



## INTERNATIONAL STUDENT FEES AND FEE REFUNDS

### Policy

#### DEFINITIONS

Terms in this document, for which definitions are not provided in the text or may not be self evident or for which usage at ACC may differ to that in other higher education institutions are as follows:

**CoE:** Acronym for *Confirmation of Enrolment* – an official document issued to an international student by a higher education provider in Australia, in this instance by the ACC. The CoE confirms that a student has signed the ACC *Student Acceptance and Payment Agreement*. This indicates that they have accepted a place in their chosen course/program of study and have paid their tuition fees and the Overseas Student Health Cover premium (OSHC). The CoE must be submitted by the student as part of their visa application.

**Department of Home Affairs:** The Australian Government Department responsible for the issue of visas to eligible international students to enable them to undertake studies in Australia with registered education providers.

**Education Services for Overseas Students (Calculation of Refund) Specification 2014:** This specification ensures that, where a provider is required to **refund** a **student** as a result of circumstances outside the **student's** control, the **calculation** of that **refund** is consistent and fair.

**ESOS Act 2000:** The Education Services for Overseas Students Act 2000, or ESOS Act, establishes legislative requirements and standards for the quality assurance of education and training institutions offering courses to international students who are in Australia on a student visa. ESOS also provides tuition fee protection for international students.

**National Code or National Code of Practice for Providers of Education and Training to Overseas Students 2018:** The *National Code* is a legislative instrument made under the *Education Services for Overseas Students Act 2000* and sets nationally consistent standards to support *providers* to deliver *quality education and training to overseas students*. The *National Code 2018* commenced on 1 January 2018. Under the National Code Standard 2 relates to the Recruitment of an Overseas Student, and **Standard 3** refers to the Formalisation of Enrolment and Written Agreements.

**Program (or Degree Program):** The ACC Bachelor of Chiropractic Degree.

**Subject:** A scientific or professional discipline or body of knowledge which forms an essential part of the degree program curriculum. Subjects at the ACC comprise one or more units of study.

**The Higher Education Standards Framework (Threshold Standards) 2015:** This Framework consists of two parts: Part A: Standards for Higher Education (which represent the minimum acceptable requirements for the provision of higher education in or from Australia), and Part B: Criteria for Higher Education Providers (which enable categorisation of different types of provider and whether a provider is responsible for self-accreditation of a course(s) of study it delivers. This TEQSA overview does not include commentary on Part B. Guidance on aspects of Part B can be found in the Application Guide for registration in any university category and in the Guidance Note on Scholarship.

**Standard 1 (or ‘Domain 1’) concerns Student Participation and Attainment.** It includes:

- the basis for admission of students to a course/program of study, including requirements for adequate academic preparation for the course/program and formal explicit contractual arrangements between the provider and students
- assurance that any credit granted for prior learning does not disadvantage the student concerned or compromise the integrity of the course/program of study
- orientation to a course/program of study, support for transition to a course/program of study, early feedback on student performance, detection and support for students at risk of unsatisfactory progress and monitoring of success rates at cohort level
- equivalence of opportunities for success irrespective of a student’s background or mode of participation
- specification, assessment, achievement and external referencing of expected learning outcomes
- legitimate issuing and certification of qualifications.

**The Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act):** established **TEQSA** as an **agency**. The objects of the TEQSA Act call for TEQSA to:

- provide for national consistency in the regulation of higher education
- regulate higher education using a standards-based quality framework and principles relating to regulatory necessity, risk and proportionality
- protect and enhance Australia’s reputation for, and international competitiveness in higher education, as well as the excellence, diversity and innovation in Australian higher education
- encourage and promote a higher education system that is appropriate to meet Australia’s social and economic needs for a highly educated and skilled population
- protect students undertaking, or proposing to undertake higher education by requiring the provision of quality higher education
- ensure that students have access to information relating to higher education in Australia.

**The Higher Education Standards Framework (Threshold Standards) 2015** is a legislative instrument that has been established under the TEQSA Act.

**Tuition Protection or The Tuition Protection Service (TPS):** An initiative of the Australian Government to assist international students and eligible domestic students accessing a VET Student Loan (VSL), FEE-HELP or HECS-HELP (HELP) loan, whose education providers are unable to fully deliver their course of study. The TPS ensures that these students are able to either:

- complete their studies in another course or with another education provider or
- receive a refund of their unspent tuition fees (international students) or a re-credit of their loan for open units of study (VSL and HELP).

**Tuition Fee (s):** The fee paid by a student for enrolment in a unit of study which covers the cost of instruction/teaching. The tuition fee does not cover such related costs as textbooks, travel, special clothing, photocopies, diagnostic kits and/or equipment and/or other items for personal use by the student.

**Unit (or Unit of Study):** An element of a subject (as defined above), that has specified student learning outcomes and requires satisfactory performance in assessments that measure student performance regarding learning outcomes.

## **SCOPE**

This Policy applies to all prospective and enrolled international students (“students”) and staff at the Australian Chiropractic College (“the College”) operated by Australian Chiropractic College Ltd.

## PURPOSE

The purpose of this policy is to provide guidelines to our international students and staff on eligibilities for refunds of enrolment and international student program fees, cancellation of enrolments and transfer requests.

## POLICY STATEMENT

All international student applications for refunds will be assessed and processed in accordance with the requirements of this policy and with regard to:

- The Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act)
- The Higher Education Standards Framework (Threshold Standards) 2015, (Standard 1)
- The Education Services for Overseas Students Act 2000 (ESOS Act 2000)
- The National Code of Practice for Providers of Education and Training to Overseas Students 2018, (Standards 2 and 3)
- Education Services for Overseas Students (Calculation of Refund) Specification 2014
- Department of Home Affairs Visa Regulations

## PROCEDURES

### 1. Application Process

- 1.1. International Students must apply in writing to the College, using the *International Student Request for Refund/Credit Adjustment Form* to request a refund, cancellation, transfer or substitution of an international student enrolment. All completed refund applications are to be submitted either in person at the College Reception or by email to [admin@acc.sa.edu.au](mailto:admin@acc.sa.edu.au).
- 1.2. The written application for a refund is only considered complete, where the *International Student Request for Refund/Credit Adjustment Form* is signed by the student and the correct refund details have been provided (including any third party recipients), in accordance with this Policy.
- 1.3. The College will process all international student refund requests and will provide written responses within twenty (20) working days from the date of receipt. An international student can submit the written request by filling in the *International Student Request for Refund/Credit Adjustment Form*, and, as per the ESOS Act 2000, the refund payment must be made back to the student's bank account or, if a person (other than the student) is specified in the *International Student Request for Refund/Credit Adjustment Form* and *International Student Admission and Payment Agreement* the refund payment may be paid into the specified person's bank account. However, it is the College's policy for every refund to be transferred back into the account from which it was paid.
- 1.4. Tuition fees are not transferrable to other students.

### 2. Refunds

- 2.1. In the event that an international student wishes to withdraw from their program, the following refund rules apply.

Withdrawal timeframe	Refund	Additional Costs Refund
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Withdrawal because of incorrect or incomplete information supplied by the student at the time of enrolment	90% refund of tuition fees paid	100% refund of additional costs paid excluding enrolment fee and services used.
Withdrawal at least 4 weeks prior to program start date	80% refund of tuition fees paid	100% refund of additional costs paid excluding enrolment fee and services used.
Withdrawal less than 4 weeks prior to program start date	50% refund of tuition fees paid	100% refund of additional costs paid excluding enrolment fee and services used.
Withdrawal after the published commencement date of the study period	No refund for tuition fees for the first/current study period, a full refund for subsequent study periods in that program.	No refund of additional costs paid excluding services not used.
The College is unable to provide the program offered before, or on the day of, the published commencement date.	100% refund of tuition fees paid	100% refund of additional costs paid excluding enrolment fee and services used.
The offer of enrolment is withdrawn for reasons other than incorrect or incomplete information supplied by the student at the time of enrolment.	100% refund of tuition fees paid	100% refund of additional costs paid excluding enrolment fee and services used.

### 3. Visa Refusal

3.1. Where a student visa application is refused by the Department of Home Affairs before the published program commencement, all unspent tuition fees will be refunded, less the Enrolment Fee as outlined in the *International Student Admission and Payment Agreement*. The following fees/refunds are available to students in relation to their visa being refused:

Visa Refusal	Refund	Additional Costs Refund
Visa is refused prior to agreed program commencement date*	Full refund of tuition fees, less Enrolment fees.	100% refund of additional costs paid excluding enrolment fee and services used.
Visa is refused after the agreed program commencement date*	Refund of all unused tuition fees** from date of written notification received by the College, less the Enrolment fees.	100% refund of additional costs paid excluding enrolment fee and services used.
Approval of an Australian Student visa is delayed beyond the student's control.	100% refund of tuition fees paid.	100% refund of additional costs paid excluding enrolment fee and services used.

\*Note: When applying for refunds based on visa refusal, the letter of refusal from the Department of Home Affairs must be attached to the Refund Application.

\*\*Note: The ESOS Act 2000 defines "tuition fees" as being directly related to the provision of a course that the provider is providing, or offering to provide to the student. Tuition fees include lectures, tutorials, training, learning materials, excursions, fieldwork or practical experience that form part of a course that the provider offers. The College will calculate the refund based on all unused tuition fees on a weekly basis. For example, if a student pays tuition fees for units of study with a duration of 16 weeks prior to their student visa being approved and attends for 3 weeks, and then receives notification that their student visa

application has not been successful, a refund will be given to the student for the remaining 13 weeks, excluding the enrolment fee.

#### **4. Accommodation Fees**

- 4.1. The College does not charge accommodation fees but may provide information for students on external providers. Fees paid to any external providers and refunds are regulated and by the external providers' policies on refunds. Students should be aware of these policies before they decide to use these external accommodation services and contact the external provider directly for any refunds available to them.

#### **5. Provider Default**

- 5.1. In the unlikely event that the College is unable to deliver a program for which the students have paid and the College does not meet its obligations to either offer the students an alternative program that the students accept or to pay a refund of all unspent pre-paid tuition fees (this is called a provider's "default obligation"), the Australian Government Tuition Protection Service (TPS) and the Independent Tertiary Education Council Australia (ITECA) will assist the student to find an alternative program or to obtain a refund if a suitable alternative is not found.

More information for students is available at:

Tuition Protection Service (TPS) [www.tps.gov.au](http://www.tps.gov.au)

Independent Tertiary Education Council Australia (ITECA) <https://www.iteca.edu.au/>

#### **6. New Students (program not yet commenced)**

- 6.1. If the College is unable to offer the program for which a prospective international student has applied, a full refund will be provided for all tuition fees paid for that program.

#### **7. Continuing Students (program commenced)**

- 7.1. If the College is unable to continue offering a program for which an international student is enrolled, a full refund of tuition fees paid for units of study NOT studied will be refunded.

#### **8. Withdrawal and Early Release\***

- 8.1. If an international student decides to withdraw from their program at the College, their refund is allocated as per the 'Refunds – International Student Enrolment and Tuition Fees section' of this Policy.
- 8.2. An international student may request release from the College program prior to completing 6 months of their principal program (being the Bachelor of Chiropractic program). The first six months are calculated as six calendar months from the date an overseas student commences their principal course. Release requests will be assessed in accordance with the *Transferring to Another Provider Policy*.
- 8.3. Any request for release will be assessed by the College. Based on this assessment, the College will either release or not release the international student.
- 8.4. An international student who has had a release application approved will have any refund application assessed and the amount of the refund will be based on the timing of their withdrawal, as per the 'Refunds – International Student Enrolment and Tuition Fees' section of this policy.

\*Note: More information on release from an ACC program may be obtained from the *ACC Transfer between Providers Policy*.

#### **9. Payment of Refund**

9.1. The following fees and charges are not tuition fees and are, therefore, non-refundable:

- Enrolment fees
- Program Transfer Fees (if applicable)
- Late payment administrative charges
- Ancillary charges, including credit card surcharges
- Reprints of transcripts
- Postage, printing or Student ID Card replacement charges
- Credit charge surcharges.

9.2. Approved refunds are paid in Australian dollars ONLY to the same account or credit card from which the original payment was made at the time of enrolment, within 20 working days from the time a refund claim was received by the College (provided all banking information for payment of refund is received on application).

9.3. In the event of a refund being rejected by the bank due to insufficient data or incorrect data supplied by the international student, any bank fees charged by the College's bank to the College will be deducted from the amount due to the international student.

9.4. Refund amounts transferred by international telegraphic transfer will attract a bank charge.

## 10. No Tuition Fee Refunds

10.1. No refunds will be offered in the following circumstances:

- An international student who has been issued a Confirmation of Enrolment (CoE) for a program(s) with the College, has not had a release request approved and holds a visa type that does not restrict them from ongoing studies, will not be entitled to receive a refund for any initial deposit amount.
- An international student who has had a course cancelled by the College under the following circumstances will not be entitled to receive a refund for any tuition fees paid in advance for that study period or as part of an initial deposit amount:
  - The cancellation was due to a student's failure to enrol in a compulsory study period/trimester/semester.
  - The cancellation was due to unsatisfactory unit/program attendance or progress at the conclusion of the appeals period.
  - The cancellation was due to a student's failure to comply with visa conditions relating to their program with the College.
  - The cancellation was due to a student providing false or misleading information at the point of application and this has been substantiated (e.g. falsified documentation such as passport, qualifications issued by other education providers, etc.).
  - The cancellation was due to misbehaviour, under serious disciplinary action.
  - The terms and conditions of the *International Student Admission and Payment Agreement* between the international student and the College are breached (e.g. non-payment of tuition fees).
  - The international student's visa is cancelled by the Department of Home Affairs.

10.2. Tuition fee refunds after the study period commencement date are approved solely at the discretion of the College and only if there are compelling, compassionate or exceptional circumstances, which can be verified.

## 11. Overseas Student Health Cover (OSHC)

Overseas students who have organised their OSHC premium through the College will be entitled to a full refund of their OSHC premium prior to their arrival in Australia. If an international student arrives in Australia and wishes to return home early and receive a refund of unused OSHC, they must apply for the refund directly to the OSHC provider and follow their refund processes.

## 12. Compassionate and Compelling Circumstances

12.1. The College understands that on occasion an international student may be required to withdraw from a course due to unforeseen compassionate and compelling circumstances. Therefore, provision is made under this policy for an international student to provide appropriate documentary evidence with their refund application for consideration by the College for a full or partial refund.

**To be considered, the situation must:**

- be outside of the international student's control; and
- make it impractical for the international student to continue with their studies; and
- be supported by documentary evidence.

**Compassionate and compelling circumstances do not include:**

- failing to progress adequately or successfully complete a College program;
- inability to pay tuition fees alone (overseas students) as it is a visa condition to have sufficient funds for study and living purposes.

12.2. Requests for refunds on compassionate and compelling circumstances grounds should be sent to [admin@acc.sa.edu.au](mailto:admin@acc.sa.edu.au) accompanied by independent supporting documentation in English (or translated by a NAATI accredited translator if the documents are in another language).

12.3. International students will be informed of the outcome **within ten (10) working days**.

## 13. Protection of Student Fees

13.1. In the unlikely event that the College is unable to deliver a program in full, international students will be offered a refund of all unspent tuition fees. This refund will be paid within ten (10) working days of the day on which the course ceased being provided. Alternatively, international students may be offered enrolment in an alternative program/course at no extra cost. International students have the right to choose whether they would prefer a refund of unspent tuition fees or to accept a place in another program/course. If they choose placement in another program/course, international students will need to sign documentation to indicate their acceptance of the placement.

13.2. In the unlikely event that the College is unable to provide a refund or place an international student in an alternative program/course, the *Tuition Protection Service (TPS)* will assist international/overseas students in finding an alternative program/course or to obtain a refund if a suitable alternative is not found. Further information concerning the TPS can be found at [www.tps.gov.au](http://www.tps.gov.au).

## 14. Complaints and Appeals

An international student has the right to make complaints and/or seek the overturning of a decision on fee refunds under various internal ACC processes (including those outlined in the *ACC Grievance Management Non Academic (Students) Policy and Procedures* and *Student Academic Appeals Procedures*). However, this does not affect the rights of an international student to take action under the Australian Consumer Law, if the Australian Consumer Law applies.

## 15. Relevant Legislation and Policies

As a registered education provider, the Australian Chiropractic College operates under strict laws and regulations. Policies and procedures are in place to ensure compliance with such laws.

The most relevant legislation, policies and procedures which apply to the "Refund Policy" are listed below:

Education Services for Overseas Students Act 2000 (ESOS Act 2000)  
<https://www.legislation.gov.au/Details/C2017C00292>  
 Education Services for Overseas Students Regulations 2019  
<https://www.legislation.gov.au/Details/F2019L00571>  
 National Code of Practice for Providers of Education and Training to Overseas Students 2018  
<https://www.legislation.gov.au/Details/F2017L01182>  
 Standard 2 and 3 of the National Code 2018 Factsheets  
<https://internationaleducation.gov.au/Regulatory-Information/Documents/National%20Code%202018%20Factsheets/Standard%207.pdf>  
 The Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act)  
<https://www.legislation.gov.au/Details/C2017C00271>  
 The Higher Education Standards Framework (Threshold Standards) 2015, Standard 1  
<https://www.legislation.gov.au/Details/F2015L01639>  
 Education Services for Overseas Students (Calculation of Refund) Specification 2014  
<https://www.legislation.gov.au/Details/F2014L00907>  
 Department of Home Affairs Visa Regulations <https://immi.homeaffairs.gov.au/>

## POLICY REVIEW

The ACC's *International Student Fees and Fee Refund Policy* is normally reviewed every three years. It is a policy of the ACC that any Policy or Procedure may be reviewed earlier as indicated by internal or external factors (including but not limited to such factors as changes in the guidelines of regulatory authorities, accreditation/registration requirements of the profession, or relevant legislation at state or federal level) as determined the Board of Directors and/or Academic Board.

## RELATED POLICIES

International Student Admission and Payment Agreement (the "Agreement")  
 International Student Terms and Conditions of Enrolment  
 International Student Transfer to Another Provider Policy and Procedures  
 Student Academic Appeals Procedures  
 Grievance Management Non Academic (Students) Policy and Procedures

## VERSION CONTROL

<b>Document:</b> I004 International Student Fees and Fee Refunds Policy and Procedures		
<b>Responsible Officer:</b> Corporate Services Manager		
<b>Initially Endorsed by:</b> Finance Audit and Risk Committee		<b>Date:</b> 9 September 2020
<b>Initially Approved by:</b> Board of Directors		<b>Date:</b> 1 October 2020
<b>Reviewed and approved by:</b>		<b>Date:</b>
<b>Version:</b> V1.0	<b>Replaces Version(s):</b>	<b>Next Review:</b> March 2023
<b>Nature of Change</b>		