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FOR MEDIA

Culture of non-compliance at Crown Institute of Higher Education

The National Student Ombudsman (NSO) has made 13 recommendations in response to serious concerns about Crown Institute of Higher Education's (CIHE) handling of withdrawals and refund requests from overseas students.

Two students made complaints to the NSO after attempting to withdraw and cancel their enrolments at CIHE. The NSO investigation found CIHE failed to follow its legal obligations and the National Code of Practice, wrongly refused withdrawal requests, made unreasonable requests for supporting evidence, failed to provide academic transcripts, wrongfully pursued fees and withheld money from students.

'Our investigation showed that CIHE is aware of its legal obligations and has been deliberately disregarding them, instead applying policies and making decisions that appear unlawful and which are having a significant detrimental effect on students' legal rights and financial circumstances,' said National Student Ombudsman, Iain Anderson.

Requesting students pay a full semester of tuition fees when they have withdrawn prior to the tuition fee due date is, in the Ombudsman's view, unreasonable, manifestly unfair, inconsistent with common sector practice, and appears contrary to Australian Consumer Law.

'I am deeply concerned that CIHE is knowingly refusing and withholding refunds that students are legally entitled to. Our investigation suggests a culture of non-compliance with legal obligations at CIHE,' added Mr Anderson.

Overseas students make a significant financial, personal and professional commitment when choosing to study in Australia. In some circumstances, events arise that are

beyond a student's control and impact their ability to commence or continue their studies. CIHE does not have the power to 'refuse' a student's withdrawal from a course. A student's withdrawal may have financial implications for a provider and it may be reasonable for providers to withhold some of the student's fees, providing the amount withheld is reasonable.

The NSO reviewed all complaints from CIHE students made to either the NSO or the Overseas Student Ombudsman since CIHE commenced operations in 2019. It appears that CIHE may have been systematically non-compliant with its refund obligations and has been retaining overseas students' pre-paid tuition fees. CIHE has a lawful obligation to rectify this.

The total number of students who have been wrongly denied a refund, or refunded an incorrect amount, would almost certainly be greater than the number of students who have approached the Ombudsman.

CIHE agreed to implement all of the NSO's 13 recommendations.

Any students who have been impacted by similar circumstances while trying to withdraw from CIHE courses should contact the NSO on 1300 395 775 or at nso.gov.au.

Legislative frameworks recognise the inherent power imbalance between students and education providers in these situations and impose specific obligations on providers to safeguard students' rights. Compliance with these legal obligations is mandatory and serves to ensure fairness, transparency and accountability within the higher education sector.

The investigation report is available on the NSO website.

For more information visit nso.gov.au or for media enquiries email media@ombudsman.gov.au