

## Fee Refund Policy and Procedure

<b>Purpose</b>	This Policy and Procedure sets out how AITC will deal with refund requests and in what circumstances and the amount of granted refunds.
<b>Location</b>	The policy and procedure is maintained on owncloud
<b>Responsible executive</b>	Chief Executive Officer (CEO).
<b>Responsible office</b>	CEO's Office
<b>Contact officer</b>	TBA
<b>Effective date</b>	29 June 2020
<b>Review date</b>	TBA
<b>Modification history</b>	Version 1.0
<b>Related documents</b>	<b>AITC Student Admissions Policy</b> <b>AITC Student Consultation Policy</b> <b>AITC Student Orientation Policy and Procedure</b> <b>AITC Student Progress, Exclusion and Graduation Policy</b> <b>AITC Student Deferral, Suspension and Cancellation Policy</b> <b>AITC Tuition Fees Payment Policy</b>
<b>Authority</b>	Approved by Council

### 1. Purpose

This Policy and Procedure of Australian Institute of Technology and Commerce (AITC) sets out how AITC will deal with refund requests and in what circumstances and the amount of any refunds which may be granted for students.

### 2. Scope

This Policy applies to all students at AITC.

### 3. Definition

**Release Letter** – is a statement from AITC approving students' transfer to a new education provider.

**The default date** – the date that the given notice in writing is received by AITC.

**Tuition Protection Service Director (TPS Director)** – is appointed by the Minister and oversees the operation of the TPS.

The functions of the TPS Director include:

- providing assistance to international students affected by an unexpected provider closure by placing them in an alternative course or with another registered provider or paying them a refund of their unspent tuition fees;
- managing the Overseas Students Tuition Fund; and
- reporting to the Minister on the operations of the TPS and the financial status of the Overseas Students Tuition Fund (Annual Report).

**‘Packaged Offers’** Students can apply to undertake two or more courses on their Student (subclass 500) Visa where there is clear progression from one course to another. A packaged offer, with the progression requirements, will be indicated as a Condition on the Letter of Offer for the course. For each course in the packaged offer a separate Acceptance Agreement will be required to be completed. For Visa purposed the two courses are packaged together.

#### **4. Policy**

AITC will participate in the Tuition Protection arrangements upon having the registration approval. The Tuition Protection Service (TPS) is a placement and refund service to assist overseas students whose registered providers are unable to fully deliver their course of study. The TPS ensures overseas students can either:

- complete their studies in another course or with another registered provider or
- receive a refund of their unspent tuition fees (National Code 2018).

AITC understands that circumstances occur which means students are no longer able to continue their studies. In certain circumstances, AITC will pay a refund to the student where they have a valid reason and can provide the required evidence.

Higher education tuition fees relate to individual units, with four units being a full time load for each teaching period.

AITC may pay a refund directly to the student if they paid the tuition fees. Where the tuition fees were paid by someone else on behalf of the student, AITC will pay the refund to that person.

AITC incurs costs in the recruitment, admission and enrolment of students. In particular, recruitment costs can be quite high and payable to third party agents upon receipt of a signed Student Agreement. To reflect this, certain costs may be recovered under this Policy, which are outlined in the refund percentage amounts.

AITC may provide a refund of tuition fees for any of the following circumstances:

- Provider default
- Visa rejection or cancellation
- Student withdrawal
- Student default

AITC will only pay a full refund in limited circumstances. The circumstances and amounts of refunds are set out below.

##### **4.1 Provider Default**

Provider default is considered when:

- a. The course does not start on the agreed starting date, which is notified in the Letter of Offer; or

- b. AITC makes an offer on the basis of incorrect or incomplete information being supplied by the applicant/student, the offer will be withdrawn and any refund will occur at AITC's discretion; or
- c. The course stops being provided after commencement and before it is completed; or
- d. The course is not provided fully to the student because AITC has a sanction imposed by a government regulator.

In the unlikely event that AITC is unable to deliver a course in full, the student will, in the first instance, be offered an alternative course in which the entry requirements are met and which is acceptable to the student. If a suitable course is not offered, a refund of an amount of unexpended pre-paid tuition fees will be made by the Tuition Protection Services Director (TPS Director). The student has the right to choose whether they would prefer a refund equivalent to the unexpended pre-paid tuition fees or to accept a place in another course.

If the student chooses placement in another course, AITC will ask the student to sign a document to indicate acceptance of the placement. Where the student agrees to this arrangement, AITC will not be liable to refund the money owed for the original enrolment.

If AITC is unable to provide a refund or place a student in an alternative course, the TPS Director will place the student or provide a refund in accordance with the TPS.

#### **4.2 Visa Rejection or Cancellation**

A refund of 90% of the tuition fees paid will be provided where the student is unable to obtain a student visa, except when the rejection was due to the provision of fraudulent documents. If the rejection was due to the provision of false or fraudulent documents, no refund will be paid. Documentary evidence of visa rejection must be provided. A valid request for refund will be paid within 20 working days.

A student who has his/her visa cancelled after the census date shall not be eligible for a refund, other than as required under related laws, including the ESOS Act. If a student is refused a student visa for the reasons set out in section 28(4) of the ESOS Act, then the provisions of the ESOS Act apply regarding any refund, and not this procedure.

#### **4.3 Student Withdrawal**

All refund requests must be submitted using the Refund Request Form. Verbal notifications to AITC or agents will not be accepted. The date that the written notice is received by AITC, which is known as the default date, is the date used for calculation of any refund.

All valid refund requests will be paid within 20 working days of AITC receiving a valid request. This means that the Refund Request Form must be completed in full, signed and have all relevant evidence attached.

Refund applications where an applicant's student visa is unsuccessful must include a copy of the official rejection letter from DHA.

#### **4.4 Student Default**

Student default is considered when:

- a. a student breaches a condition of their student visa; or
- b. the student breaches AITC's Code of Conduct or other Policy and their enrolment is cancelled; or
- c. the course starts at the location and on the agreed starting date, but the student does not start the course on that day and has not previously withdrawn from the course; or
- d. the student withdraws from the course after the agreed commencement date; or
- e. unsatisfactory course progress or unsatisfactory attendance; or
- f. an offer in a course was made based on false or fraudulent documentation; or
- g. the student failed to pay an amount they were liable to pay the provider, directly or indirectly, in order to undertake the course.

#### 4.5 Overseas Health Cover (OSHC)

Overseas Health Cover will be refunded by AITC if the student is unable to complete the course in the circumstances described in this section. Firstly, if AITC has not disbursed funds to AITC's nominated Overseas Health Care provider. Secondly, subject to the ESOS Act 2019, if funds have been disbursed to the provider, the student will be responsible to contact the provider directly to apply for their OSHC refund. Students must provide the Overseas Health Care provider with the following information when applying for a refund: full name, date of birth, membership number (provided to the student by AITC), together with the reason for refund and evidence of transferring to another Institute, or the date of departure from Australia.

#### 5. Procedure

This table below sets out a summary that AITC will refund in certain situations. These refunds relate only to tuition fees that have been received by AITC. Refund of Other Fees will depend on the third party provider, and will need to be claimed directly from them by the student. In all cases, the date of withdrawal shall be taken as the date students give notice in writing of their intention to withdraw, and all the application should be provided in English along with the documentary evidence.

Reason for Refund	Refund Payable
<b>Provider Default/Withdrawal</b>	
<ul style="list-style-type: none"><li>If AITC is unable to provide the course at its campus prior to commencement.</li></ul>	100% of the tuition fees paid for AITC will be refunded
<ul style="list-style-type: none"><li>If incorrect or incomplete information is supplied by the applicant and the offer is withdrawn by AITC</li></ul>	95% of the unspent tuition fees paid for AITC will be refunded
<b>Visa Rejection or Cancellation</b>	
<ul style="list-style-type: none"><li>Visa unsuccessful prior to course commencement</li></ul>	90% of the tuition fees paid for that semester AITC will be refunded
<ul style="list-style-type: none"><li>Visa unsuccessful prior to commencement due to provision of false or fraudulent documents by student</li></ul>	No refund
<ul style="list-style-type: none"><li>Cancellation more than 1 month prior to course commencement date</li></ul>	90% of the tuition fees paid for AITC will be refunded

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<ul style="list-style-type: none"> <li>• Cancellation less than 1 month prior to commencement date</li> </ul>	70% of the tuition fees paid for AITC will be refunded
<ul style="list-style-type: none"> <li>• Cancellation after commencement of the teaching period, but before the relevant census date</li> </ul>	50% of the tuition fees paid for AITC will be refunded
<ul style="list-style-type: none"> <li>• Cancellation after commencement of the teaching period and after the relevant census date</li> </ul>	No refund
<b>Student Withdrawal</b>	
<ul style="list-style-type: none"> <li>• Student withdraws more than 1 month prior to course commencement date</li> </ul>	90% of the tuition fees paid for that semester AITC will be refunded
<ul style="list-style-type: none"> <li>• Student withdraws less than 1 month prior to commencement date</li> </ul>	70% of the tuition fees paid for that semester AITC will be refunded
<ul style="list-style-type: none"> <li>• Student withdraws after commencement of the teaching period, but before the relevant census date</li> </ul>	50% of the tuition fees paid for that semester AITC will be refunded
<ul style="list-style-type: none"> <li>• Student withdrawal after commencement of the teaching period and after the relevant census date</li> </ul>	No refund
<b>Student Default</b>	
<ul style="list-style-type: none"> <li>• Breach of visa conditions or rules of the provider, if           <ul style="list-style-type: none"> <li>- Before the relevant census date</li> </ul> </li> </ul>	90% of the tuition fees for that semester will be refund
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>- After the relevant census date</li> </ul> </li> </ul>	No refund
<ul style="list-style-type: none"> <li>• If student does not meet mainstream entry from an English package enrolment</li> </ul>	90% of the total tuition fees paid for that semester AITC will be refunded
<ul style="list-style-type: none"> <li>• If student has failed to pay an amount he or she was liable to pay AITC, directly or indirectly, in order to undertake the course</li> </ul>	No refund
<ul style="list-style-type: none"> <li>• If student defers from a course after the census date</li> </ul>	No refund
<ul style="list-style-type: none"> <li>• If incorrect or incomplete information is supplied by the applicant and the offer is withdrawn by AITC</li> </ul>	95% of the total tuition fees paid for that semester AITC will be refunded

## **For Packaged Students, (refers to any two components treated as one 'package' for Visa purposes)**

- a) Where a student, having paid a course fee deposit in advance, gives notice in writing to Student Service, of an inability to undertake the principal course prior to the commencement of semester, a refund will be paid of the balance (if any) of the deposit paid, after deducting 10% of the tuition fee payable for the semester to cover administration costs.
- b) There may be other circumstances where consideration can be given to a full or partial refund of the deposit, such as:
  - i. There is a demonstrated mismatch between the course offered and the student's understanding of the course.
  - ii. The student clearly cannot meet the English Language requirements of AITC within reasonable timeframe. To claim a full refund in these circumstances, a student must present the result of an IELTS (or equivalent) test taken not more than two months before the start of the semester of the full degree program indicated in his/her package.
  - iii. Any other reason considered acceptable by AITC.
- c) Where a student with packaged admission arrangements has failed to meet the English language requirements for admission to AITC and requests to be released from AITC, the processing of the refund (if any) is as follows:
  - i. If the student has received an offer to study at another tertiary institution, and provides a copy of a letter of admission for the new institution, the refund is forwarded to the student in Australia.
  - ii. If the student is returning home the refund is forwarded to their overseas address.

### **5.1 Making a request for a refund.**

#### **5.1.1 To request a refund of fees, students must:**

- Requests for full or partial refund must be made in writing. Students must do so by completing the Refund Request Form (available on the AITC website).
- Students must set out, in detail, the reasons for the request.
- The Refund Request Form must be completed in full, signed and have all relevant evidence provided in English that attached to be a valid request. Only valid requests will be assessed.
- Where the student has requested a release letter, the refund request may not be submitted until the release letter is attached.
- Upon completing the required forms, please submit it in person to Student Service, or email it to [refunds@aitc.edu.au](mailto:refunds@aitc.edu.au). Please ensure that you have attached all supporting documents to the request.
- Once Student Service Officer receives a request, it will be checked for completeness. Students will be contacted if the form is not complete or there is missing information or documents.
- If an applicant's student visa is unsuccessful, refund requests must include a certified copy of the official rejection letter from the Department of Home Affairs (DHA) (formerly the Department of Immigration and Border Protection).
- Where a request meets the requirements under the Refund Policy, refunds will be paid within 20 working days of receiving a valid request.
- Students are advised to carefully read the Refund Policy which is available on our website.
- In the case of provider default and the student's visa application is refused, student refunds will be made in accordance with the Education Services for Overseas Students Act 2000 (ESOS Act 2019 as amended) which outlines minimum payment requirements in these circumstances, and in the case of provider default, the refund will be paid within 10 working days of the default day as defined in the ESOS Act 2019.

### 5.1.2 Additional information

- Refund requests will not be processed where the signature on the Refund Request Form does not match the student's signature as shown on other documents.
- The date for calculating the timeframe for payment of a refund is the date a valid request is received by AITC. This means that the Refund Request Form must be completed in full, signed and have all relevant evidence attached.
- AITC must have cleared the fees in its bank account.
- All amounts due to AITC must be paid before any refund is made. Any outstanding amounts will be deducted from the refund due. This includes using deposits for courses which the student has not yet commenced.
- All refunds will be paid only in Australian dollars (AUD), where this is not accepted in the nominated bank account, the AUD Dollars will be converted to the currency that accepted by the beneficiary's bank at the conversation rate on the payment day.
- Fees paid by credit card will be refunded to the same credit card.
- Refunds may be paid to the student, however, in the case where fees were paid by someone else on behalf of the student, AITC will pay the refund to that person.
- Refunds, when approved, will be paid to the student within 20 working days after receipt of a valid request with all relevant documentation, including a written claim from the student. In the case of provider default the refund will be paid within 10 working days of the default day as defined in the ESOS Act 2019.

### 5.2 Review of decision

Where the student is not satisfied with a decision made on the refund request, the student has the right to request a review.

- The review is only limited to new information that could not reasonably have been provided at the time of first request submission. The review of request has to be submitted within 20 working days of receiving a decision notice for an application of refund.
- The request of review must be submitted to the Registrar in writing by emailing [studentservice@aitc.edu.au](mailto:studentservice@aitc.edu.au) and provide supporting documents in English.
- The assessment of review will be commenced within 10 working days of receiving a review request, and the outcome of the review will be notified to students within 20 working days of receiving the review request.