accordance with the table below:

Date withdrawal request was lodged	Portion of tuition fees refundable
4 weeks (28 days) or more before the start of the course.	80% of the first Trimester's tuition fee*
Before the start of the course, but less than 4 weeks (28 days) before the start of course.	60% of the first Trimester's tuition fee*
On or after the start of the, but before first trimester census date.	40% of the total first Trimester's tuition fee*
After the census date of the first trimester	No refund available
Non – Tuition fee	Portion of refund
Application fee and administration fee	No refund

- d) If MIHE is unable to offer a course the student will either be refunded the unused portion of the prepaid tuition fees for the course or offered an alternative place at MIHE's expense that is accepted by the student in writing (no refund in this case).
- e) If for any reason MIHE is unable to continue offering a course after the student commences a course, and the student for some reason cannot be placed or refuses placement in an alternative course arranged by MIHE, a full refund of any unspent pre-paid tuition fee paid to MIHE will be made within 28 days of MIHE default day.
- f) In the event that MIHE is unable to fulfill its obligation of providing an agreeable alternative course for the student, or a refund, the student will receive advice to seek assistance from the Australian government's tuition protection services. For information on the TPS, please see: <https://tps.gov.au/information/students/how>.
- g) An international student will be eligible for refund (subject to approval) if the student withdraws

due to the following Special Circumstances:

- Medical circumstances due to which the student has become unable to continue studying.
- Compassionate circumstances due to which the student faces an unforeseen situation such as serious illness or death in the family, disruption to domestic arrangements or victim of a crime.

h) An international student will NOT be eligible for refund in case of the following circumstance;

- If the student's enrolment is terminated or cancelled due to unsatisfactory progress, academic or behavioural misconduct, lack of attendance or a student has provided fraudulent or misleading information.
- If the student's enrolment is terminated or cancelled due to non-payment of course fees or other charges.

In the event that the student fails a unit, the student will still have to pay the tuition fee, regardless of whether the student attended class or not or whether they availed themselves of access to the learning portal. If formal withdrawal has not been approved before the Census date, they are still liable for the tuition fee. Special circumstances listed above will be considered which does not include lack of knowledge of the Census date as students are fully informed in both their Student Handbooks, at Orientation and on the Website. Failure to follow correct procedures are also not reasons for claiming a refund. If a student changes their mind about study after the Census date, they are still responsible for paying the fees unless they can give evidence of special circumstances.

## Student Refund Procedure

Student Refund Procedure applies to both domestic and international students enrolled in an approved higher education course at MIHE. A student must withdraw from the course of study in order to be eligible for a refund. All withdrawal requests must be made using the *Withdrawal Form*. The Administration Manager will assess and notify the student of the withdrawal request. Withdrawing from the course will NOT automatically result in a refund. The refund procedure must be as follows:

- a) Refund Request Form must be used for requesting a refund. The form must be completed and signed by the student and emailed to the Administration Manager ([admin@mihe.vic.edu.au](mailto:admin@mihe.vic.edu.au))
- b) Relevant documents supporting the request must be attached with the Refund Request Form. Supporting evidences must be in English or be translated and certified as an official translation from an official authority. These documents will be assessed on a case-by-case basis. Supporting documents include but are not limited to:

- A detailed account of the circumstances or events that has impacted the student's ability to continue studying, including specific dates, and demonstrates how it meets the Special Circumstances section of this policy
  - An original medical certificate that details the condition, where medical circumstances apply
  - A psychologist report that details the condition, where applicable
  - A death certificate in case of death in the family
  - The proof of visa refusal and evidence of payment to MIHE for international students where a visa application has been unsuccessful
  - A statutory declaration, where relevant
- c) The refund request must be made within 7 working days of an event causing the student to terminate studying. Incomplete forms and forms submitted after 7 working days of an event causing withdrawal will NOT be entitled to refund.
- d) Completed Refund Request Forms submitted with relevant supporting documents will be assessed in accordance with Student Refund Policy outlined earlier in this document. The student must be notified of the outcome in writing within 14 business days of receipt of the application. The application outcome must also be saved in the student file for record.
- e) The student will be notified of the outcome through an Approval of Refund from the Administration Manager if the application has been successful. This letter will also inform how the refund will be paid. The refund amount will be calculated by the Accounts Officer in accordance with the Student Refund Policy and the payment will be made within 28 business days of receipt of the student refund application. The student will receive a statement from the Accounts Officer explaining how the refund amount was calculated.
- f) In the unlikely event that the MIHE is unable to deliver the course in full, the student will be offered a refund of all the course money they have paid to date. The refunds will be paid to the student within 28 days of the day on which the course ceased being provided. Alternatively, the Institute at no extra cost may offer them enrolment in an alternative course to the student. The student has the right to choose whether they would prefer a full refund of course fees, or to accept a place in another course. If a student chooses placement in another course, MIHE will ask student to sign a document to indicate that s/he accept the placement. If the Institute is unable to provide a refund or place the student in an alternative course, Tuition Protection Scheme (TPS) will place the student in a suitable alternative course at no extra cost to student. If TPS cannot place the student in a suitable alternative course, the ESOS Assurance Fund refund the fee as calculated by

the Fund Manager.

The student will be notified of the outcome through a Refusal of Refund from the Administration Manager if the application has been unsuccessful. This letter will also inform the reasons for refusal and their right to appeal the decision. Breaches and Appeals

If a student or staff member is found to be in breach of this Policy or Procedure, they may be subject to disciplinary action in accordance with the relevant *Code of Conduct*. Students wishing to make an appeal should refer to the *Student Complaints and Appeals Policy and Procedure*. Students also have the right to take further action under Australia's Consumer Protection Laws or pursue other legal remedies.

### **Refunds due to a Complaint or Appeal**

If the outcome of a formal complaint or appeal under the *Student Complaints and Appeal Policy and Procedure* involves a refund of tuition student fees, the refund will be automatically processed by MIHE. Refunds will be repaid within 28 business days from the date the applications were lodged. MIHE will also provide a statement that explains how the refund amount has been calculated. The Accounts Officer will follow up unclaimed refunds within 28 business days.