

Refund Policy - International

Policy Code: INT-007

Version: 17.0

Effective Date: 5 June 2019

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” – *In the higher education sector, the Australian College of Natural Medicine Pty Ltd (ACNM) trades as Endeavour College of Natural Health. For the purpose of this policy, any reference to ‘College’ or ‘the College’ should be considered a reference to each or any of these respective trading names / entities.*

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 campuses
- All international students
- Student Services

Policy Statement

International student tuition fees are charged on a per subject basis and students are invoiced for each study period based on subject enrolments. 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 affect the rights of a student to take action under *Australian Consumer Law* if the *Australian Consumer Law* applies.

Census Date

Census is the official count of the student population for each study period in each course and subject.

The College's *census* date is the *4th Friday after each **advertised starting day*** for a study period, which means the 4th Friday after the day on which the study period was scheduled and advertised to start.

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their application to Defer, Suspend or Cancel Enrolment (withdraw) on or before the census date for a course will be withdrawn or granted a deferral or suspension without penalty (if approved); all associated tuition fees will be refunded according to the **Cancellation Fees Schedule**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

Post-Census: 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 (if



approved) 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 six (6) months, and a student initiated suspension may not exceed 12 months. No credits are provided when withdrawing from subjects.

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. In all other circumstances, the enrolment fee is not refundable.

Non-tuition fees are non-refundable by the College (however any goods supplied by a College entity may be subject to refunds if faulty under *Australian Consumer Law*).

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*.

Dropping or Swapping Subjects

International student visa holders cannot drop subject/s, unless arranged by the College via an approved intervention plan under extenuating circumstances. When any student *drops* or *swaps* a subject they *withdraw* from the subject and full fees will apply if withdrawal is after census date for the subject. Prior to census date, any international student on a student visa wishing to drop a subject will be automatically identified as a Student at Risk and required to produce evidence of special circumstances to support their drop in study load.

Students can only swap a subject once, this swap of subject must be requested using the *Add or Drop Subject Form – International - Student Visa* or the *Add or Drop Subject Form – International - Temporary Visa* PRIOR to census date and the swap must be for the equivalent subject, or a different subject with the equivalent number credit point value and must not affect progression within the course by adversely affecting the original course structure; taking into account all pre-requisites, clinic requirements and online limits for student visa holders.

Cancellation Fees Schedule – Course Withdrawal

REASON FOR OR TIMING OF WITHDRAWAL FROM COURSE	REFUND PROVIDED	CANCELLATION FEES (RETAINED BY THE COLLEGE)	
		HE COURSES	NON-AWARD SUBJECTS
Cancellation prior to course commencement date	Full refund of all unused tuition fees paid	Nil	10% per subject
Cancellation after start of semester, up to Friday of Week 4 (Census)	Refund of 80% of tuition fees provided	20% per subject	20% per subject
Cancellation after Friday of Week 4 (Census) of a semester	No refund of tuition fees provided	Full tuition fees for the study period	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	Full tuition fees for the study period
In the event of provider default*	Full refund of all unused tuition fees	Nil	Nil

*Provider default can include the College being unable to provide the course, the course not being provided in full to the student, or any sanctions being imposed upon the College relating to provision of the course.

Note: 'Tuition fees' refers to the cost of tuition only and does not cover enrolment fees, books, uniforms, equipment or compulsory international health insurance. These are non-refundable.

If a student chooses to withdraw from a course, the appropriate cancellation fee according to the schedules above, will be charged. In limited special circumstances the Director, Student Services & Retention may choose to waive all or part of the cancellation fees.

Students wishing to change their semester enrolment (drop or add subjects) must contact Student Services staff to discuss and action any proposed changes so as to fully understand the implications on study load in relation to student visa conditions and course progression. Cancellation fees will not be charged for approved subject changes as these will only be approved under special circumstances in alignment with an approved Intervention Strategy.

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); or
- (b) the student does not meet the conditional course requirements (including does not pass a Working with Children Check (or its equivalent) unless an exemption applies, or First Aid Certificate); or
- (c) 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:
 - (i) the student failed to pay an amount they were liable to pay the College, directly or indirectly, in order to undertake the course;
 - (ii) the student breached a condition of his or her visa;
 - (iii) misconduct by the student (Refer to the *Academic Integrity Policy – HE*, the *Student Code of Conduct - HE* and the *Student Misconduct Policy*).

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 study periods 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 *Education Services for Overseas Students Act 2000 (Cth)*, the College must notify the Secretary and the Tuition Protection Scheme (TPS) Director of the default within three (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 *Education Services for Overseas Students Act 2000 (Cth)*, 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 its obligations to the student under section 46D, it is an offence under section 46E of the *Education Services for Overseas Students Act 2000 (Cth)* and serious penalties apply.

Step 4 - Notification of the outcome - discharge of obligations

- Under section 46F of the *Education Services for Overseas Students Act 2000 (Cth)*, the College has seven (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 *Education Services for Overseas Students Act 2000 (Cth)*.
- 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 withdrawal must have been processed, and
 - ⊙ the student must pay / settle any other debts owing to the College, such as library fines. If the student fails to do so, the College reserves the right to deduct outstanding debts or fines owing 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 Director, Student Services and Retention requesting a refund of their fees. This application must be submitted on the required form (*Application for Remission of Financial Liability – HE* for tuition fees and *Special Consideration Application Form* for cancellation fees) and include the reason the request is being submitted with documentary evidence 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 in writing.
- For subject withdrawal only, the College will provide any refunds in the form of a credit on the student's account towards the next semester's subject enrolments.
- Refunds in all other circumstances will be made by EFT in Australian dollars only.
- Refunds will only be made to the student or 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, Student Services and Retention 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 *Education Services for Overseas Students Act 2000 (Cth)*. – 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 Circumstances – 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 - 8.

Related Procedures

Deferring Suspending or Cancelling Enrolment Procedure - International



Further Information

Related Policies

Academic Integrity Policy – HE

Complaints and Appeals Policy – International

Deferring Suspending or Cancelling Enrolment Policy – International

Fees Policy - International

Remission of Financial Liability due to Special Circumstances Policy – Higher Education

Special Consideration Policy – Higher Education

Student Misconduct Policy – Higher Education

Student Code of Conduct - HE

Related Documents

Add or Drop Subject Form – International - Student Visa

Add or Drop Subject Form – International - Temporary Visa

Application for Remission of Financial Liability – HE

ECNH - Special Consideration Application Form

Guidelines

Not Applicable

Benchmarking

Australian Catholic University

Queensland University of Technology

Royal Melbourne Institute of Technology

University of New South Wales

University of Queensland

Supporting Research and Analysis

Not Applicable

Related Legislation

Education Services for Overseas Students Act 2000 (Cth).

Education Services for Overseas Students (Registration Charges) Act 1997 (Cth).

Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Act 2012 (Cth).

Higher Education Support Act 2003 (Cth).

National Code 2018 (Cth).



Review and Approval

Policy Author

National HE Compliance Manager

Policy Owner

Director, Student Services & Retention

Contact

Director, Student Services & Retention

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Approval Body

College Council

Meeting date: 13 December 2017

Policy Status

Revised

Responsibilities for Implementation

- Director, Student Services & Retention
- National Quality, Governance and Compliance Manager
- National Sales and Admissions Manager

Key Stakeholders

- Managing Director
- Director, Student Services and Retention
- Finance staff
- National Admissions Centre staff
- National Quality, Governance and Compliance Manager
- Office of Student Records staff
- Student Services staff