

Student Refund Procedure for Domestic Students in VET Student Loan Approved Courses

Document Owner	Chief Executive Officer		
Responsible Officer	Executive Principal		
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Related Documents	<i>Legislative and Regulatory Compliance Letter of Offer and Written Agreement National Code Compliance Student Fees Policy Student Refund Policy</i>		
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This Procedure implements Australian College of Business Intelligence's (ACBI's) *Student Refund Policy*.

Scope

This Procedure applies to all staff at ACBI with responsibility for the administration of refunds to students, and to commencing and continuing students.

Definitions

Census date: the date on which student enrolment is finalised, after which students are liable for all associated course and tuition fees. Census date is Friday of week 3 each term.

Commencing student: a student who has accepted an offer of a place at ACBI who has yet to commence their studies at ACBI.

Compassionate or compelling circumstances: circumstances beyond the control of the student which will have an impact upon the student's progress or wellbeing.

Continuing student: a student who has completed at least a term of study and is eligible to remain enrolled in the course.

Course: a course of study, comprising units of competency, the successful completion of which results in the awarding of a qualification, such as a Diploma.

Deferral: a delayed commencement by an applicant who has received an offer of a place in an ACBI course.

Domestic student: Australian citizens, New Zealand citizens, or holders of an Australian permanent visa (holders of all categories of permanent resident visas including Humanitarian Visas).

Overseas student: a student who is not a domestic student and who may hold a student visa and is protected by the *Education Services for Overseas Students Act 2000* legislative framework.

Leave of absence: an approved period during which a student is not enrolled in any subject. Provider default: failure of a registered provider to provide or continue to provide a course.

Non-tuition fees: fees charged by ACBI that are not for tuition, such as reassessment of study outcomes, deferral, late payment of fees.

Tuition fees: fees received by ACBI that are directly related to the provision of a course that ACBI is providing, or offering to provide, to a student. These fees can be received either directly or indirectly from a commencing student or continuing student or from another person who pays the money on behalf of a commencing student or continuing student.

Tuition Protection Services (TPS): an initiative of the Australian Government to assist overseas students whose education providers are unable to fully deliver their course of study.

VET Student Loan: The VET Student Loans (VSL) program assists eligible students pay tuition fees for approved higher-level (diploma and above) vocational education and training (VET) courses, when studying at VET Student Loans approved course providers.

Withdrawal: the discontinuation of enrolment in a unit of competency or course by a student.

Withdrawal date: the date specified in the written notice as the date a student's withdrawal takes effect or when the student's enrolment was cancelled.

3. Procedure

There are three ways for a domestic student enrolled in a VET Student Loan (VSL) approved course to access a refund of their tuition fees:

3.1 Withdrawing or deferring from unit enrolments prior to the relevant census date

A student enrolled in a VSL approved course receives a full refund of tuition fees if the student completes and submits an *Application for Withdrawal or Application for Leave of Absence* form, and lodge it with Student Services prior to the relevant Census Date.

- Students who defer their tuition fees through VSL prior to the relevant Census Date will have their VSL balance automatically adjusted.
- Students who pay some or all of their tuition fees up front and who have already paid for the unit will also need to complete and submit an *Application for Refund* form in order to receive a refund of the amount paid.
 - If a student doesn't submit an *Application for Refund* form, the refund will be held on their account as credit towards a future enrolment.
 - Refunds will be repaid to the person who originally paid the fees, including employers or third parties.
 - Refunds will be made within 20 working days from the date of request or the date of clearance of the original payment, whichever is the later.
- Student Services will record the outcome of the application in the *Student*

Management System.

A student enrolled in a VSL approved course receives no refund of tuition fees if they complete and submit an *Application for Withdrawal* or *Application for Leave of Absence* form, and lodge it with Student Services after the relevant Census Date.

3.2 Withdrawing from unit enrolments after the census date with evidence of special circumstances

A student seeking a refund under special circumstances must complete and submit an *Application for Special Circumstances Refund* form, including supporting documentation, to Student Services. The application must be submitted within 12 months of their withdrawal from the unit or, if the student did not withdraw from the program, within 12 months from the end of the trimester during which the units(s) were undertaken.

By filling out this form a student is declaring that **serious illness** or **special circumstances** affected their study *after* the census date. If proven, they will be eligible for a refund of tuition fees paid or a remission of the VSL debt incurred for the subjects affected by the circumstances.

To access a refund due to special circumstances, a student needs to demonstrate that the circumstances were:

- beyond their control, and
- did not make their full impact until on or after the relevant census date, and
- such that they made it impracticable to complete the requirements for the unit(s) during the relevant trimester.

The Principal (or delegate) will review the *Application for Special Circumstances Refund* and determine whether the circumstances meet the criteria for a refund, and whether sufficient documentation has been provided to evidence the circumstances.

Students will be notified in writing of the outcome of their request within 10 working days of receipt of the application.

- If the special circumstances application is *approved*, tuition fees will be refunded or VSL debt will be re-credited.
 - Refunds of any upfront fees will be repaid to the person who originally paid the fees, including employers or third parties. Refunds will be made within 20 working days from the date student was notified of approval in writing or the date of clearance of the original payment, whichever is the later.
 - Re-crediting of a VSL balance will be processed within 10 working days, but may take up to 12 months or longer to show on a VSL statement as it will be processed by the Department of Education and then the Australian Taxation Office.
 - If the *Application for Special Circumstances Refund* is *rejected* then the student will have an option to appeal the decision within 20 working days of receiving the notification, under the Student Complaints and Grievance Policy.
- Student Services will record the outcome of the application in the Student Management System.
- The Head of Finance (or delegate) will follow up unclaimed refunds within 20 working days.

Supporting documentation regarding serious illness must:

- take the form of an original letter or report on letterhead; and
- be from a registered treating medical practitioner, registered health practitioner or approved specialist (depending on the nature of the condition); and
- specify that the illness is serious; and
- specify the date that the illness took effect.

Supporting documentation regarding compassionate circumstances must:

- take the form of an original letter or report on letterhead;
- be from:
 - a counsellor recommended by Student Services who has prior knowledge of the circumstances; or
 - a registered treating medical practitioner, registered health practitioner or approved specialist (depending on the nature of the condition); or
 - a person qualified to assess and support the application (e.g. clergy providing grief counselling); or
 - a funeral director (or death notice).
- Supporting documentation will not be accepted from relatives or personal friends, or friends of the student's family.

3.3 Refunds following a complaint under the *Student Complaints and Appeals Policy* Occasionally a student's tuition fees will be refunded in part or in total as the resolution of a formal complaint under the *Student Complaints and Appeals Policy*. Students must complete a *Formal Complaint* form and provide relevant supporting documentation. Policies and forms are available from the college website.

- If a student is awarded a refund as part of the resolution of a complaint or appeal:
 - Refunds of any upfront fees will be paid to the person who originally paid the fees, including employers or third parties. Refunds will be made within 20 working days from the date of the finding in their favour
 - Re-crediting of a VSL balance will be processed at the College within 20 working days but may take up to 12 months or longer to show on a VSL statement as it will be processed by the Department of Education and then the Australian Taxation Office.
- Student Services will record the outcome of the application in the Student Management System.

3.4 Refunds for all other circumstances

A student will not receive a refund if they do not meet the conditions outlined in 3.1, 3.2, and 3.3 of this Procedure.

4. Review of VET Student Loan Decision (Appeal)

Students who are dissatisfied with a decision about a refund of fees may seek a review under the *Student Complaints and Appeals Policy*, which can be accessed from the College website. The availability of the internal complaints and appeal processes does not remove the right of the student to take action under Australia's consumer protection laws.

If a student is dissatisfied with the outcome of a Formal Complaint, the student can request a review of the outcome. The request must be in writing, and addressed to the Chief Executive Officer (CEO). For details regarding lodging an internal appeal, assessing an internal appeal, and responding to an internal appeal, refer to the *Student Complaints and Appeals Procedure* section

3. The outcome of the review will include advice to the student they have the right to appeal to the decision with the Administrative Appeals Tribunal (AAT).

5. Breaches

If a student or staff member is found to be in breach of this Procedure, she or he may be subject to disciplinary action in accordance with the relevant *Code of Conduct* and *Misconduct Procedure*, which can be accessed from the ACBI website.

6. References

Education Services for Overseas Students Act 2000 (Cth)

Education Services for Overseas Students Regulations 2001 (Cth)

ESOS Legislation Amendment (Tuition Protection Services and Other Measures) Act 2012 (Cth) Standards for Registered Training Organisations 2015, Standards 5.3, 7.3

National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standard 3

7. Acknowledgements

In developing this Procedure, ACBI acknowledges:

- Waratah Institute's *Student Refund Procedure for Domestic Students in FEE-HELP Enabled Programs*

Document History:

Version	Date	Author	Reason	Sections
1.0	2/06/2020	Stephen Andrews	New Procedure. CEO approved 10/06/2020.	All