# Liability/Refund

<table>
<thead>
<tr>
<th>Section</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>42</td>
</tr>
<tr>
<td>A. Delinquent Student Policy</td>
<td>43</td>
</tr>
<tr>
<td>B. University Hardship Deferral Program</td>
<td>44</td>
</tr>
<tr>
<td>C. Veterans Tuition Deferral</td>
<td>45</td>
</tr>
<tr>
<td>D. Definition of a Registered Student for Refund/Tuition Liability Purposes</td>
<td>46</td>
</tr>
<tr>
<td>E. Refunds for Military, Peace Corp or VISTA Services</td>
<td>46</td>
</tr>
<tr>
<td>F. Refund Entitlement Schedules</td>
<td>47-50</td>
</tr>
<tr>
<td>G. The Effect of the Refund Procedure on Financial Aid Eligibility</td>
<td>51</td>
</tr>
<tr>
<td>H. College Initiated Refunds</td>
<td>52</td>
</tr>
<tr>
<td>I. Tuition Refund Resulting From a Change in Student Status</td>
<td>52</td>
</tr>
<tr>
<td>J. Federal Regulations on the Return of Title IV Funds for Federal Aid Recipients who Totally Withdraw</td>
<td>52.1</td>
</tr>
<tr>
<td>K. Immunization Liability/Refund</td>
<td>52.3</td>
</tr>
<tr>
<td>L. Tuition Prepayment Policy</td>
<td>52.6</td>
</tr>
<tr>
<td>M. Procedure for Treatment of Students with Bankruptcy Notification</td>
<td>52.8</td>
</tr>
</tbody>
</table>
V. Liability/Refund

This section focuses upon the student liability (including the hardship deferral and the veterans deferral) and the refund processes. The term liability refers to the amount of tuition or fees, which the student has not paid (satisfied) at the time of registration. (The term satisfied is defined in Subsection "D" below.) Both student receivables and financial aid receivables are liabilities. A hardship (or a veterans) deferral, which is a student receivable, is also a liability.

A degree student should not pay more than the full-time tuition rate in the applicable category regardless of the amount of tuition liability resulting from a combination of dropping and adding courses during the refund period. This determination does not include any fees, which may have been charged.

Students are entitled to a reduction of their tuition liability, if any of the following conditions exist:

- A drop form (which may be a change of program form), signed by the student (or the equivalent within an on-line registration system) and accepted and date stamped by the Registrar upon receipt, is submitted. If the request for withdrawal is mailed, then the U.S. postmark date prevails.

- Course(s) are cancelled by the college and the student's program drops below 12 billable equivalent credits.

- Student's registration (upon academic review or due to disciplinary action) is cancelled by the college.

- Withdrawal from course(s) to register at another unit of CUNY.

- Withdrawal due to formal notification of military service during the semester that a refund is requested, providing that the student does not qualify to receive an earned grade. (See Subsection "E" entitled "Refunds for Military, Peace Corp or VISTA Service.")

Refunds may not generally be granted for requests submitted after the college's official census (Form "A") date unless previously stipulated above. Non-attendance does not affect a student's tuition liability. The schedule of refund entitlements may be found in Subsection "F" below.

Any students who are delinquent and/or in default at the end of the semester or who have not met the terms and conditions of the hardship deferment procedures during the semester are not to be issued copies of their grades or transcripts of their academic records, or be permitted to register in the next semester. See Subsection "A" entitled "Delinquent Student Policy".
A. Delinquent Student Policy

The Board has established policy regarding students who have not satisfied their financial obligations with the colleges. This policy originally promulgated on April 20, 1964 and last amended on November 18, 2002 is:

"Students who are delinquent and/or default in any of their financial accounts with the college, the University or an appropriate State or Federal agency for which the University acts as either a disbursing or certifying agent, and students who have not completed exit interviews as required by the Federal Perkins Student Loan Program, the Federal Family Education Loan Program, the William D. Ford Federal Direct Loan Program, and the Nursing Student Loan Program, are not to be permitted to complete a registration, or issued a copy of their grades, a transcript of academic record, certificate or degree, nor are they to receive funds under the Federal campus-based student assistance programs or the Federal Pell Grant Program unless the designated officer, in exceptional hardship cases and consistent with Federal and State regulations, waives in writing the application of this regulation."

The designated officer referred to above is the President of the college. In the case of the Law School, the designated officer is the Dean of the Law School.

A college may refuse to perform an administrative service such as certifying registration status or signing loan deferment documents for any student who has failed to meet his/her financial obligation to the college. This sanction is less severe than the ultimate sanction of canceling a student's registration which is permitted based upon the Board's policy indicated above.
B. University Hardship Deferral Program

The University's Hardship Deferral Program allows a college to defer a portion of a student's tuition liability until after the semester (session) has begun. The college President or his designee must develop guidelines for the granting of hardship deferrals to include the categories of students covered and any conditions or requirements in addition to those recommended below. Furthermore, an office designated by the President will review each hardship case and approve or deny permission to enter into the University's Hardship Deferral Program.

The recommended Hardship Deferral Program for full-time/part-time, resident/non-resident, undergraduate/graduate students is as follows:

- No tuition deferment for any student shall be granted for a total tuition liability of less than the community college undergraduate resident part-time tuition rate per credit multiplied by six (6) credits.

- Under no circumstances can student activity fees be deferred.

- An initial payment determined by the college is required for the student to be considered registered.

- A student not paying full tuition at registration and being granted a hardship deferral, must sign a Hardship Deferral Promissory Note for the remainder of the tuition liability. If the student does not meet the terms and conditions of the Promissory Note, a hold will be placed on his/her permanent records and the student remains liable for the balance due. (See Subsection "A" for the University's Delinquent Student Policy.)

- The terms and conditions of the Note will include the following:
  
  a) A second payment of at least 50% of the remaining liability (deferred amount) is due 30 days after the first day of the semester or session.

  b) The third and final payment (of the remaining balance) is due 60 days after the first day of the semester or session.

- If a student defaults, at any time, on this Note, his/her account will be referred to the University's collection agencies and all applicable penalty fees such as the Non-Payment Service Fee will also be included.

It should be noted that any deviation from the recommended Hardship Deferral Program outlined above must be submitted to the University's Office of the Vice Chancellor for Budget and Finance for approval.

Rev 9/03
C. Veterans Tuition Deferral

Under Section 6223 of the State Education Law entitled "Deferred education payments", any student who is an eligible veteran may upon request defer tuition and other fees and charges less amounts payable for such purposes from scholarships and other financial assistance awarded. The amount deferred is effective until such time as the several payments of veterans' benefits under the Veterans' Readjustment Benefit Act of 1966 are received by the veteran provided that the veteran has filed a claim for such benefits.

Colleges should therefore establish internal procedures for the granting of deferrals to veterans in accordance with the requirements of the law and for the timely collection of deferred tuition and fees.

Requests for deferment should be in writing and should include the following:

- Proof of eligibility (a certificate of eligibility issued by the Veterans Administration) indicating entitlement to veterans benefits during the period for which deferment is requested.

- The extent of the entitlement. (The amount subject to deferment, as noted above, is the tuition and fees for a given semester less any amounts payable to the student for such purposes from scholarships or other financial assistance.)

It should be recognized that it is the intent of the law to assist the veteran by deferring payments until such time as the veteran receives the benefit checks and is able to make payments. Veterans may apply for a two-month advance, and such checks drawn in the name of the veteran will be sent to the college. Veterans receiving such advance should be able to pay at least a portion of the applicable tuition. In any event, the payments of the deferred amount should be related to the receipt of monthly benefit checks. It is suggested that veterans desiring deferred payments be required to sign an agreement (similar to the Hardship Deferral Promissory Note previously noted) indicating the amounts and dates of the payments.
D. Definition of a Registered Student for Refund/Tuition Liability Purposes

A registered student is one who has selected courses, been billed for these courses and has satisfied his tuition and fee obligation for that term prior to the first day of classes. The term "satisfied" refers to either: a) payment by cash, check or credit card, b) approved financial aid, c) financial aid, hardship or veterans deferrals, d) waivers, scholarships or accepted third party receivables, or e) any combination of the above.

Students who have not completely satisfied their tuition and fee obligations before the first day of classes are not considered registered and therefore, their "conditional" registrations (course selections) must be cancelled. These cancelled students will not appear on class rosters or enrollment records for Form "A" reporting and are not permitted to attend classes. Colleges may be permitted to establish a date earlier than the first day of classes to require tuition and fee obligations to be completely satisfied. Regardless which date is utilized, if the obligations are not completely satisfied before the first day of classes, registration must be cancelled.

E. Refunds for Military Service, Peace Corp or VISTA

Any refund request for Military, Peace Corps or VISTA service must be documented in order to process it. In the case of the Military, a copy of induction or military orders is required. In order to obtain a grade, a student must attend approximately 13 weeks (5 weeks for Summer Session). LaGuardia and Kingsborough's attendance will be based upon a similar proportion of their terms. The decision regarding eligibility for a grade is made by the faculty. No refund will be made to a student who has been assigned an earned grade, regardless of whether the grade is passing or failing.

1. In instances where students who are drafted into the Military or are recalled to active duty do not attend for a sufficient time to qualify for a grade, there shall be a 100% refund of tuition and all other fees except application fees.

2. In instances where student who have enlisted in the Military, the Peace Corps, or VISTA do not attend for a sufficient time to qualify for a grade but continue in attendance to within 2 weeks of induction, refund of tuition and all other fees except application fees will be made in accordance with the following principles:

   o Withdrawals before beginning of the 5th calendar week (3rd calendar week for Summer Session) after scheduled opening date of session 100%

   o Withdrawals thereafter 50%
If a tuition liability exists, a student may be eligible for a State TAP award. Please refer to the Office of Student Financial Assistance's TAP Policy and Procedures Manual as to the treatment of these students for TAP eligibility. For Federal financial aid programs, eligible students may be entitled to some financial aid based upon attendance at the institution. The Financial Aid Office will determine the amount of the award and any amount to be refunded. If financial aid is provided, either grades of "W" must be shown on the student’s transcript or attendance must be documented in order to substantiate the awarding of such aid. If financial aid is not provided, then the student’s registration can be voided and no transcript record will exist.

Upon return from military service, a student will not be charged a Readmission Fee to register at the same college.
F. Refund Entitlement Schedules

The following University schedules should be used in determining the amount of refund (or reduction in amount of tuition liability). As of Fall 2000 semester, there is no longer a Federal Refund policy (See Subsection “J” for a detailed description of the new Federal requirements). Therefore, it is not necessary to perform a Federal prorata refund calculation. Instead only the refund schedules below are used to calculate refunds. Any deviation from the policy below must be approved by the Vice Chancellor for Budget and Finance.

It should be noted that refunds are based upon the first day of classes as indicated in the official University calendar. The official receipt of a request for refund by the Registrar’s Office is the date when a refund is calculated.

1. Refund Schedule for Colleges Offering Traditional Semesters/Sessions

<table>
<thead>
<tr>
<th></th>
<th>Fall and Spring</th>
<th>Summer Session</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dropping course(s) before the</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>first day of the semester/session</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dropping course(s) to register at another CUNY unit</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Dropping course(s) due to military obligation (refer to Subsection &quot;E&quot;)</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Dropping from course(s) due to college cancellation of a student's registration or course (refer to Subsection &quot;H&quot;)</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Dropping course(s) during the first week of the semester/session</td>
<td>75%</td>
<td>50%</td>
</tr>
<tr>
<td>Dropping course(s) during the second week of the semester/session</td>
<td>50%</td>
<td>25%</td>
</tr>
<tr>
<td>Dropping course(s) during the third week of the semester/session</td>
<td>25%</td>
<td>None</td>
</tr>
<tr>
<td>Dropping course(s) after the third week of the semester/session (the Form &quot;A&quot;/census date is the last day of this period)</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

Note: Unless extenuating circumstances exist, no application for refunds or reduction in liability for the fall, spring and winter (including intersession) semesters will be accepted after the end of the fiscal year. Refund applications for any summer terms will be accepted up until the beginning of the fall semester.

Rev 9/03
The refund period is the first 20% of the total days (including Saturday, Sunday, & Holidays) in the term/session. The last day of this period coincides with the census (Form "A") date. The 20% represents the traditional semester's census date; for example:

\[
\begin{align*}
7 \text{ days in a week} \\
\times 15 \text{ weeks in a term/session} \\
105 \text{ days} \times 20\% = 21 \text{ days (the census date is the 21st day)}
\end{align*}
\]

The refund period should be divided into three equal segments corresponding to the three refund percentages (75%, 50% & 25%) as shown above. The refund period corresponds to the 21 day period noted above. Thus, \( \frac{21}{3} = 7 \) day segments in which, withdrawal during the first 7 days would allow for a 75% refund, withdrawal during the second 7 days would allow for a 50% refund and, withdrawal during the third 7 days would allow for a 25% refund. In those instances where the traditional 15 week session does not exist, the census date and therefore the determination of the refund period may result in less than a complete day. In those cases, the college should round to the nearest full day, for example:

\[
\begin{align*}
7 \text{ days in a week} \\
\times 10 \text{ weeks in a term/session} \\
70 \text{ days} \times 20\% = 14 \text{ days (the census date is the 14th day)}
\end{align*}
\]

Therefore, under these circumstances, the refund period corresponds to the 14 day period noted above. Thus, \( \frac{14}{3} = 4.667 \) which should be rounded to 5 day segments in which, withdrawal during the first 5 days would allow for a 75% refund, withdrawal during the second 5 days would allow for a 50% refund and, withdrawal after the second 5 day segment and prior to and including the census date (14th day) would allow for a 25% refund. Thus, the last period would contain only 4 days, even though the first and second periods each contain 5 days.
2. **Refund Schedule for Colleges Offering Non-traditional Semesters/Sessions**

The following refund schedule applies to the colleges offering the non-traditional semesters/terms/sessions below:

<table>
<thead>
<tr>
<th>Kingsborough and LaGuardia Community Colleges (6 and 12 week Sessions)</th>
<th>Fall and Winter and Spring (12 week)</th>
<th>Winter and Summer (6 Week)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dropping course(s) before the first day of the semester/session</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Dropping course(s) to register at another CUNY unit</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Dropping course(s) due to military obligation (refer to Subsection &quot;E&quot;)</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Dropping course(s) due to college cancellation of a student's registration or course (refer to Subsection &quot;H&quot;)</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Dropping course(s) within 6 calendar days after scheduled opening date</td>
<td>75%</td>
<td>50%</td>
</tr>
<tr>
<td>Dropping course(s) between the 7th and 12th calendar days after scheduled opening date</td>
<td>50%</td>
<td>25%</td>
</tr>
<tr>
<td>Between the 13th and 17th calendar days after scheduled opening date</td>
<td>25%</td>
<td>none</td>
</tr>
<tr>
<td>Beyond the 17th calendar day after the scheduled opening date</td>
<td>none</td>
<td>none</td>
</tr>
</tbody>
</table>

**Note:** If the 6th, 12th or 17th day falls on a weekend or a day when the college is officially closed, the refund period would be extended to the next business day.
3. **Refund Schedule for Colleges Offering Winter Sessions Between the Fall and Spring Semesters**

The following refund schedule applies to colleges offering a 6 week* winter session between the fall and spring semesters:

<table>
<thead>
<tr>
<th>Category</th>
<th>Refund Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dropping course(s) before the first day of the session</td>
<td>100%</td>
</tr>
<tr>
<td>Dropping course(s) to register at another CUNY unit</td>
<td>100%</td>
</tr>
<tr>
<td>Dropping course(s) due to military obligation (refer to Subsection “E”)</td>
<td>100%</td>
</tr>
<tr>
<td>Dropping course(s) due to college cancellation of a student’s registration or course (refer to Subsection “H”)</td>
<td>100%</td>
</tr>
<tr>
<td>Dropping course(s) within 6 calendar days after scheduled opening date</td>
<td>50%</td>
</tr>
<tr>
<td>Dropping course(s) between the 7th and 12th calendar days after scheduled opening date</td>
<td>25%</td>
</tr>
</tbody>
</table>

* For 2, 3, 4 and 5 week winter sessions, the dropping of course(s) for a 50% refund must be made within 2, 3, 4 and 5 calendar days after the scheduled opening date, respectively. For a 25% refund (except for the 2 week session), the dropping of course(s) must be made between the 4th and 6th, 5th and 8th, and 6th and 10th calendar days after the scheduled opening date for 3, 4, and 5 week winter sessions, respectively. There is only the 50% refund period for the 2 week session. If the refund date falls on a weekend or a day when the college is officially closed, the refund period would be extended to the next business day.

**Note:** Unless extenuating circumstances exist, no application for refunds or reduction in liability for the winter session will be accepted after the end of the fiscal year.
4. Change in Status from Full-Time Student to Part-Time Student

If a full-time student (registered for at least 12 credits) drops a course during the refund period and thus is registered for less than 12 credits, his/her effective tuition is then calculated on a part-time basis. However, he/she is also liable for that portion of a full-time tuition which is not refunded in accordance with existing refund procedures. His/her refund is calculated by subtracting the new part-time tuition amount from the full-time amount and giving him/her a refund based upon a percentage, depending upon the point of withdrawal.

As an example, the refund calculation for a full-time resident undergraduate degree student, enrolled as a first-time freshman on or after June 30, 1992, is as follows:

<table>
<thead>
<tr>
<th></th>
<th>Senior</th>
<th>Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuition paid as full-time student</td>
<td>$1,600.00</td>
<td>$1,250.00</td>
</tr>
<tr>
<td>Tuition as part-time student taking 9 credits ($135 x 9) ($105 x 9)</td>
<td>1,215.00</td>
<td>945.00</td>
</tr>
<tr>
<td>Difference (subject to refund schedule)</td>
<td>$385.00</td>
<td>$305.00</td>
</tr>
</tbody>
</table>

Assume the 3 credits are dropped within the first week of classes; therefore, the student receives 75% refund of the above difference

<table>
<thead>
<tr>
<th></th>
<th>Senior</th>
<th>Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>75% refund of difference between full-time and part-time (9 credits) student</td>
<td>$288.75</td>
<td>$228.75</td>
</tr>
<tr>
<td>Effective tuition as part-time student (full-time tuition less refund)</td>
<td>$1,311.25</td>
<td>$1,021.25</td>
</tr>
</tbody>
</table>
5. Tuition Liability and Refund Entitlement For A Student Who Registers During the Late Registration Period

A student who registers during the late registration period as specified by the college (usually the late registration period occurs after the first day of classes as defined in the official University calendar) and settles his/her tuition bill, creates a tuition liability. Until a tuition bill is settled, no tuition liability is created. Once settled, any refund is based upon the refund schedule in effect after the first day of classes. Thus, a student registering late on the second day of classes, settles his tuition bill on the third day and then drops a course(s) on the fourth day of classes is entitled to a 75 percent refund (25 percent tuition liability) for the course. Students, who do not settle their tuition bill by the established college due date, will have their registration cancelled the day after the due date. Thus, no student course records will exist and no liability will have been created.

G. The Effect of the Refund Procedure on Financial Aid Eligibility

Students who withdraw during the refund period and have been awarded a full TAP entitlement may elect to use their entitlement as credit toward their liability obligation and consequently forfeit one semester of TAP eligibility. As an alternative, they may elect to return their TAP award to the New York State Higher Education Services Corporation (HESC), (which is only advantageous if a small liability is incurred), retain the semester's TAP eligibility and reimburse the College for any money due.

Students who withdraw during the refund period with partial TAP entitlements that are not large enough to cover their tuition liability will be required to pay the difference immediately.

Students awarded financial aid, who use their financial aid to settle their tuition/fee obligation, and subsequently changed their status from full-time to part-time or vice versa, must have their financial aid awards recalculated. The Bursar should then use the recalculated award to determine the appropriate liability or refund.

Students who withdraw after the refund period retain their TAP entitlement but utilize one semester of TAP eligibility.
H. College Initiated Refunds

There are two possible situations in which a refund may be warranted due to a college initiated action. A refund may be warranted if the college has cancelled the student's registration or has provided improper academic advisement.

1. The College Has Cancelled the Registration

The following are several examples of circumstances under which a college may cancel a student's registration:

- If a student registers as a matriculated student but the college subsequently learns he/she did not receive a high school diploma or equivalent and then the student elects not to continue as a non-degree student.
- If a student is notified that he/she is no longer in good academic standing.
- If a student has been permitted to register, but subsequently it is learned that he/she owes money to the college or any other CUNY college or loan program and his registration is subsequently cancelled (no grades given), the student is not liable for tuition and fees for the semester for which the registration was cancelled.
- If a student’s grades from the prior semester are received after registration and the student is informed that he/she can no longer continue in one or more courses.

2. Improper Advisement Has Been Given

If a tuition-paying student is placed in a special (remedial) class following testing and after a week or more in the class, the instructor advises him that he/she does not need the course and should withdraw, he/she may be entitled to either a full or partial refund. If the college is satisfied that the student was, initially, improperly advised, the tuition may be refunded in full. Otherwise, it is not a college initiated refund and the student is entitled to a tuition refund based on the established refund schedule.

I. Tuition Refunds Resulting From a Change in Student Status

A change in a student's residency status from non-resident to resident, resulting from a student documenting the University's one year State residency requirement before the first day of classes, will still entitle the student to a refund of the difference between the resident and non-resident tuition rates provided he/she does so within the same semester (see Section II.A.4.). However, any change in residency status, or a change from advance standing transfer to continuing student status, or a change from non-degree to degree status on or after the first day of classes will not take effect until the next semester. When the reclassification occurs in the next semester, the corresponding undergraduate tuition rate will apply. Thus, a student is not entitled to a refund due to the reclassification on or after the first day of classes.

Rev 9/03
Effective Fall, 2000 the University will be following the new Federal regulations on the return of the Title IV funds. The old rules dealing with Federal Refund Policy (Pro Rata refunds for first-time recipients and Continuing Student refunds) will no longer be applicable. Instead each college will determine how much Title IV aid a student has received and not earned based upon the period of attendance. Thus, colleges will no longer be required to recalculate a student’s tuition liability based upon attendance. Students will follow the College’s refund policy for determining tuition and fee liability. Non-federal aid such as TAP is no longer included in the calculation. Therefore, since a student’s tuition liability is not recalculated, colleges will be receiving a higher TAP amount than under the old Federal Refund Policy because the tuition liability is no longer reduced. Under the new regulations, there is no difference between first-time students and continuing students. The amount of aid earned is calculated on a proportionate basis utilizing attendance through 60 percent of the payment period. Thus, once a student has completed more than 60 percent of the semester, he/she has earned 100 percent of their financial assistance.

As with any calculation of earned Title IV funds, one of the critical steps to be determined is the date of withdrawal in order to calculate the percentage of the period completed. This percentage is based upon calendar days and excludes scheduled breaks of five consecutive days or longer from both the numerator and denominator (currently, except for Kingsborough and LaGuardia Community Colleges, only the Spring break in the Spring semester must be excluded). Thus, a student who withdraws after 21 calendar days in a traditional 15 week semester of 105 days only earns 20% of his/her aid. The amount of Title IV funds earned by the student will therefore be the percentage completed multiplied by the amount of Title IV aid disbursed. If the student earned more than disbursed, then the student is entitled to a “post-withdrawal disbursement” (See Addenda for Post-Withdrawal Disbursement Tracking Sheet). If there are outstanding tuition and fee charges, the college should credit the student account so that any outstanding tuition liability is reduced. Any remaining balances must be refunded to the student in a timely manner. These actions must be accomplished within 90 days after the college’s determination date. If the amount earned by the student is less than disbursed (including book advances), funds must be returned to the Title IV program. The college must return funds first. The college must return the lesser of the unearned aid or the sum of institutional charges multiplied by the percent of aid unearned. In some cases, the college will be returning funds to the Federal Government that it does not have because it has not collected the unearned aid that it has already disbursed to the student. If the amount that the college is responsible for returning is less that the total amount of aid needed to be returned, the student is responsible for the remainder.

When a student totally withdraws, the college is responsible for returning Title IV funds within 30 days of the date of the college’s determination that the student has withdrawn. This determination date is the either the date of withdrawal or the end of the term in the case of unofficial withdrawals. The date of withdrawal is based upon the requirements for institutions not required to take attendance inasmuch
as CUNY is not required by either the State Education Department or Middle States to take attendance.

Therefore, a student’s withdrawal date is one the following: the date the student began the withdrawal process; the date the student otherwise gave official notification to the institution of his/her intent to withdraw; if the student never began the withdrawal process or otherwise gave notice of intent to withdraw, the midpoint of the payment period or period of enrollment. In addition, there are other conditions dealing with mitigating circumstances and leave of absences. Finally, an institution always has the option of using as the withdrawal date, a date that can be documented based upon the student’s attendance at an academically related activity. This may present a problem for senior colleges inasmuch as they do not have attendance requirements.

Since the 30-day refund requirement still exists under the Federal regulations, those colleges without attendance requirements might benefit by utilizing the midpoint for unofficial withdrawals. These colleges would not have to research records for academically related activities such as exams, tutoring, counseling, advisement, class projects, etc., to document attendance for calculating of Title IV aid earned. Even after exhaustive research, these colleges may only document attendance before the midpoint and probably would take longer than 30 days to perform the calculation. It is therefore recommended that colleges, which cannot perform the calculation within the 30-day time frame, utilize the midpoint of the payment period to calculate Title IV aid earned and any amount to be returned to the Federal government. **NOTE: Colleges cannot use the midpoint calculation unless they can document at least one day of attendance.** Colleges may chose to use attendance documentation because they believe the results would qualify more students for full federal Title IV financial aid (if attendance exceeds 60 percent of the semester). However, colleges may run the risk of not meeting the 30-day requirement for returning aid.

The Federal government has provided universities/colleges with software to be utilized in an institution’s determination of the amount of unearned Title IV aid due from the college and student which must be returned to the appropriate source of aid. This software is located on web site [HTTP://WWW.SFADownload.ED.GOV](http://WWW.SFADownload.ED.GOV) and should be used for all students who have been disbursed aid and whose attendance is before the 60 percent of the semester. Further information is also provided on another web site at [HTTP://WWW.IFAP.ED.GOV](http://WWW.IFAP.ED.GOV). Colleges should utilized the Federal software rather than any developed on their own in order to avoid any exposure to federal criticism or liability because their software program may be faulty. Basically, colleges utilizing the Federal software will be completing the form in the Addenda entitled “Treatment of Title IV Funds When a Student Withdraws from a Credit Hour Program”. If you experience any problems with this software, the Office of Student Financial Assistance (OSFA) will provide assistance.

Inasmuch as these new regulations deal with the determination of Title IV aid earned rather than a tuition liability amount, each college’s Registrar, Bursar and Financial Aid Offices must determine which office is best suited to perform the new requirements. Continued cooperation among these offices is essential to ensuring the college’s compliance with the new regulations.
K. Immunization Liability/Refund

As a result of State Public Health Law (PHL) 2165, the University has instituted procedures requiring all students born after December 31, 1956, whether degree or non-degree, who are registered for six or more credits/equivalent credits, to submit two proofs of immunization for measles and one proof for mumps and rubella to be in attendance at the University. Thus, part-time students who are enrolled for less than six credit/credit equivalent hours are excluded. However, part-time students (less than 6 credits) who are permitted to register must be monitored by the college to assure that these students are not allowed to exceed the 5.9 credit limit. Continuing education students are also excluded except that students in any continuing education programs awarding college credits will be subject to the above requirements.

All continuing students, regardless of when they last attended the college, must have the required two proofs of immunization in order to complete registration. For new admits (freshmen or transfer students), colleges establishing procedures which do not require students to submit two proofs of immunization (completed certificates of immunization) in order to register and attend, must have them submit one proof of measles, mumps and rubella immunization. The student has up to 90 days from the first measles vaccination or either the 30-day or 45-day (out-of-state student) grace period from the first day of classes to be in compliance. The 30-day or 45-day period is the latest time period to complete the immunization. Registration will be blocked for those students for whom the law applies who have not satisfied the above requirements.

Prior to the first day of class, the college must issue warning letters to partially-compliant students, informing them that their attendance, academic records, financial aid eligibility and tuition liability can be affected. A second letter must be issued after the second day of classes, but before the 15th day of classes, informing the students that they will be excluded from classes beginning on the 31st or 46th day of the semester. This letter will also indicate the availability of free on-campus immunizations. Students who do not comply with the above minimal requirements must be excluded from all classes and not allowed to return until they are in full compliance. Colleges who do not enforce and document the minimal requirements will risk being fined $2,000 per non-compliant student.

Those students, who are permitted to register with partial proof of immunization, will be bound by the existing tuition refund/liability schedule and dates for refunds. Thus, a student officially withdrawing within the college’s refund period will be subject to a tuition liability for the period before the official date of withdrawal. Any students who have not completed their immunization by the grace periods will be notified that they will not be allowed to continue to attend college. These students will have incurred full tuition liabilities (since the grace periods are after the refund period) and will not be entitled to any refunds in accordance with the University’s refund guidelines. A student's financial aid eligibility and academic standing may be affected by the student not having completed the semester as a result of not fulfilling the immunization requirement.
Permit students will be required to fulfill the immunization requirement at their "home" college. The "home" college will be responsible for assuring that the permit students have satisfied the above requirements before permits are issued. In the event that the "home" college allows the students to register with partial proof of immunization and the students do not complete their immunization, the "home" college will notify the students that they can no longer attend either college. At the same time, the "home" college will notify the "host" college so that the instructors at the "host" college can be informed.

Effective for the Summer 1994 semester, the following procedures must be followed for summer registrants:

- All degree students must submit one proof of immunization for measles, mumps and rubella prior to the completion of the registration process. The second proof of measles immunization must be collected prior to the first day of classes for the Fall semester.

- Degree students are defined as: 1) freshmen or pre-freshmen, including University Skills Immersion Program (USIP) students, 2) first-time degree registrants (transfer students), 3) CUNY permit students (home college is responsible for the maintenance of the immunization records and should only issue permits to students who are in full compliance, and 4) continuing students.

- No documentation will be collected for non-degree students. However, these students must be informed that, in the event of a measles outbreak on campus, they will be expected to submit their immunization record or they will be excluded from classes for a minimum of two weeks in accordance with the New York State Department of Health outbreak control procedures.

- Degree and non-degree students will be subject to the tuition refund policies outlined above.

The Office of Academic Affairs issued guidelines on May 25, 1995, regarding the implementation of the non-punitive grade of "WA." The administrative withdrawal grade (WA) is to be applied to students who are excluded from classes because of their non-compliance status with the Immunization Law (PHL 2165). The following guidelines must be followed:

1. Students must be informed in writing (second letter) that the "WA" grade will appear on their transcripts for every registered course until the immunization requirement has been satisfied within the same semester. If the student remains non-compliant beyond the end of the semester, the "WA" grade is permanent.

2. Students not in compliance with the immunization requirements are to be excluded from classes. In these cases, the college administration will apply the administrative designation of "WA" grades to students who have registered for six or more credits and
who have not submitted the second proof of immunization for measles by the end of the 30 or 45-day grace periods. It should be noted that colleges may impose this policy on all students including those with less than six credits. Thus, a college's policy may be more stringent than the University policy.

3. There are two steps needed to reverse the "WA" grade, thereby allowing students to return to classes and to receive a regular letter grade from the instructor: first, the proper proof of immunization must be furnished to the college's Health Officer and second, the student must obtain approval to return to class from each instructor. A "WA Grade Reversal Form" (see Addenda) must be completed by the Health Officer and all faculty involved. Inasmuch as students have been excluded from classes after the 30th or 45th day, they may present proof of immunization until the last day of regular classes.

The instructor of each class affected will have the discretion to determine whether a student is eligible to return to class or to receive a regular grade. If the instructor approves the return to class, the "WA" grade would then be reversed. If the instructor determines that the student has not fulfilled the attendance requirement for the course so that the student could not earn a grade for the course, the "WA" grade would remain on the transcript. Prior to the non-compliance period and the recording of the "WA" grade, a faculty-issued grade of "WU/WF" will remain on the transcript.

4. The "WA" grade is not reversible beyond the semester in question. If the student satisfies the immunization requirement during the following semester, for example, the "WA" grade still remains on the transcript as evidence that the college took the appropriate action to exclude the student from the courses.

5. If students provide satisfactory evidence of immunization, they will be permitted to register for the next semester. "WA" grades in the prior semester will not be affected, however, and will remain on the transcript.
L. **Tuition Prepayment Policy**

Beginning with the Spring 1995 semester, the University entered into a tuition prepayment services contract to provide students with another means of paying their tuition bills. The contractor acts as a servicing agent for the University in collecting tuition, student activity fee, and consolidated fee payments from students at each college. The monies collected are remitted to the Office of the University Controller (OUC) on a monthly basis. The students or their parents sign agreements with the tuition prepayment servicer and, upon submission of a stipulated fee to the servicer, a prepayment plan is established whereby students make scheduled monthly payments to the servicer (not the University). Inasmuch as monies are sent to the servicer, the servicer is responsible for collecting fees from those students presenting NG checks. In addition, the servicer may impose a late fee for students who do not meet the scheduled monthly due dates.

OUC will be responsible for remitting funds received from the servicer to CUCF. OUC will record all transactions involving the remitted cash in each college's appropriate FAS accounts. There will be no separate accounting of tuition, student activity fees, and consolidated services fees. OUC will not transmit (return) any of the tuition and fees back to the colleges either for student refunds as a result of not registering or withdrawing within the refund period, or for payments to student associations for the student activity fees. Inasmuch as the colleges are aware of a student's registration and billing status, they will be responsible for remitting funds to the student associations, as well as determining the amount of the refund and disbursing the funds to students. The colleges' disbursement of funds will be made from existing funds in their depository accounts. The colleges will make the appropriate FAS accounting entries to reflect the above transactions. Refer to OUC Memorandum No.1 - 1994-95, issued December 21, 1994, for guidance on these transactions and the applicable procedures to be performed by OUC and the colleges.

The colleges and OUC will receive monthly reports from the servicer that identify both the students and amounts paid. Electronic transmittal of payment data can be arranged with the servicer. The colleges will apply payment data (student activity fee, consolidated fee and tuition in that order) to individual student accounts based upon the servicer's transmitted data. For FAS purposes, no entries to a student's account will be made until either the college has completed registration and established a receivable from its billing, or after the first day of classes (when a student's tuition and fee liability is established).

The colleges will utilize the University's refund policy to determine the amount of monies to be refunded to students after the first day of classes. Students who do not register will be entitled to a full refund of all monies collected by the prepayment servicer including student activity fees and the consolidated fee. These refunds as indicated above will be paid from the college's Depository Account.

The payment agreements entered into by the students or their parents can be for less than the full amount of tuition and fees. However, the
tuition prepayment servicer will not allow a budgeted amount in excess of the University's tuition and fee schedule as indicated in this Manual. In those cases where the budgeted amount is less than the total tuition and fees due, the college must collect the difference between the total scheduled payments and the tuition charge at the time of registration or the college's established due date for payment of tuition and fees, if it is a later date. As stated in Section V.D. of this Manual, a student's tuition and fee liability must be satisfied prior to the first day of classes.

Students who have made any scheduled payments to the servicer as indicated on the servicer's monthly report of student payments will not have their registration cancelled. Upon notification from the servicer that a student's agreement (contract) has been cancelled, which is usually within 60 days after a student has failed to make a scheduled payment, the college will consider the student delinquent and not provide services as indicated in the Tuition and Fee Manual (see Section V.A.). Any student who fails to pay the servicer and decides to pay the college instead will be charged a Late Payment Fee provided the student has been informed in the college's literature of such actions. The student's outstanding obligation, if not paid, will be reported to the University's collection agency at the appropriate time.

There may be instances in which a student enters into a tuition prepayment plan while enrolled (or planning to enroll) at one CUNY college and then enrolls at another CUNY college. Once the change is recognized and reported to the servicer, they will inform in writing both affected colleges and OUC. OUC will make the necessary FAS tuition changes resulting from the student's transfer and update both colleges' records within FAS.

The servicer may also be allowed to charge a late fee for each payment due date which is missed provided that the fee has been approved by the Vice Chancellor for Budget and Finance. This fee is not a college fee and is not remitted to the college. Any students who do not pay the servicer and subsequently pay the college will be charge a college late fee provided the student has been informed in college literature of such action.
M. Procedure for Treatment of Students with Bankruptcy Notification

With one exception, a student presenting a “Discharge of Debtor” notification (including documentation indicating the name of the college in the bankruptcy petition) issued by the bankruptcy court is entitled to a copy of a transcript or other services such as registration or certifications. The one exception to this discharge rule involves outstanding student debt due solely from unpaid loans made by the college to a student. These unpaid student loans must be supported by a signed contractual loan agreement requiring the repayment of funds by the student. In such cases, the student must provide a written confirmation that the unpaid student loan was specifically discharged.

Under the Bankruptcy Code, 11 U.S.C., student loans, educational benefits overpayments and obligations to repay funds received as an educational benefit, scholarship or stipend (the “college debts”) are exception to discharge and thus presumed to be non-dischargeable. Pursuant to University policy, any student loans made by the college to a student are defined as “college debts”.

When a debtor files a bankruptcy petition, he lists all debts. During this period of time, a college must cease all collection activity for such debts while the bankruptcy proceeding is pending. Also, during this period, the University is not permitted to take any action to attempt to recover the debt. Therefore, a student is entitled to receive his transcript. However, a student is not permitted to register unless his outstanding college liabilities are satisfied.

Upon closure of the bankruptcy case, unless there are exceptions to discharge, all debts listed are discharged. The bankruptcy court informs everyone regarding this discharge of debts by issuing an official document entitled “Discharge of Debtor” (see Addenda). The language on this document states that the debtor is “released from all dischargeable debts”. However, this document does not state that the debtor is released from all debts. Inasmuch as “college debts” are exceptions to discharge and presumed to be non-dischargeable, a college should assume that the “college debts” have not been discharged. Collection activity, if any, may recommence upon receipt of the “Discharge of Debtor” document and the student is not entitled to transcripts or any services.

Alternately, if a student informs the college that his “college debts” was discharged, the college should request written confirmation of this fact. Such written confirmation generally results from the following sequence of events:

Rev 8/05
1) A student is required to file a complaint in bankruptcy court to determine whether a “college debt” is dischargeable. The statutory authority for the discharge of a “college debt” is two-fold: if the “college debt” first became due and owing more than seven (7) years before the filing date of the bankruptcy petition or if repayment will cause undue hardship on the debtor.

2) Upon service and receipt of such complaint, the University must submit an answer to the complaint. If the college is served with the complaint, it should forward the complaint immediately to the Office of Legal Affairs.

3) The overwhelming majority of complaints allege that the “college debt” is more than seven years (7) old. If such is the case, the University enters into a Stipulation and Order with the debtor whereby the parties agree that the “college debt” is dischargeable. See the Addenda for a sample of a Stipulation and Order document. Only this document is acceptable to evidence the discharge of the “college debt”.

   a) If the document states that the “college debt” was discharged, the student is entitled to a copy of his/her transcript and to register for classes upon payment of current tuition and fees.

   b) If the “college debt” was not discharged, the college should continue to withhold the student’s transcript and deny registration or services until repayment is made.

4) If the student is unable to provide such a document for inspection, it may be necessary to request a copy of the student’s bankruptcy petition to determine if the “college debt” was listed. When the college receives the copy of the petition, it should be submitted with a brief summary of the issue to the Office of Legal Affairs.