



THE UNIVERSITY OF
NOTRE DAME
A U S T R A L I A

POLICY:
REFUNDS FOR OVERSEAS STUDENTS

Purpose:	This Policy outlines student refunds and applies to all Overseas Students (including Study Abroad and Exchange Students).
Responsible Executive:	University Registrar
Responsible Office:	Registrar's Office
Contact Officer:	Manager, Fees Office
Effective Date:	1/12/2014
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The Objects of the University

The Objects of the University set out in section 5 of its Act of Parliament are:

- (a) *the provision of university education, within a context of Catholic faith and values; and*
- (b) *the provision of an excellent standard of –*
 - (i) *teaching, scholarship and research;*
 - (ii) *training for the professions; and*
 - (iii) *pastoral care for its students.*

1 Principles and Application

- 1.1 This Policy applies to all commencing and continuing Overseas Students, including Study Abroad and Exchange Students, across all Campuses of The University of Notre Dame Australia ('the University').
- 1.2 If there is any conflict between the University General Regulations and this Policy, unless stated otherwise, the General Regulations will prevail.
- 1.3 Overseas Students are required to sign and return the International Student Refund Agreement to the Admissions Office (or Study Abroad Office for Study Abroad and Exchange Students) with their Conditions of Offer and Acceptance Form.
- 1.4 All applications for a refund should be submitted to the Manager, Fees Office of the relevant Campus on the appropriate Refund Request form and include supporting documentation where applicable.
- 1.5 In determining a Refund Request, the Manager, Fees Office (or delegate) may consult where appropriate with relevant University staff.

2 Definitions

- 2.1 In this Policy the following definitions apply unless otherwise specified:

- Census Date:** A unit specific deadline for the finalisation of student enrolment and fees for each Semester, which is published on the University website and on the Academic Calendar.
- Course fees:** The sum of the Tuition fees received by the University and the non-tuition fees received by the University in respect of the Student.
- ESOS Act:** *Education Services for Overseas Students Act 2000 (ESOS).*
- ESOS Regulations:** *Education Services for Overseas Students Regulations 2001.*
- Overseas Student:** A Student or intending Student that holds an Australian student visa, as prescribed in the ESOS Regulations.
- Student default:** An Overseas Student or intending Overseas Student defaults, in relation to a Course at a location, if:
 - a) the Course starts at the location on the agreed starting day, but the Student does not start the Course on that day (and has not previously withdrawn); or

(b) the Student withdraws from the Course at the location (either before or after the agreed starting day); or

(c) the University refuses to provide, or continue to provide, the Course to the Student at the location because of one or more of the following events:

(i) the Student failed to pay an amount he or she was liable to pay the University, directly or indirectly, in order to undertake the Course;

(ii) the Student breached a condition of his or her student visa or University Regulations;

(iii) misbehaviour by the Student.

Tuition fees: Fees the University received directly or indirectly from an Overseas or intending Overseas Student or another person who pays the fees on behalf of an Overseas or intending Overseas Student, that are directly related to the provision of a Course that the University is providing, or offering to provide, to the Student.

University default: The University defaults, in relation to an Overseas Student or intending Overseas Student and a Course at a location, if:

a) either of the following occurs:

i) the University fails to start to provide the Course to the Student at the location on the agreed starting day; or

(ii) the Course ceases to be provided to the Student at the location at any time after it starts but before it is completed; and

b) the Student has not withdrawn before the default day.

3 Related Legislation

3.1 This Policy is implemented in accordance with the *ESOS Act* (as amended), and the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (National Code).

4 Refund Policy Table

Reason for Refund	Amount Refunded
University default (Partial refund) i) All defaults made by the University as defined in this document	i) Refund amount = weekly Tuition fee x weeks in default period
Student default due to visa refusal (Partial refund) i) If the Student's visa application is refused prior to the commencement of the Course ii) If the visa application is refused after the commencement of the Course	i) Refund amount = Course fees – (minus) the lesser of the following amounts a) 5% of the amount of Course fees received by the University in respect of the Student prior to the default day; or b) \$500 ii) Refund amount = weekly Tuition fee x weeks in default period
All non-visa related Student defaults i) Student defaults, as defined in this document, that occur before the applicable Census Date ii) Student defaults, as defined in this document, that occur after the applicable Census Date	i) Refund amount = 100% refund of Tuition fees – all non-tuition fees paid by the Student ii) No refund of Tuition Fees or non-tuition fees for the current Semester. 100% refund of tuition fees for any subsequent Semester.
If the Student provides evidence that they were granted permanent residency on or prior to the earliest applicable Census Date for their current Semester enrolment*	i) Refund amount = overseas tuition fee rate – domestic tuition fee rate

*Note: A Student remains liable for Tuition fees as an International Student for the remainder of the current Semester if a Census Date applicable to their current semester enrolment has already passed

5 Process

5.1 In all cases for a refund:

- 5.1.1 Where the Student is entitled to a refund, the refund will be remitted from the date of submission of the Refund Request form to the University in accordance with the respective "provider obligation period" specified in sections 46D, 47D or 47E of the *ESOS Act*.
- 5.1.2 Prior to any refund being remitted, the University will provide the Student with a Notification of Refund Statement setting out the amount of refund to be remitted and the basis for this amount.
- 5.1.3 Refunds will be remitted in Australian dollars and will be made to a bank account nominated by the Student or, in the case of Study Abroad and Exchange Students, to the institution from

whom the fees were originally received (unless the University receives different written instructions from that institution).

- 5.1.4 If a partial refund of Tuition fees applies, the partial refund will apply to the current Semester only. A full refund of Tuition fees will be made for Tuition fees relating to any subsequent Semester.
- 5.1.5 A partial refund of Tuition fees (rounded up to the nearest whole dollar) will be calculated as the product of (i.e. multiplied by) the weekly Tuition fee and the number of weeks (rounded up to the nearest whole number) in the default period where the;

$$\text{Weekly tuition fees} = \frac{\text{Total Tuition fees for the Course for the semester}}{\text{Number of calendar days in semester}} \times 7$$

$$\text{Weeks in default period} = \frac{\text{Number of calendar days from default day to the end of the period to which the payment relates}}{7}$$

- 5.1.6 In the unlikely event that the University is unable to deliver the Student's Course in full, the Student will be notified of this and offered a refund of unspent Tuition fees paid to the University. Alternatively, the Student may be offered enrolment in an alternative Course by the University at no additional cost to the Student. The Student may elect to receive either a full refund of unspent Tuition fees, or to take up an offer to enrol in an alternative Course. If the Student elects to enrol in an alternative Course, the University will ask the Student to sign a document to confirm the change of Course, as prescribed by the Registrar's Office.

6 Review of Refund Amount

- 6.1 The Student may request the Campus Registrar review the amount set out in the Notification of Refund Statement. A review request must be made in writing and set out clearly the reasons why the Student disputes the refund amount. The Campus Registrar shall consult with the Pro Vice Chancellor - International on Study Abroad and Exchange Student review requests and the Manager, Admissions Office on commencing Student review requests.
- 6.2 A request for a review must be received within twenty Working Days of the date of the Notification of Refund. The Student may be required to submit independent documentary evidence to support their reasons for requesting a review.
- 6.3 The Campus Registrar's decision may be appealed to the University Registrar in accordance with the *Policy: Student Appeals*.
- 6.4 This policy, and the complaints and appeals processes of the University, do not remove the right of the Student to take further action under Australia's consumer protection laws.
- 6.5 In the case of any disputes, the University's Dispute Resolution processes do not circumscribe the Student's right to pursue other legal remedies.