

# REFUND POLICY AND PROCEDURE

**Policy Code:** RFP - 001

**Version:** 1.0

**Effective Date:** 2<sup>nd</sup> April 2018

## PURPOSE

This policy outlines the circumstances under which refunds are available and clearly sets out the refund which will be provided to the student at various milestones along the time line of the students' enrolment, both prior to and following commencement of study.

**Definition of "College"** – A.C.O.A.E. RTO, for the purpose of this policy, any reference to 'College' should be considered a reference to the A.C.O.A.E. RTO.

**Definition of "International students"** – The College defines an International Student as someone who is not an Australian citizen or permanent resident or a New Zealand citizen or a permanent visa holder. This definition includes students studying onshore on a range of temporary visas (working holiday visa, tourist visa, student visa etc) or offshore as an online student. Information that applies only to students studying on specific visa classes (e.g. Student Visa) is specified when relevant. It should be noted that all international students pay fees specified for international students, regardless of visa subclass.

## Scope:

- All international students
- Students Services

## POLICY STATEMENT

International student tuition fees are charged on a per subject basis and students are invoiced for each study period. This policy is consistent with the Education Services for Overseas Students Act (ESOS Act) 2000. College fees for international students apply to persons living and studying in Australia who do not have permanent resident status in Australia. Should students wish to appeal any decision made concerning refunds this Policy and the availability of the complaints and appeals procedures for International students do not remove the rights of a student to take action under Australia's consumer protection laws.

## TERM DATES

Terms are the official count of the student population for each study period in each course and subject.

The College's Term date for each **advertised starting day** for a study period, which means all enrolments need to be finalised a week before the advertised starting date

Students who lodge their application to Defer, Suspend or Cancel Enrolment (withdraw) on or before the cut-off date for a course will be withdrawn or granted a deferral or suspension without penalty; all associated tuition fees will be refunded according to the **Cancellation Fees Schedule** below.

**Post cut-off date:** New students and continuing students who lodge their application to Defer, Suspend or Cancel Enrolment (withdraw) from a course after the census date will be withdrawn or granted a deferral or suspension and associated tuition fees will be retained by the College according to the **Cancellation Fees Schedule** below. An enrolling student may defer for no longer than 6 months, and a student-initiated suspension may not exceed 12 months. No credits are provided when withdrawing from subjects or units of study.

## REFUND AMOUNTS

If a student visa is refused, the College will retain 5% of the total course fees paid up to a maximum amount of \$500.

Other refund amounts are set out in the table below.

The enrolment fee of AUD\$250 is only refundable if the College defaults in the delivery of a course before it starts.

The College charges a fee for students dropping or swapping subjects and different fees are

applicable at various stages of a study period. The fee applied is related to the timing of the cancellation/withdrawal.

A fee charged for withdrawing from a subject is referred to as a Cancellation Fee (see the Cancellation Fees Policy for further information).

#### CANCELLATION FEES SCHEDULES

REASON FOR OR TIMING OF WITHDRAWAL/CANCELLATION	REFUND PROVIDED	CANCELLATION FEES (RETAINED BY THE COLLEGE) NON-AWARD SUBJECTS
Cancellation more than 1 month prior to course commencement date	Full refund of tuition fees provided.	20% per subject
Cancellation more than 1 month prior to course commencement date	Full refund of tuition fees provided.	20% per subject
Cancellation after start of semester/trimester, up to 1 week of the course	Full refund of tuition fees provided.	20% per subject
Cancellation after a week of the course starting	No refund of tuition fees provided.	Full tuition fees for the study period
Cancellation of student's enrolment due to student default (see Student Default section below)	No refund of tuition fees provided.	Full tuition fees for the study period
In the event of provider default*	Full refund of all unused tuition fees	Nil

**\*Note:** 'Tuition fees' refers to the cost of tuition only and does not cover enrolment fees, books, uniforms, equipment or compulsory international health insurance.

If a student chooses to withdraw from a course, the appropriate cancellation fee according to the schedule above, is charged. In limited special circumstances the College Manager or Student Services may choose to waive all or part of the cancellation fees and other charges as set out in the *Cancellation Fees Policy*.

International students studying on a student visa must remain enrolled in a full-time workload at all times unless the enrolment load has been reduced as part of a documented intervention strategy and special consideration application or approved credit application implemented by the College.

## STUDENT DEFAULT (APPLIES TO ALL INTERNATIONAL STUDENTS)

An international 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)
- b) the student cancels their enrolment in a course at the College (either before or after the agreed starting day);
- c) the student does not meet the conditional course requirements (including does not pass a Working with Children Check or First Aid Certificate); or the College refuses to provide, or continue providing, the course to the student at the location because of one or more of the following events:
  - the student failed to pay an amount they were liable to pay the College, directly or indirectly, in order to undertake the course;
  - the student breached a condition of his or her visa;
  - misconduct by the student (Refer to the Plagiarism, Cheating and Collusion Policy and the Student Misconduct Policy – Refer to Student Handbook).

**Note:** Student Default **does not include** student visa refusal. In this case, the College will only retain 5% of the total course fees paid up to a maximum amount of \$500.

## PROVIDER DEFAULT (APPLIES TO STUDENTS STUDYING ON A STUDENT VISA ONLY)

After a student has accepted an offer of enrolment at the College, in the unlikely event that the College is unable to deliver the course as offered, any tuition fees paid by the student for current and future semesters/trimesters will be refunded in full within 14 days of the agreed starting day of the course or the day on which the course ceases to be provided.

Alternatively, a student may be made an offer by the College to enrol in an alternative course for a cost no greater than the cost of the originally offered course of study. In this case the student will be given a choice between a refund and an

alternative course. The following steps must be followed by the College in the event of provider default:

### Step 1 – Provider default occurs

The College is deemed in default if:

- the course did not start on the agreed starting day
- the course ceased to be provided at any time after it commenced but before its completion
- the course was not provided in full because a condition has been imposed on the registration of the College on CRICOS, or the registration has been suspended or cancelled, and the student has not withdrawn before the occurrence of any one of the events stated above.

### Step 2 - Notifying the Secretary, the TPS Director and students

- Under section 46B of the ESOS Act, the College must notify the Secretary and the Tuition Protection Scheme (TPS) Director of the default within 3 business days of the default occurring. The College must also notify affected students. All notices of any such default must be in writing.

### Step 3 - Provider obligation period

Under section 46D of the ESOS Act, the College has 14 days after the day of the default (the provider obligation period) to satisfy its tuition protection obligations to affected students studying on a student visa.

If the College fails to discharge your obligations to the student under section 46D, it is an offence under section 46E of the ESOS Act and serious penalties apply.

### Step 4 - Notification of the outcome - discharge of obligations

- Under section 46F of the ESOS Act, the College has 7 days after the end of its obligation period to give a notice to the Secretary and the TPS Director of the outcome of the discharge of its obligations. This notice must comply with the requirements of section 46F of the ESOS Act.
- If the College does not meet its obligations affected students studying on a student visa may be assisted by the TPS Director.

## PROCESS FOR CLAIMING A REFUND

- Before a student can apply for a refund:
- the College must have received money into its accounts as cleared funds
- the student's course or subject withdrawal/cancellation must have been
- processed, and the student must pay/settle any other debts owing to the College, such as cost of uniform provided. If you fail to do so, the College reserves the right to deduct outstanding debts from the refund amount.
- Students should refer to this policy to check whether their refund claim is valid. If unsure, the student should seek advice from Student Services.
- Students are required to write to the College Manager or Student Services requesting a refund of their fees. This application must be submitted on the required form (International Refund Request Form for tuition fees) and include the reason the request is being submitted and
- documentary evidence should be attached.
- Once the student's request has been received and the approval process completed, Student Services will contact the student with information regarding the approval or decline of the refund requested.
- If a student's refund request is valid, a refund will be made within four weeks of the College approving the request.
- Refunds will be made by EFT in Australian dollars only.
- Refunds will only be made to a nominated person/sponsor who initially paid the student fees.
- Scholarship and sponsored students' refunds will only be paid to the scholarship provider or sponsoring body.
- If a student is dissatisfied with the outcome of the refund request, the student may lodge an appeal with the Director within 20 working days of being informed of the decision. The formal complaints and appeals procedure begins when the student completes the formal complaints form and submits the completed form directly to Student Services.

## DEFINITIONS

**Agreed Starting Day** – as per the ESOS act – is for a course and means the day on which the course was scheduled to start, or a later day agreed between the registered provider for the course and the student.

**Course** – is an accredited qualification with an approved sequence of subjects for academic study known as the course structure.

**ESOS** – Education Services for Overseas Students. A legislative framework, administered by the Australian Government, addressing the responsibility of education institutions towards overseas students

**Special Consideration** – Compassionate and/or compelling circumstances beyond the student's control.

**Student** – is an individual person who is formally enrolled to study at the College. The individual person is that who appears on the College's documents such as enrolment, admission and payment documents, and who is assigned an individual student ID.

**Subject** – means the smallest stand-alone component of a student's course for which a grade is assigned on a student's academic record / transcript. Subjects have an integer credit point value, in the range 2 -10.

## FUTHER INFORMATION

**Support Research and Analysis:** Not Applicable

**Related Documents:** International Refund Request Form

**Related Legislation:** The Education Services for Overseas Students (ESOS) Act 2000

<b>Policy Author:</b>	Melissa Katsinas
<b>Policy Owner:</b>	College Manager
<b>Contact:</b>	Manager Student Services Date: April 2018
<b>Approval Body:</b>	Executive Management
<b>Policy Status:</b>	Revised to Version 1.0
<b>Responsibilities for Implementation:</b>	<ul style="list-style-type: none"> <li>College Manager Student Services</li> </ul>
<b>Key Stakeholders:</b>	<ul style="list-style-type: none"> <li>Student Services and College Manager</li> </ul>