

## Refund Policy and Procedure

### Tuition Fees, FEE HELP and VET Student Loan Re-credit/Removal – Domestic Students

Policy number	Draft		
Approving authority	Board of Directors		
Contact officer	Director, Learning and Teaching		
Current version		Date implemented	
Date of review	January 2019		

#### 1. PURPOSE and PRINCIPLES

The purpose of this policy is to outline the circumstances under which the National Institute of Dramatic Art (NIDA) will refund tuition fees or will re-credit or remove a FEE-HELP or VET Student Loan balance for domestic students enrolled in for accredited courses.

The principles underpinning the policy and procedures are:

- Support of students whose study has been impacted by exceptional circumstances outside their control
- Fairness and Equity
- Transparency of process
- Timeliness of process

#### 2. SCOPE and RESPONSIBILITIES

This policy applies to all domestic students enrolled in accredited courses at NIDA.

This policy and procedure has rights and responsibilities as follows:

Director, Learning and Teaching is responsible for:

- Accessibility of this policy and procedure by staff and students
- implementation of this policy
- ensuring that refunds are managed in an efficient and transparent manner
- undertaking the initial review of all Higher Education applications and making a recommendation to the Director/CEO

Director, Vocational Studies is responsible for:

- undertaking the initial review of all Vocational applications and making a recommendation to the Director/CEO

Director/CEO is responsible for:

- Considering any request to review a determination

Students are responsible for:

- Notifying their intention to withdraw on the appropriate form, in accordance with NIDA policies and procedures
- Requesting a refund of upfront tuition fees on the appropriate form, in accordance with NIDA policies and procedures
- Providing verifiable evidence of exceptional circumstances

Administrative staff are responsible for:

- Advising and gaining a decision on the refund/re-credit application from the Director, Learning and Teaching/Director Vocational Studies
- Advising relevant staff, including finance of successful applications for refunds received pre and post census date
- Managing the refund/re-credit process through the relevant government databases as required
- Saving all relevant documentation and communication regarding refund applications and their outcomes in the student files
- Maintaining the privacy of student records

#### **4. POLICY**

- 2.1 A domestic student, who lodges a written request for withdrawal from a Unit of Study on or before the published census date, will be withdrawn without financial penalty from the Unit of Study in which he or she is enrolled
- 2.2 A domestic student withdrawing on or before the census date is not required to apply for a refund; as the action of withdrawing in writing from a Unit of Study is sufficient action. The student will be refunded any tuition fees paid up front for the Unit of Study and/or will not incur a FEE-HELP or VET Student Loan debt for that Unit of Study
- 2.3 A domestic student who lodges a written request for withdrawal from a Unit of Study after the census date will not receive a refund of any tuition fees paid upfront and/or will incur a FEE-HELP/VET Student Loan debt for the Unit of Study
- 2.4 A student can apply for a refund of upfront tuition fees or to have their FEE-HELP or VET Student Loan balance removed or re-credited for an incomplete Unit of Study if the student withdraws or ceases their studies in that Unit of Study after the census date because of exceptional circumstances, and as a consequence of these exceptional circumstances does not complete the requirements of that Unit of Study
- 2.5 Applications must be made in writing as soon as practicable after withdrawal/cessation of the incomplete Unit/s of Study but no later than 12 months after the withdrawal/cessation date
- 2.6 A student must provide independent supporting documentary evidence and demonstrate that there are exceptional circumstances as per the definition outlined in this policy and that these circumstances:
  - Were beyond the student's control
  - Did not make their full impact on the student until on, or after, the census date; and
  - Made it impracticable for the student to complete the requirements for the Unit of Study during the period in which the student undertook, or was to undertake the Unit of Study

3.7 NIDA may waive the requirement for an application to be made before the end of the application period, on the ground that it would not be, or was not possible for the application to be made before the end of that period

3.8 A student has the right to apply to the Director/CEO for a review of a decision not to refund upfront tuition fees or re-credit the student's FEE-HELP balance

## **5. PROCEDURES**

### **4.1 Application**

4.1.1 No application is required if a student has withdrawn from a Unit of Study prior to the census date for that Unit of Study

4.1.2 If a student has withdrawn, because of exceptional circumstances, from a Unit of Study after the census date for that Unit of Study a student may submit a written application for a refund for upfront tuition payments or to re-credit a FEE-HELP or VET Student Loan debt

4.1.3 An application to refund upfront tuition fees or to re-credit a FEE-HELP or VET Student Loan debt must be supported by verifiable supporting evidence of exceptional circumstances as outlined in this policy

### **4.2 Review of an Application**

4.2.1 The Director, Learning and Teaching or the Director, Vocational Studies will be responsible for making initial decisions about the refund of a student's upfront tuition fees and the re-crediting of their HELP balance and removal of FEE-HELP or VET Student Loan debt. The Director, Learning and Teaching or the Director, Vocational Studies will report their determination in writing to the Director/CEO within two weeks of the receipt of the application from a student

### **4.3 Determinations**

4.3.1 The Director, Learning and Teaching or the Director, Vocational Studies will notify the student, within two weeks of the final decision. This notification will include the reasons for making the decision and advice to student of their rights for a review of the decision if the student is unsatisfied with the outcome.

4.3.2 If the decision is made to re-credit the FEE-HELP/VET Student Loan balance, NIDA will notify the Department of Education through the Higher Education Information Management System (HEIMS).

4.3.3 NIDA will repay to the Commonwealth any FEE-HELP or VET Student Loan assistance NIDA received from it on the student's behalf. The Department of Education will inform the Australian Taxation Office, who administers FEE-HELP, that the debt has been removed.

### **4.4 Review of a Determination**

#### **Internal**

4.4.1 A student must request an Application to Review a determination on a refund of upfront tuition payments or re-credit/removal of FEE-HELP or VET Student Loan debts for the incomplete Unit of Study within 28 days of receiving the notice of determination to the Director/CEO.

4.4.2 In the request the student must state the reasons why he or she is applying for a review.

4.4.3 Upon receipt of the Application for Review the Director/CEO will review any decisions regarding re-crediting of the refund of upfront tuition payments, the re-crediting of their HELP balance, or the removal of FEE-HELP or VET Student Loan debts.

4.4.4 The Director/CEO upon receipt of an Application will acknowledge receipt of the application for review of a decision in writing within two weeks. They will inform the student that the Director/CEO will advise the student in writing of the outcome of the review and the reason for the decision; and inform the student that, if the Director/CEO has not advised the student of a decision within 45 days of receiving the application for review, the Director/CEO is taken to have confirmed the original decision

4.4.5 The Director/CEO will review the student's application and the original documentation

4.4.6 When the Director/CEO has made a decision on the review they will inform the student of their right to appeal if the student is unsatisfied with the outcome and the process by which an appeal can be made:

- in the case of the re-crediting of their HELP balance, or the removal of FEE-HELP or VET Student Loan debts, the student will be advised that they can appeal to the Administrative Appeals Tribunal (AAT) for a review of the Director/CEO's decision and they will be provided with the contact details and address of the nearest AAT.

- in the case of upfront tuition payments the student will be advised that they can appeal by following NIDA's *Grievance Policy and Procedure - Non-academic matters*.

#### **External**

4.4.7 A student may make an application to the AAT for a reconsideration of NIDA's decision to refuse to re-credit a person's HELP balance and may supply additional information to the AAT, which he or she did not previously supply to NIDA.

4.4.8 Upon written notification from the Department of Education that an appeal has been lodged, NIDA will provide the Department of Education within a further 5 business days all original documentation relevant to the appeal.

4.4.9 The Secretary of the Department of Education or the Commonwealth Government department which has the responsibility for administering the Higher Education Support Act 2003, (the Department) or the Secretary's delegate will be the respondent for cases that are brought before the AAT.

## **4 DEFINITIONS**

<b>Term</b>	<b>Definition</b>
<b>Accredited Course</b>	A course that is recognized under the Australian Quality Framework (AQF) and is registered with one of the two main regulatory agencies,

	being TEQSA (Tertiary Education Quality Standards Authority) for Higher Education and ASQA (Australian Skills Quality Authority) for Vocational programs
<b>Census Date</b>	The final date for a student to apply for, or withdraw from government funded FEE-HELP or VET Student Loan assistance and the date at which a student incurs a FEE-HELP or VET Student Loan debt for the subjects or units in which they are enrolled. The census date is set by the education provider and for both Higher Education and VET it is no earlier than 20% of the subject/unit duration.
<b>Course Commencement</b>	The published effective start date of a course and is inclusive of the orientation/induction period.
<b>Exceptional Circumstances</b>	<p>Exceptional Circumstances are those that are outside of your control. NIDA recognises three types of exceptional circumstances; short term, essential commitments and long term circumstances.</p> <p><b>Short Term Circumstances</b> Short-term illness, injury or misadventure that has significantly impacted your performance in an assessment or exam. For example: serious illness or injury requiring treatment from a medical practitioner, death of a family member for close friend, or an accident or natural disaster.</p> <p><b>Long Term Circumstances</b> This includes ongoing or recurring illnesses or medical conditions that might impact your studies.</p> <p><b>Binding Circumstances</b> These are circumstances where you can apply for special consideration because a circumstance, which you cannot change, impacts your ability to undertake or participate in an assessment. Such Indispensable circumstances include, but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ Legal commitments - Jury duty, summons to appear in court</li> <li>▪ Religious or cultural commitments</li> <li>▪ Military service</li> </ul>
<b>HELP</b>	Higher Education Loan Program (HELP)
<b>HELP Balance</b>	Total tuition loan fees accumulated under any of the HELP schemes including FEE-HELP and Vet Student Loans
<b>Study Period</b>	A published period of time scheduled for the delivery of a subject or Unit of Study. For Higher Education at NIDA it is a semester and for Vocational programs it is known as a term.
<b>Unit/Unit of Study</b>	A qualification is broken down into a number of Units of Study, which each have a Census Date. Each Unit of Study comprises a proportion of the learning and assessment that contributes to completion of the whole course.

## 5 LEGAL and POLICY FRAMEWORK

<b>Legislation and Regulatory Frameworks</b>	<p>Higher Education Support Act 2003 (HESA)</p> <p>TEQSA Act 2011</p> <p><i>VET Student Loans Act 2016</i> (VSL Act)</p> <p><i>VET Student Loans Rules 2016</i> (VSL Rules)</p> <p>Standards for Registered Training Organisations (RTOs) 2015</p> <p>ASQA General Directions</p>
<b>Related NIDA policies, procedures and documents</b>	<p>Grievance Policy and Procedure – Non Academic Matters</p> <p>Statement of VET Tuition Assurance and exemption</p>

## 6 APPENIDX: CHANGE HISTORY

Date	Version	Reason for change	Change description	Author	Approval Date	Effective Date	RM8 Record No
April 2017		Review of all P&P –	<ul style="list-style-type: none"> <li>▪ Combined two policies in to a single policy for domestic students</li> <li>▪ New format</li> <li>▪ Addition of principles</li> </ul>	K Black			
September 2014	NIDA Policy on Re-Crediting FEE-HELP Balance and Removal of FEE-HELP or VET FEE-HELP Debt						14/02998 14/06491
September 2014	Tuition Fee Refund Policy – Domestic Students – Courses with FEE-HELP or VET FEE-HELP						14/06496

[Refund Policy and Procedure – Tuition Fees and FEE HELP and VET Student Loan Re credit/Removal– Domestic Students