



Policy	Tuition fee refunds and re-crediting FEE-HELP debts – local students – <i>special consideration</i>
Policy number	H 3.8
Policy area	Financial management

This is a statement of JMC Academy's policy in regards to tuition fee refunds and re-crediting FEE-HELP debts for local students who have withdrawn from study after the census date in each semester due to *special circumstances* and may be entitled to having their tuition fees refunded or be granted a re-credit of their FEE-HELP balance, thus removing their FEE-HELP debt for the units.

In this manner, JMC Academy complies with the *Higher Education Support Act 2003*, (the Act) the *Student Learning Entitlement Guidelines* Chapter 5 and the *Higher Education Producer Guidelines* which are made pursuant to this Act.

1. Withdrawal or deferment after enrolment and prior to the commencement of the academic year, or prior to or on the CENSUS date
 - a. Students in these circumstances do not incur a FEE-HELP debt
 - b. Students, who have paid their fees up-front, are entitled to a refund.

Refer to JMC Academy Policy H 3.9 Tuition fee refunds and removal of FEE-HELP debts.
2. Withdrawal or deferment after the CENSUS date
 - a. Students in these circumstances will incur a FEE-HELP debt
 - b. Students who have paid their fees up-front, will not be entitled to a refund.
3. Withdrawal or deferment after the CENSUS date – *special circumstances*
 - a. Students in these circumstances will incur a FEE-HELP debt, or
 - b. Students who have paid their fees up-front, will not be entitled to a refund UNLESS
 - i. The student has been unable to complete the requirements of the units of study, and
 - ii. The student believes that this was due to *special circumstances*; and
 - iii. The student applies to the Academy for a tuition fee refund or to re-credit their FEE-HELP debt.
 - c. If the Academy is satisfied that *special circumstances do apply*, it must:
 - i. agree to the request
 - ii. refund the fees, or
 - iii. remove the FEE-HELP debt, and refund to the Commonwealth the amount of FEE-HELP paid to the Academy on behalf of the student.
4. *Special circumstances*

Pursuant to *the Act*, The JMC Academy will be satisfied that *special circumstances* apply where the following three specified circumstances all occur.

Special circumstances (as defined in the *Student Learning Entitlements Guidelines* Chapter 5) must be circumstances that are:

- a. **Beyond the person's control** (paragraph 79-5(1)(a) of *the Act*);

A person's circumstances are beyond that person's control if a situation occurs which a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the person is not responsible. This situation must be unusual, uncommon or abnormal.

AND

- b. **Do not make their full impact on the person until on or after the census date for the unit of study in question** (paragraph 79-5(1)(b) of *the Act*)

A person's circumstances did not make their full impact on the person until on or after the census date for a unit of study if the person's circumstances occur:

- i. Before the *census date*, but worsen after that day; or
- ii. Before the *census date*, but the full effect or magnitude does not become apparent until on or after that day; or
- iii. On or after the *census date*,

AND

- c. **Make it impracticable for the person to complete the requirements for the unit of study during the period which the person undertook, or was to undertake, the unit** (paragraph 79-5(1)(c) of *the Act*).

Special circumstances which would make it impracticable for the person to complete the requirements for the unit of study would include:

- i. • Medical circumstances; or
- ii. • Family circumstances; or
- iii. • Personal circumstances; or
- iv. • Employment related circumstances; or
- v. • Course related circumstances.

Each application will be considered and determined on its merits, but must satisfy all three of the above criteria.

5. Applications

- a. Applications for fee refunds or re-crediting of FEE-HELP balances in special circumstances must be received in writing by the Campus Manager within 12 months of the withdrawal date.
- b. The Campus Manager, in consultation with the Director of Education, has the discretion to waive this requirement if they are satisfied that the application could not be made within the time limit.
- c. The written application must be accompanied by independent supporting documentary evidence which substantiates the claims.

6. Decisions

Decisions are made by the Campus Manager. Each application is considered and determined on its merits and the Campus Manager must be satisfied that *special*

circumstances apply in order to grant the request. The applicant must be notified in writing of the decision and the reasons for the decision within 45 days of receipt of the application. This written notification must also advise the applicant of their rights for a review of the decision if the application is not granted.

7. Review

- a. If the original decision by the Campus Manager is not to refund the fees or re-credit an applicant's FEE-HELP balance, the applicant may apply in writing for a review of the original decision
- b. Reviews are conducted by the Academy's Chief Executive Officer.
- c. The written application for a review must be received by the Chief Executive Officer within 28 days of the applicant receiving notice of the original decision and must state the reasons why they are applying for a review
- d. The CEO must acknowledge receipt of an application for review of a decision in writing and inform the applicant that, if the CEO has not advised the applicant of a decision within 45 days of receiving the application for review, the CEO is taken to have confirmed the original decision
- e. The CEO's options are:
 - i. To confirm the decision
 - ii. To vary the decision; or
 - iii. To set aside the decision and deliver a new decision
- f. The CEO will review the original decision and inform the applicant in writing of the decision and the CEO's reasons for making the decision within 45 days
- g. The CEO must advise the applicant of their right to appeal to the Administration Appeals Tribunal (AAT) for a review of the CEO's decision if the applicant is unsatisfied with the outcome. The advice will include contact details of the AAT and indicative costs of lodging an application with the Tribunal.

8. Reconsideration by the Administration Appeals Tribunal

- a. Should the Academy decline to refund an applicant's tuition fees or re-credit an applicant's FEE-HELP balance, the applicant may appeal to the Administrative Appeals Tribunal for a review of the decision
- b. The JMC Academy CEO must provide the applicant with the contact details and address of the nearest AAT Registry and an approximate cost of lodging an appeal with the AAT
- c. The applicant may supply additional information to the AAT which they did not previously supply to the Academy, in either the original application, or the application for review.

9. Successful applications

- a. In the case of a successful application to re-credit a FEE-HELP balance, an applicant's FEE-HELP debt is removed
- b. The Academy will supply DEST with information of any re-crediting of FEE-Help balances
- c. The Academy will refund to the Commonwealth the amount of FEE-HELP paid to the Academy on behalf of the student. This refund will be paid in the manner required by the Commonwealth
- d. DEST will inform the Australian Taxation Office that the debt has been removed
- e. In the case of successful application to refund tuition fees paid up front, refunds will be made in accordance with The JMC Academy Policy H 3.9 Tuition fee refunds and removal of FEE-HELP debts.

10. Time limits

- a. The Academy will publish the timeframe within which it will consider applications for re-crediting an applicant's FEE-HELP balance, and within which it will notify applicants of the decision.
- b. This timeframe will be published in the Student Handbook and comprises the following time limits:
 - i. Application for a refund of tuition fees or the re-crediting of a FEE-HELP balance due to *special circumstances* must be received within **12 months** of the withdrawal date, or if the student has not withdrawn from the course, within six months of the end of the period of study in which the unit was, or was to be, undertaken
 - ii. The application must be considered by the Campus Manager and the applicant notified of the decision within **45 days** of receipt of the application.
 - iii. An application to review an original decision must be received in writing within **28 days** of the applicant receiving notice of the original decision and must state the reasons why they are applying for a review
 - iv. The Chief Executive Officer will review the original decision and inform the applicant in writing of the decision and the CEO's reasons for making the decision within **45 days** of receiving the application for review of the original decision.
 - v. If the CEO has not advised the applicant of a decision within 45 days of receiving the application for review, the CEO is taken to have confirmed the original decision.

11. Associated charges

- a. In the case of a successful application to have fees refunded or the FEE-HELP debt re-credited based on special circumstances after the census dates, the charges for withdrawing are still payable, based on the charges for suspending studies after the commencement of the semester, but on or prior to the census date.

Refer to JMC Academy Policy H 3.9 for information about the charges and the procedure for paying them.

Definitions

Census dates

Census dates are monthly. These dates are widely publicised to all current and prospective students and it is a requirement of the Commonwealth Department of Education, Science and Training that these Census dates are made available on the Academy's website by September 1 each year.

Deferral

A suspension of study for an agreed and approved period of time.
A student's place in that course is held for them.

FEE-HELP

Commonwealth loans scheme for students to assist them to meet the cost of post-compulsory study.

Student

- A person who is enrolled in any subject or subjects offered by JMC Academy whether formally enrolled for an award qualification or not.
- A student whose enrolment has been accepted by receipt of the appropriate fee or part thereof. As a consequence a debt has been created and income credited to the General Ledger.

Tuition Fee

Those monies paid by a student to JMC Academy for tuition.

Up-front

Tuition fees that are paid by the student prior to the commencement of study.

Withdrawal

The cancellation of enrolment.