

International Learner Tuition Fee Refund Policy and Procedure

1 Purpose and Scope

This policy and procedure details the framework that AIE follows to action learner applications for refund and issue tuition fee refunds where applicable to learners who have paid monies to AIE for a course of study.

The requirement for tuition fee refunds may result from learner withdrawal, learner cancellation prior to course commencement, course cancellation by AIE, or default by AIE or learner.

This policy and procedure will ensure AIE meets its obligations in accordance with the following regulations:

- a. Education Services for Overseas Students (ESOS) Act 2000
- b. Education Services for Overseas Students (ESOS) Regulations 2019
- c. Education Services for Overseas Students (ESOS) Calculation of Refund Specification 2014
- d. National Code of Practice for Providers of Education and Training to Overseas Students
- e. Standards for RTOs 2015.

This policy is relevant to international learners who have paid tuition fees for Diploma, Advanced Diploma and Graduate Diploma courses.

This policy does not remove the consumer rights of international learners to take further action under Australian Consumer Law or to pursue other legal remedies.

This policy and procedure applies to AIE Administration, AIE Accounts and AIE Executive staff who have direct oversight of the international learner tuition fee refund process.

2 The Policy

AIE will implement a consistent, reliable and structured approach to the review of learner applications for tuition fee refunds, and the payment of refunds where deemed appropriate, to protect the rights and interests of learners. Except as provided by law, a refund of tuition fees will only be in accordance with this policy.

AIE will ensure that its tuition fee refund processes meet the requirements of the Standards for RTOs 2015 and the requirements of the ESOS Act for international learners.

3 Implementation

The CEO is responsible for the approval of this policy after it has been drafted and reviewed by the National Compliance Officer.

The policy is to be implemented via induction and training of staff and distribution via the AIE Intranet and other publications as required.

4 Procedure/s

AIE will enter a written agreement with international learners that sets out tuition fee refund policies and obligations and meets the requirements of the ESOS Act and the Calculation of Refund Specifications 2014.

4.1 Prepaid Tuition Fees

AIE will not require an international learner to pay more than 50 per cent of their tuition fees in advance.

If a learner requests to pay more than 50 per cent of their fees they may do so by advising their AIE campus Administration in writing of their request.

4.2 AIE Default

If AIE is unable to deliver a course in full, AIE will:

- a. provide the learner with an alternative acceptable course OR provide learners with a refund of any unspent tuition fees paid to date by the learner
- b. Learners must submit a completed Application for Refund form to their campus Administration within 10 days of AIE default
- c. AIE will calculate the proportion of refund owed based on number of paid course weeks remaining.
- d. AIE will process the refund within 10 business days of the date on which the course ceased being provided.

4.3 Tuition Protection Service

Tuition Protection Services (TPS) is an Australian Government initiative to protect international learners where their education provider is unable to fully deliver their course of study.

The TPS ensures that international students are able to either:

- a. complete their studies in another course or with another education provider
- b. receive a refund of their unspent tuition fees.

If AIE is unable to place an international learner in a suitable alternative course or pay the tuition fee refund amount, the matter will be managed under TPS arrangements at no cost to the learner.

4.4 Learner Default

AIE considers an international learner or an intending international learner to be in default in relation to their course if:

- a. the learner does not commence on the agreed starting date and has not previously withdrawn
- b. the learner withdraws from the course on the day of or anytime after the agreed starting date

AIE refuses to provide the course because the learner has:

- a. failed to pay the specified tuition fee by the required date
- b. breached a condition of their student visa or
- c. engaged in gross misconduct which has been substantiated through AIE's internal investigation processes (refer to Learner Code of Conduct in Learner Handbook).

AIE will not provide any refund of tuition fees in the case of learner default.

Refer to section following on Critical Incidents for exemptions.

4.5 Student Visa Refusal

If a learner has paid fees but has not commenced their course and their student visa is refused AIE will:

- a. require the learner to submit a completed Application for Refund form to their campus Administration within 10 days of the default
- b. provide a full refund of tuition fees paid to date by the learner, less the non refundable application fee
- c. process the refund within 28 days of the learner default
- d. report on the refund as part of AIE's provider obligations to meet Tuition Protection Service agreements within 35 days of the learner default.

If a learner has paid fees, has commenced their course and their student visa is refused AIE will:

- a. require the learner to submit a completed Application for Refund form to their campus Administration within 10 days of the default
- b. provide learners with a refund of any unspent tuition fees paid to date by the learner, less the non refundable application fee
- c. calculate the proportion of refund owed based on number of paid course weeks remaining
- d. process the refund within 28 days of the learner default
- e. report on the refund as part of AIE's provider obligations to meet Tuition Protection Service agreements within 35 days of the learner default.

4.6 Learner Decline, Withdrawal or Transfer

4.6.1 Decline Letter of Offer

An international learner or an intending international learner may decline their course Letter of Offer at any time before the agreed starting date of the course.

The learner must advise AIE in writing via the International Student Acceptance Agreement that they do not wish to accept the course offer.

AIE will provide a full refund of tuition fees paid to date by the learner, less the non-refundable application fee.

4.6.2 Course Withdrawal After Issue of CoE, Prior to Course Commencement

An international learner or an intending international learner may withdraw from their course after being issued with a Confirmation of Enrolment (CoE) but prior to the agreed starting date of their course.

The learner must submit a completed course Withdrawal Form to their campus Administration.

AIE will provide a refund of tuition fees paid to date by the learner as follows:

Number of weeks notice	Refund
More than 4 weeks before the agreed course start date	Full refund of all fees paid – less non-refundable application fee
Less than 4 weeks before the agreed course start date	50% refund of any fees paid – less non-refundable application fee

Refer to section following on Critical Incidents for exemptions.

4.6.3 Course Withdrawal After Course Commencement

An international learner who wishes to withdraw from their course once they have commenced is encouraged to talk to their trainer or Head of School in the first instance.

If the learner decides to proceed with the withdrawal they must submit a completed course Withdrawal Form to their campus Administration.

AIE will not issue a tuition fee refund for learner withdrawal after course commencement.

Refer to section following on Critical Incidents for exemptions.

4.6.4 Approved Learner Transfer

An international learner may apply to transfer to another approved provider after completing 6 months of their course with AIE.

The learner must advise their campus Administration in writing of their request to transfer. The learner must also complete a Withdrawal Form.

In the case of an approved transfer to another institution, the unused portion of tuition fees (if any) will be paid directly to the other institution. AIE will not refund the unused portion of fees to the learner.

4.7 Critical Incidents

AIE may at its discretion take into consideration critical incidents that may have affected an international or intended international learner and resulted in their default or course withdrawal. A critical incident is a traumatic event, or the threat of such (within or outside Australia), which causes extreme stress, fear or injury.

Critical incidents are not limited too but could include:

- a. severe verbal or psychological aggression
- b. death, serious injury or any threat of these
- c. natural disaster
- d. issues such as domestic violence, physical, sexual or other abuse
- e. other non-life threatening events.

A critical incident does not include serious academic misconduct.

If an international learner or an intending international learner believes themselves to be eligible for a refund as a result of a critical incident they must submit an Application for Refund form to their campus Administration. The learner must detail the critical incident and its impact on them in the application.

The Head of School will review a learner's application for refund of fees due to critical incident. The Head of School will consider the documentary evidence provided by the learner in addition to reviewing campus-based evidence where relevant, such as learner attendance records, classroom participation and behaviour as reported by trainer/s, engagement with assessments and records of client meetings.

The Head of School will make their recommendation to the CEO if a critical incident is to be substantiated and fee refund granted. CEO will provide written approval (email is sufficient) of fee refund.

Where a critical incident is substantiated the CEO may approve a refund of tuition fees. This may be a:

- a. full refund if the course has not yet commenced less the non refundable application fee or
- b. partial refund if the course has commenced. AIE will calculate the proportion of refund owed based on number of paid course weeks remaining ie:

$$\text{refund amount} = \text{weekly tuition fee} \times \text{weeks in default}$$

The Head of School will advise the learner in writing within 28 days of receiving the Application for Refund Form if a refund as a result of a critical incident will be processed and the amount of the refund.

Learners have the right to appeal any decision as per the Complaints and Appeals process.

4.8 Payment of refunds

AIE will pay any monies to be refunded to the learner, directly to the bank account nominated by the learner. Cash refunds are not permitted.

AIE will pay the refund to another person if the learner provides a written letter of authority to their campus Administration instructing AIE to pay the refund to the nominated person.

All refunds will be paid in Australian dollars. Any currency exchange rate differences or fees will be borne by the learner.

5 Definitions

Agreed start date of course

The date on which a course was scheduled to start, advised to the learner in writing.

Application fee

The fees paid by intending international learners to AIE when they lodge a course application.

Application for refund form

The authorised form by which learners must apply for a refund of tuition fees. The completed and signed form must be submitted to the learner's campus Administration.

Census date

The last day that a learner can withdraw their enrolment without incurring the tuition fee debt for that Unit of Study.

Confirmation of Enrolment (CoE)

The document issued by AIE to verify an international learner's enrolment in a specified course.

International learner or intended international learner

An individual who is a resident or citizen of any country other than Australia, or holds temporary resident (visa status) of Australia, or permanent resident (visa status) of New Zealand, and who intends to study in Australia.

Overseas Student Health Cover (OSHC)

The health insurance cover that an international learner is required to obtain prior to commencing their course.

Tuition fees

The amount specified by AIE as the course fee for a particular course. Tuition fees do not include monies paid for third party services, consumables, application fees.



Tuition Protection Service (TPS)

The Australian Government initiative to protect domestic and international learners in the event that their education provider is unable to fully deliver their course of study. The TPS ensures that learners are able to either complete their studies in another course or with another education provider or receive a refund of their unspent tuition fees.

Unit/s of Study

Unit/s of Study means the fee period/s within a Diploma, Advanced Diploma or Graduate Diploma qualification.

Withdrawal form

The authorised form by which learners must advise AIE of their intention to withdraw from the course they have applied for or enrolled in either prior too or post course commencement. The completed and signed form must be submitted to the learner's campus Administration.

6 Related documents

The following documents are related to this policy:

- a. Learner tuition fee payment policy
- b. Privacy Policy
- c. Application for refund form
- d. International Letter of Offer
- e. Approved transfer letter
- f. Withdrawal policy
- g. Withdrawal form

The following legislation and standards are related to this policy:

- a. Education Services for Overseas Students (ESOS) Act 2000
- b. Education Services for Overseas Students (ESOS) Regulations 2019
- c. Education Services for Overseas Students (ESOS) Calculation of Refund Specification 2014
- d. National Code of Practice for Providers of Education and Training to Overseas Students
- e. Standards for RTOs 2015

7 Review

This policy will be reviewed annually by the National Compliance Officer.

8 Revision History

Approval Authority	Prepared/revised by	Revision	Change	Date Approved/up dated
BOD	Linda Burrows	<input type="checkbox"/>	<input type="checkbox"/>	Initial document creation 30/10/2020 Approved 29/03/2021

9 Appendix A

Tuition fee refund table – international learners* (figures as at Oct 2020)

Situation	Timeframe	Refund applicable	Documentation required
Decline of Letter of Offer	Any time before the agreed start date	All tuition fees paid to date – less application fee of \$120	Application for Refund form International Student Acceptance Agreement (signed declined)
Student visa refusal	Any time before the agreed start date	All tuition fees paid to date – less application fee of \$120	Application for refund form Evidence of visa refusal from the Australian Government
Student visa refusal	After course commencement	Unspent tuition fees paid to date – less application fee of \$120	Application for refund form Evidence of visa refusal from the Australian Government
Withdrawal	More than 4 weeks before the agreed course start date	Full refund of all fees paid – less non-refundable application fee of \$120.00	Withdrawal form Application for refund form
Withdrawal	Less than 4 weeks before the agreed course start date	50% refund of any fees paid – less non-refundable application fee of \$120.00	Withdrawal form Application for refund form
Withdrawal	After course commencement	No refund	Withdrawal form Application for refund form – detailed Critical Incident (if applicable)
Learner default	At any time	No refund	Withdrawal form Application for refund form – detailed Critical Incident (if applicable)
AIE default	At any time	Transfer to an acceptable alternative course OR Full refund of unspent tuition fees	Written advice from AIE