

Special Circumstances Refund Policy and Procedure		
Code: E2.12	Area: Non-Academic E	
Policy Owner: Executive Management Group	Version #: 2.2	Date: 17 Aug 2022
Policy Developer/Reviewer: Registrar	Review date: 17 Aug 2025	

#### VERSION HISTORY

Version	Authorised by	Approval Date	Details
1.0	EMG	21 Feb 2013	Document creation
1.1	EMG	17 Mar 2016	Updated for the new VET courses
1.2	EMG	8 May 2017	Updated to be in line with VET Student Loans legislation
2.0	EMG	14 Jan 2020	Comprehensive review and update
2.1	EMG	13 Apr 2022	Students not covered by HELP loans may also seek refunds if special circumstances apply.
2.2	EMG	17 Aug 2022	Moved decision-making authority from Student Support Officer, Registrar & Office Manager to Registrar & COO.

#### PURPOSE AND SCOPE

The aim of this policy is to:

- Outline the procedure for providing a refund of upfront tuition fees, a remission (removal) of a FEE-HELP or VET Student Loan debt or a re-credit of FEE-HELP or VET Student Loan balance due to special circumstances.

This policy applies to all students of the Sydney Institute of Traditional Chinese Medicine (SITCM).

## 1 OVERVIEW

This policy articulates under what circumstances SITCM will provide refunds to any student who withdraws from a unit after the unit's Census Date.

This policy is informed by the *Higher Education Standards Framework (Threshold Standards) 2021*, particularly Sections 1.1 Admissions and 7.2 Information for Prospective and Current Students; the *Higher Education Support Act 2003 (HESA)*, the *Higher Education Provider Guidelines 2012*, the *Higher Education Support (VET) Guideline 2015*, the *VET Student Loans Act 2016*; the *VET Student Loans Rules 2016*; and the *Education Services for Overseas Students Act 2000*.

## 2 POLICY

### 2.1 ELIGIBILITY

- 1) A student who has received a grade of Withdraw without Failure for a unit in accordance with the *Deferral, Suspension and Withdrawal Policy and Procedure* is eligible for a refund of that unit's tuition fees.
- 2) To be eligible for a refund of unit tuition fees under this policy, all other students must:
  - a. Have still been enrolled in the unit after the Census Date.
  - b. Have not successfully completed the unit.
  - c. Apply for the refund within 12 months of the date they withdraw from the unit under the *Deferral, Suspension and Withdrawal Policy and Procedure* or, if they did not withdraw from the unit, within 12 months of the end of the unit's delivery period.
  - d. Have encountered special circumstances that:
    - i. Are beyond the student's control;
    - ii. Do not make their full impact on the student until on or after the unit Census Date; and
    - iii. Make it impracticable for the student to complete the requirements for the unit during their study period.

#### 2.1.1 SPECIAL CIRCUMSTANCES

This section explains when special circumstances apply.

- 1) Special circumstances must relate to one or more of the following:
  - a. The student suffers serious illness or injury, as evidenced by a letter from a General Practitioner or a medical specialist on letterhead.
  - b. A parent, sibling, child or spouse of the student passes away, as evidenced by a death certificate.
  - c. A family member of the student suffers from a serious medical condition that requires the student to provide them with full-time care, as evidenced by either a letter from a specialist practitioner on letterhead or government documentation confirming the student's status as carer.
  - d. The student is Domestic, and they or the person who finances their studies experiences a sudden and drastic change in financial circumstances, as evidenced by a bankruptcy notice or similar documentation.
  - e. The student is employed out of necessity and the employer either increases their hours of employment or transfers them to a location more than 100km outside Sydney, and:
    - i. It is not possible for the student to refuse or otherwise prevent this change to their employment circumstances; and
    - ii. The change makes it impossible for the student to continue their studies in the unit; and
    - iii. This change is evidenced by a signed letter from the employer confirming that it is impossible for the student to refuse or otherwise prevent this change.
  - f. The unit is delivered in a way that deviates from what was specified in the unit guide to the extent that it is no longer possible for the student to achieve the unit learning outcomes.
- 2) Circumstances do not make their full impact on a student until on or after the Census Date if the circumstances occur:
  - a. Before the Census Date but worsen after that day;

- b. Before the Census Date but the full effect does not become apparent until the Census Date; or
    - c. Only after the Census Date.
  - 3) In determining whether circumstances make it impracticable for the student to complete the requirements of the unit in the period during which the student undertook or was to undertake the unit, SITCM must have regard to:
    - a. Whether the student could do enough private study/attending training sessions and other activities to meet course requirements;
    - b. Whether the student could complete alternative assessments to demonstrate the competencies required; and
    - c. Whether the student could complete any other requirements arising because of the student's inability to do things described in (a) and (b).

## 2.2 APPLICATIONS

### 2.2.1 INITIAL APPLICATION

- 1) A student who is eligible for a refund under this policy because they received a Withdraw without Failure grade does not need to lodge any refund application, and their refund will be automatically processed within 28 days of the decision to grant a Withdraw without Failure grade.
- 2) All other students may apply for a refund under this policy by emailing a completed *Fee Remission (Special Circumstances) Application* (available from the Administration Office, website and Moodle) to the Registrar at [registrar@sitcm.edu.au](mailto:registrar@sitcm.edu.au).
  - a. Supporting evidence must be submitted together with the application.
  - b. The Registrar must approve or reject the application on its merits by assessing whether the student's application justifies the granting of a refund under Sections 2.1 (Eligibility) and 2.1.1 (Special Circumstances).
  - c. Students have 12 months from the date they withdraw from a unit or, if they did not withdraw, within 12 months of the end of the unit's delivery period, to lodge an initial application.
  - d. There is no charge for an initial application.

### 2.2.2 INTERNAL REVIEW OF A DECISION

- 1) If a student is not satisfied with the decision made by the Registrar in relation to a refund, they may email the COO at [damien.mathews@sitcm.edu.au](mailto:damien.mathews@sitcm.edu.au) to request a review of the decision.
  - a. The request must clearly explain how the Registrar's decision failed to follow this policy.
- 2) In conducting the review, the COO will:
  - a. Seek all relevant information from the original decision-makers; and
  - b. Consider whether the original decision correctly adhered to this policy.
- 3) The COO may:
  - a. Confirm the decision;
  - b. Vary the decision; or
  - c. Set the decision aside and substitute a new decision.
- 4) Students have 28 calendar days from the date they received the Registrar's decision to request a review.
- 5) There is no charge for an internal review of the decision.

**2.2.3 EXTERNAL REVIEW OF A DECISION**

- 1) If the case involves a FEE-HELP loan or a VET Student Loan, an applicant may appeal a COO decision to the AAT within 28 days.
- 2) The applicant may supply additional information to the AAT which they did not previously supply to SITCM either in the original application or the request for review.
- 3) The Secretary of the Department of Education and Training, or the Secretary's delegate, will be the respondent for cases that are brought before the AAT.
- 4) When SITCM is notified that an appeal has been lodged, the Registrar will provide the Secretary with copies of all the documents they hold that are relevant to the appeal within five (5) business days.

**2.3 GOVERNMENT RE-CREDITING OF VET STUDENT LOAN BALANCES****2.3.1 RE-CREDITING DUE TO UNACCEPTABLE PROVIDER CONDUCT**

- 1) Under Section 71 of the *VET Student Loans Act 2016*, a student may apply to the Secretary of the Department of Employment, Skills, Small and Family Business (the Secretary) for their HELP balance to be re-credited because:
  - a. SITCM, or a person acting on SITCM's behalf, has engaged in unacceptable conduct in relation to the student's application for the VET Student Loan; or
  - b. SITCM has failed to comply with the *VET Student Loans Act 2016* or an instrument under the Act and the failure has adversely affected the student.
- 2) Applications for re-crediting must be made within five (5) years after the Census Date for the unit, or the part of the unit, concerned, or within that period as extended by the Secretary.

**2.3.2 RE-CREDITING DUE TO PROVIDER SPECIAL CIRCUMSTANCES**

- 1) Under Division 2 of the *VET Student Loans Act 2016*, the Secretary may re-credit a student's HELP balance in relation to special circumstances if SITCM:
  - a. Is unable to act under Division 2 or is being wound up or has been dissolved; or
  - b. Has failed to act under Division 2 and the Secretary is satisfied that the failure is unreasonable.

**2.4 RECORDS**

- 1) All refund applications and appeals made under this policy are recorded in the *Special Circumstances Refund Register* by the Registrar.
- 2) At each Executive Management Group meeting, all updates to the *Special Circumstances Refund Register* must be presented for review.

**3 PROCEDURE****3.1 PROCEDURE FOR STUDENTS WITH A WITHDRAW WITHOUT FAILURE GRADE**

- 1) The Course Coordinator notifies the Registrar of a decision to approve a Withdraw without Failure grade in accordance with the *Deferral, Suspension and Withdrawal Policy and Procedure*.
- 2) The Registrar informs the Accounting Officer that the student must receive a refund of the unit's tuition fees within 28 days of the Course Coordinator's notification.
- 3) Within 28 days of the Course Coordinator's decision, the Finance Manager must:
  - a. Pay the refund amount to the student (less any outstanding debts that the student owes SITCM); and
  - b. Sends the student written notification that the refund has been paid.

### 3.2 PROCEDURE FOR INITIAL APPLICATIONS

- 1) A student submits the *Fee Remission (Special Circumstances) Application*, with supporting evidence, to the Registrar within 12 months after the date of withdrawal or, if they did not withdraw, within 12 months of the end of the unit's delivery period.
- 2) The Registrar acknowledges receipt of the application in writing.
- 3) The Registrar determines whether the application should be approved under Sections 2.1 (Eligibility) and 2.1.1 (Special Circumstances) of this policy.
- 4) Within 28 calendar days of receiving the application, the Registrar:
  - a. Provides the student with written notification of the outcome, with reasons, and informs them of their right to apply for an internal review of the decision within 28 calendar days;
  - b. Records the case in the *Special Circumstances Refund Register*; and
  - c. If the application was approved: notifies the Finance Manager.
- 5) The Finance Manager must take the following steps within 28 days of an application being approved:
  - a. Pay the refund amount to the student (less any outstanding debts that the student owes SITCM); and
  - b. Send the student written notification that the refund has been paid.

### 3.3 PROCEDURE FOR REVIEWS

- 1) The applicant requests an internal review of the initial decision within 28 calendar days of receiving the notification.
- 2) The COO acknowledges receipt of the application for a review in writing.
- 3) The COO reviews the decision and provides the student with written notification of the outcome, with reasons, within calendar 28 days of receiving the application.
  - a. The notification also informs the student of any right for an external review of the decision at the AAT within 28 calendar days of receiving the notification.
  - b. The COO informs the Registrar of the outcome so the *Special Circumstances Refund Register* can be updated.
- 4) If the student appeals the internal review outcome at the AAT, the Registrar will provide the Secretary with copies of all relevant documents held within five (5) business days of being notified of the external appeal.

## 4 RELATED POLICY AND OTHER DOCUMENTATION

- 1) Higher Education Standards Framework (Threshold Standards) 2021.
- 2) Higher Education Support Act 2003.
- 3) Higher Education Provider Guidelines 2012.
- 4) Higher Education Support (VET) Guideline 2015.
- 5) VET Student Loans Act 2016.
- 6) VET Student Loans Rules 2016.
- 7) Education Services for Overseas Students Act 2000.
- 8) Deferral, Suspension and Withdrawal Policy and Procedure.
- 9) Fee Remission (Special Circumstances) Application.