

Student Refund Policy

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Related Documents	<i>Legislative and Regulatory Compliance Letter of Offer and Written Agreement</i> <i>National Code Compliance</i> <i>Student Fees Policy</i> <i>Student Refund Procedure for Domestic Students in FEE-HELP Enabled Programs</i> <i>Student Refund Procedure for Overseas Students and Domestic Students in Non-FEE- HELP Enabled Programs</i>		
Version	Authorised by	Approved	Effective Date
2.5	Chief Executive Officer	25/01/2024	30/01/2024

1. Context

This Policy supports Australian College of Business Intelligence's (ACBI's) commitment to fair trading practices.

This Policy sets out the expectations and requirements of ACBI with respect to the administration of refunds to students, in accordance with relevant legislation and regulations, and the payment of fees.

2. Definitions

Census date: the date on which student enrolment is finalised, after which students are liable for all associated course and tuition fees.

Commencement date: the first day of a 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.

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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.

Unit of Competency: a component of a course, which needs to be completed to be awarded a qualification.

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. Scope

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

4. Principles

The key principles informing this Policy are:

- transparency – information regarding refunds is to be accurate, comprehensive, easily accessible, and written in plain English;
- equity – all students will be treated fairly and equally;
- timely – all matters relating to student refunds are to be addressed in a timely manner; and
- consistency – students will be provided with consistent information regarding fees.

5. Policy details

Should students wish to cancel their course enrolment and seek a refund the following conditions apply:

- a. The request for a refund must be lodged in writing by submitting the **Refund Request Form**, available from the [ACBI website](#). To assist the College, students must clearly state the reasons for the refund request and supporting documentation must be supplied where applicable.

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- b. If withdrawing from a course enrolment, then a completed **Enrolment Withdrawal Request Form** must be submitted together with the Refund Request Form.

All approved Refunds are made payable to and sent to the student's nominated bank account in Australian Dollars. Approved refunds will be paid within 28 days of receiving the Refund Request Form. A refund calculation explanation as to how the refund was calculated will accompany the student refund payment.

Please see the Administration Fee Schedule on our website for administration charges that may apply to a refund.

5.1. Overseas students and domestic students in non-FEE-HELP enabled programs

5.1.1 Commencing students - Overseas students

Students who have accepted an *ACBI Letter of Offer and Written Agreement* may be entitled to a refund of tuition fees paid if their application to withdraw from the course or defer the commencement of their studies is approved. The amount of tuition fees refunded is dependent on when the application for withdrawal was lodged, with the details as follows:

- 28 calendar days or more prior to commencement date: **100%**
- Within 27 days prior to commencement date and on commencement date: **50%**
- After commencement date: Where no notice of cancellation is given, **no refund** will be issued.

If the Student Visa Application is rejected **before** the course commencement date, ACBI will refund the student in full (excluding the non-refundable application processing fee of AUD\$250.00)

If the Student Visa Application of a prospective student residing offshore is rejected **after** the course commencement date, ACBI will refund the student in full (excluding the non-refundable application processing fee of AUD\$250.00)

If the Student Visa Application is rejected **after** course commencement, where an onshore student has attended classes and accessed the learning materials, the refund will be on pro rata basis: the tuition fee from the week the student has withdrawn from the course until fees have been paid (excluding the non-refundable application processing fee of AUD\$250.00)

5.1.2. Domestic Non-VSL Students

- After commencement but within 10 working days from commencement date (cooling off period): **100%**
- After 10 working days from commencement date (cooling off period): **0%**

5.1.3. Continuing Students

Continuing students may be entitled to a refund of unspent tuition fees if their application to withdraw from the course or a unit of competency or leave of absence is approved. The

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amount of tuition fees refunded, minus AUD\$500.00 withdrawal fee, is dependent on when the application was lodged, with the details as follows:

- 28 calendar days or more prior to future term commencement date: **100%**
- Within 27 to 14 calendar days prior to future term commencement date: **50%**
- Less than 14 days prior to future term commencement date: **25%**

After commencement date of current term but 28 days prior to commencement of future terms any unspent fees for future terms will be refunded in full minus **AUD\$500.00** withdrawal fee. **No refund will be approved for the current term.**

If a student is on a monthly payment plan, all future payments to cover for any tuition already received plus the withdrawal fee of AUD\$500.00 will be charged accordingly.

The student's Enrolment Withdrawal is not effective until ACBI receives a completed ACBI Enrolment Withdrawal Request, and a Refund Request Form, supported by documentary evidence.

5.1.4. Compassionate and Compelling Circumstances

If a student has experienced exceptional circumstances that have prevented them from successfully completing the course or unit/s of study, ACBI may, at its discretion, grant a full refund of tuition fees or a higher percentage than stated above.

Exceptional circumstances are those beyond a student's control, not a result of a student's action or inaction, and are unusual, uncommon, or abnormal. Exceptional circumstances include:

- a. Medical circumstances: an unexpected illness, a recurrence of a chronic illness or an accident;
- b. Compassionate circumstances: hardship or trauma such as the death or serious illness of a close family member, severe disruption to domestic arrangements, being a victim of crime or an accident;

Special circumstances include but are not limited to:

- a. religious reasons, legal commitment, military service, service with an emergency service, representing ACBI, representing a state or home nation at a significant event, or unforeseen and significant employment-related circumstances such as a move interstate at short notice
- b. Political upheaval, natural disaster and/or global pandemic

For further details of compelling or compassionate circumstances and evidence requirements, refer to the ACBI *Student Fees Policy*, which can be accessed from the ACBI website.

In determining the amount of the refund, if any, ACBI will take into consideration when compelling or compassionate circumstances occurred.

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5.1.5. Course Transfer within ACBI

Once a student has commenced a course, and successfully applies to transfer their enrolment to another ACBI course, unspent tuition fees will be automatically transferred to the new enrolment.

5.1.6. Variation in residency status

Overseas students who are granted permanent residency in Australia and notify ACBI in writing:

- **prior to a commencement date** will be defined as a domestic student and are therefore eligible to pay domestic tuition fees. Passport evidence must be provided to ACBI prior to the commencement date. Additional tuition fees paid as an overseas student for the forthcoming session will automatically be refunded;
- **On or after the term's commencement date** will be classified as an overseas student for the remainder of the study period and will continue to be liable for overseas tuition fees for the current period. From the subsequent study period, the student will then be categorised as a domestic student and will be invoiced for domestic tuition fees.

5.1.7. Overpayment

If a student has overpaid an invoice, the student will be able to elect to credit the overpayment towards the following term or receive a refund of the value of the overpayment.

5.1.8. Payment of refunds

Payment of refunds, if approved, will be made **within 28 days** of receiving the *Refund Request Form* or a written complaint. Payment will be made by electronic funds transfer (EFT) and will be made in Australian Dollars (AUD) or its foreign exchange equivalent. The account in which payment of refunds is to be made needs to be stated in the *Refund Request Form* and will normally be the same account from which payment of fees was made.

A refund calculation explanation as to how the refund was calculated will accompany the student refund payment.

Your Enrolment Withdrawal is not effective until ACBI receives a completed *ACBI Enrolment Withdrawal Request*, and a *Refund Request Form* supported by documentary evidence.

5.2. Domestic students in VET Student Loan approved courses

Refunds of tuition fees or other fees will be granted on the basis of an amendment to enrolment (including deferral of offer or enrolment, leave of absence and withdrawal) on or before the term census date. This applies to all domestic students enrolled in a VSL approved course, whether the student accesses a VET Student Loan or pays tuition fees upfront.

Refunds will not be made for tuition fees or other fees paid by students who withdraw after the term census date. Students are liable for the full amount even if they subsequently withdraw during the term.

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If a student has overpaid an invoice, the student can choose to credit the overpayment towards the following term's tuition fees or receive a refund of the value of the overpayment.

In special circumstances, students in a VET Student Loan approved program may have their tuition fees refunded or their VET Student Loan debt remitted (see section 5.2.1)

5.2.1. Refund of tuition fees under special circumstances (domestic students in VSL approved programs only)

Students affected by serious illness or special circumstances that affected their study after the census date may be eligible for a refund. Criteria are specified on the government's [Study Assist](#) website and are outlined below.

To be eligible to apply for a refund due to special circumstances:

- the student must have remained enrolled in the unit(s) after the census date
- the student must not have successfully completed the requirements of the unit(s)
- the application must be submitted in writing, and
- the application must be made within twelve months from the date the student withdrew from the course or if the student did not withdraw from the course, within 12 months from the end of the term during which the unit(s) were undertaken. The deadline may be waived if the student submits documentary evidence of the special circumstances that prevented them from applying within 12 months.

Students applying for a refund due to special circumstances must demonstrate that the circumstances were:

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

Special circumstances include a serious illness that is unexpected and of a serious nature, a recurrence of a chronic illness or an accident with a serious impact on a student's health.

Illnesses, disabilities or medical conditions that existed prior to the census date will not qualify as grounds for a refund unless compounded by an unexpected change, or an additional condition.

Supporting documentation 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.

Special circumstances include compassionate circumstances such as hardship or trauma including the death or serious illness of a close family member, severe disruption to domestic arrangements, being the victim of a crime or an accident. Supporting documentation must:

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- 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.

Special circumstances such as religious observance or obligations, formal legal commitments, military service, service with a recognised emergency management service, representing the state or home nation at a significant sporting or cultural event or unforeseen and significant employment- related circumstances such as a move interstate at short notice will usually be managed through assessment modification rather than as special circumstances application for refund.

When a student applies for a refund of fees or re-crediting of VET Student Loan liability and remission of VET Student Loan debts due to special circumstances, supporting documents must be provided. Failure to provide these will result in the student's

application not being assessed as privacy laws prevent the College's staff from obtaining information about the student's

circumstances from a third party without the student's written consent. Documentary evidence must be original or provided as certified copies of documents.

5.3. Provider Default

If an ACBI course is cancelled, ACBI will mitigate disadvantage to:

- **overseas students** by meeting the statutory obligations regarding tuition protection as set out in the Tuition Protection Services framework;
- **domestic students** by meeting the regulatory obligations regarding tuition protection requirements of the Standards for Registered Training Organisations 2015, Standard 7.3, through adequately resourced financial and tuition safeguards.

5.3.1. Refunds due to course cancellation (provider default) – overseas students

In the event of a default by ACBI, students are entitled to a refund under the provision of the ESOS Act 2000 and ESOS Regulations 2001, and per the regulations set out in the [Tuition Protection Service \(TPS\)](#) in the following circumstances:

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- ACBI fails to start to provide the course to the student at the location on the agreed starting day
- An ACBI course ceases to be provided to the student at the location at any time after it starts but before it is completed
- ACBI does not provide a course as advertised, due to sanctions or circumstances beyond its control.

In these events ACBI will notify the Department of Home Affairs, the Tuition Protection Service (TPS) Director, and the student enrolled in the course, within three working days of the default day. ACBI will provide the following options:

- transfer their enrolment to another course offered by ACBI at no additional cost;
- offer a place in a similar course of study offered by another institution, leading to a comparable award, at no additional cost; or
- receive a refund of all unspent portion of prepaid tuition fees within 14 days after the date of course cancellation (default day). ACBI will also give the student a statement that explains how the refund amount has been calculated.

5.3.2. Refunds due to course cancellation (provider default) – domestic students

If ACBI cancels a course, it will notify domestic students enrolled in the course in writing and give the following options:

- transfer their enrolment to another course offered by ACBI at no additional cost;
- offer a place in a similar course of study offered by another institution, leading to a comparable award, at no additional cost; or
- receive a refund of all unspent portion of prepaid tuition fees within 14 days after the date of course cancellation (default day). ACBI will also give the student a statement that explains how the refund amount has been calculated.

5.4. Non-refundable fees

Administrative fees (e.g. late fees, application processing fees) are non-refundable.

6. Breaches

If a student or staff member is found to be in breach of this Policy, 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.

7. Appeals

Appeals concerning any decision taken in relation to this Policy should be made under the relevant Complaints and Appeals Policy, which can be accessed from the ACBI website. Overseas students may lodge an external appeal with the Commonwealth Ombudsman.

The conditions for refund and cancellation and the appeals process do not remove the student's right to take action under the Australia's consumer law, where such law applies.

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8. References

Education Services for Overseas Students Act 2000 (Cth) Education Services for Overseas Students Regulations 2001 (Cth)

Education Services for Overseas Students (Calculation of Refund) Specification 2014 (Cth)

Education Services for Overseas Students 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

9. Acknowledgements

In developing this Policy, ACBI acknowledges:

- AIBI Higher Education’s Student Refund Policy

Document History:

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1.0		Fabio Mejia	Original version	All
2.0	9/10/2019	Stephen Andrews	Initial draft of revised version	All
2.1	16/10/2019	Fabio Mejia	Reviewed and revised as required	All
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2.3	2/06/2020	Stephen Andrews	Amended to include VSL	2, 5.1, 5.1.1, 5.1.7, 5.2
2.4	05/01/2023	Chaido Kiourkou	Add overseas students’ late enrolments refund, Amend continuing Non-VSL students refund section, add Non-VSL student cooling off period, Amend Compelling and Compassionate circumstances section	5.1.1, 5.1.2, 5.1.3, 5.1.4
2.5	23/01/2024	Ivan Negro	Updated document layout. Updated timeframe periods for the refund calculations. Removed late enrolment refunds sections. Updated, payment of refund, Provider Default, and appeals section	5, 5.1, 5.3, 6, 7

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