



Refund Policy – Domestic FEE-HELP Eligible Students – Higher Education

1. Scope

This Policy is applicable to prospective, new and continuing domestic FEE-HELP eligible students of the Holmes Institute (Holmes) Higher Education courses, and Holmes' staff involved in assessing and processing tuition fee refunds or HELP balance re-crediting for this cohort of students.

2. Purpose

This Policy is in place to ensure that Holmes has clear, fair and equitable processes for tuition fee refunds to domestic FEE-HELP eligible students who withdraw from a course or unit of study, or due to provider default. Processes are in accordance with the Higher Education Support Act 2003 (HESA) and the FEE-HELP Guidelines as determined by the Department of Education, Skills and Employment (DESE).

3. Definitions

- 3.1 **Census date** is the date set for each trimester that is:
- The last date a domestic student can withdraw from a course of study and/or unit without incurring financial penalty;
 - The last date before which a student accepts a FEE-HELP loan; and
 - Census dates will not occur less than 20% into the trimester.
- 3.2 **Course of study** is a course leading to a Holmes' higher education award.
- 3.3 **Deferral** is a postponement of the commencement of study for an agreed and approved period of time whereby a student's place in that course of study is held for them.
- 3.4 **FEE-HELP** is the Australian Government loan scheme that helps eligible fee-paying students pay their tuition fees.
- 3.5 **FEE-HELP balance** is an available HELP balance that is the remaining loan entitlement for FEE-HELP, that is, the available HELP balance is the difference between the HELP loan limit and the amount of relevant HELP loans already received. It is the student's responsibility to keep track of their HELP loans and repayments to ensure there is enough available HELP balance to pay for the course of study.
- 3.6 **FEE-HELP eligible students** are students who:
- Are an Australian citizen, a New Zealand Special Category Visa holder who meets the long term residency requirements or a holder of a permanent humanitarian visa who will be resident in Australian for the duration of the course;

- b. Have not exceeded the FEE-HELP limit. It is the student's responsibility to be aware of their FEE-HELP balance and to advise Holmes if they do not have sufficient FEE-HELP balance to cover the tuition fee;
 - c. Maintain a pass rate of more than 50 per cent; and
 - d. Have a USI (if commencing their course after 1 January 2021)
- 3.7 **FEE-HELP limit** is the maximum amount of FEE-HELP a student can borrow over their lifetime.
- 3.8 **Re-crediting** is where students who withdraw from a Unit after the Census Date, or fail to complete a Unit, may apply to have their FEE-HELP balance re-credited with respect to the Unit if they believe special circumstances apply.
- 3.9 **Suspension** is the temporary postponement of enrolment during a course.
- 3.10 **Tuition fee** is the fee as set by Holmes to be paid by a fee-paying student.
- 3.11 **Unit of study** is a single component or unit that a student undertakes as part of a course of study that leads to an award.
- 3.12 **Withdrawal** is the cancellation of enrolment initiated by a student.

4. Policy Principles

- 4.1 It is Holmes' responsibility to provide accurate and accessible information to all applicants and students about tuition and non-tuition fees and census dates and to provide access to comprehensive information about FEE-HELP. Holmes will also ensure that there are fair and equitable processes for the issuing of tuition fee refunds or re-crediting in accordance with the relevant legislation and policy.
- 4.2 It is the responsibility of a Holmes' student to ensure that all information provided for enrolment and fee collection, including personal information, is accurate and kept up to date. Each student acknowledges and agrees to the relevant terms and conditions regarding tuition fees when signing the Offer and Acceptance Agreement, including paying all fees by the specified due date and/or providing to Holmes the necessary information for accessing FEE-HELP to Holmes.
- 4.3 It is also the students' responsibility to familiarise themselves with the policies and information provided by the DESE (www.studyassist.gov.au).
- 4.4 A student cannot apply for a refund of fees or re-crediting if the unit in question is recorded as a successful completion of study for the trimester.
- 4.5 Any student suspended from Holmes due to misconduct shall not be eligible for a refund or re-crediting.
- 4.6 Students will receive Holmes' response to the requests within 28 days of Holmes' receipt of request. If a refund is approved all refunds will be paid within 14 days of the approval.
- 4.7 All refunds will be paid to the person with whom Holmes has a contract unless written authority is received by Holmes to pay another party. In the case of students who have paid fees via an education agent, refunds will be paid to the agent's account unless the student authorises otherwise.

4.8 Further information regarding the Commonwealth government's policies on recrediting of a FEE HELP loan can be found at <https://www.studyassist.gov.au/paying-back-your-loan/cancel-your-help-debt-under-special-circumstances>.

Student Default

4.9 If students defer or withdraw after enrolment and prior to or on the census date:

- a. Students are eligible for a refund of tuition fees that they have paid up-front; and
- b. No FEE-HELP debt will be incurred.

4.10 If students defer or withdraw after the census date:

- a. Students who have paid their fees up-front, will not be entitled to a refund;
- b. Students in these circumstances will incur a FEE-HELP debt; and
Students are only eligible for their FEE-HELP debt to be re-credited under special circumstances. For special circumstances, refer to <https://www.studyassist.gov.au/paying-back-your-loan/cancel-your-help-debt-under-special-circumstances>
- c.

4.11 To be eligible to apply for a refund or re-crediting under special circumstances the:

- a. Student must have still been enrolled in the unit(s) after the census date;
- b. Student must not have successfully completed the requirements of the unit(s);
- c. Student must complete and submit the Student Request to Defer/Suspend/Cancel a Course Form (refer to Student Deferral, Suspension and Cancellation Policy);
- d. Application must be received within 12 months of the withdrawal date, or if the student has not withdrawn from the course, within 12 months of the end of the period of study in which the unit was, or was to be, undertaken; and
- e. Applications submitted outside this timeframe may be considered if the student submits evidence of the special circumstances that prevented them from applying within the specified period.

4.12 If a refund is approved all refunds will be paid within 14 days of the approval.

4.13 In the case of a successful application to re-credit a FEE-HELP balance, the student can view their HELP balance online using myGov.

Provider Default

4.14 Student fees are protected with the Tuition Protection Services (See Holmes' Tuition Protection Policy and Procedure).

4.15 If Holmes is unable to commence, continue or complete the delivery of a course/unit, the Discontinuation and Teach-out Policy and Procedures – Higher Education will apply. The unused tuition fees will be refunded to students within 14 days if they

are not satisfied with the alternative courses offered by Holmes and choose to discontinue their courses with Holmes.

5. Complaints and Appeals

- 5.1 If a refund or re-crediting application is unsuccessful, students will be advised in writing of the outcome and their opportunity to apply for a 'Review of a Decision'.
- 5.2 The seeking of a review of a decision does not affect the right of the student to take action under the Australian Consumer Law if the Australian Consumer Law applies (refer to Holmes' Complaints and Appeals Policy and Procedure).
- 5.2 No students will be victimised or penalised for requesting a review of decision. If a student is not satisfied with the decision made by Holmes in relation to refund or re-crediting, they may request a review of the decision:
- a. The request for a review of the decision must be lodged within 28 days of receiving notice of the original decision, unless a longer period is accepted by Holmes; and
 - b. The request must specify the reasons for making the request and include any supporting documentation and sent to Studentservices@holmes.edu.au.
- 5.3 The student will be notified of the outcomes of the review in writing within 14 days of receiving the review application. This notice shall also advise the applicant that they have the right to apply to the Administrative Appeals Tribunal (AAT) within 28 days of a decision for an external review of that decision and will provide the contact details of the AAT.

Version Control and Accountable Officers

It is the joint responsibility of the Implementation Officer and Responsible Officer to ensure compliance with this policy.

Responsible Officer	Chief Operating Officer
Implementation Officers	Refund Officer
Review Date	January 2025
Approved by	
Governing Council	
Associated Documents	
Complaints and Appeals Policy and Procedure	
Student Request to Defer/Suspend/Cancel a Course Form	
Discontinuation and Teach-out Policy and Procedures – Higher Education	
Procedure Manual	
Student Deferral, Suspension and Cancellation Policy and Procedure	
Tuition Protection Policy and Procedure	

Version	Brief Description of the Changes	Date Approved	Effective Date
1.0	New Policy	24 September 2021	24 September 2021
2.0	Administrative change approved by the Chief Operating Officer <ul style="list-style-type: none"> • Re-crediting and refund for domestic FEE-HELP students combined into this single policy 	1 February 2022	1 February 2022