



Student Refund Policy

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Policy Code	FP003		
Contacts	policy@top.edu.au		
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2019.04	Vice President (Internal)	5 April 2019	9 April 2019

1. Purpose

Top Education Institute (TOP)'s Student Refund Policy observes the principles outlined in the *Higher Education Support Act 2003 (HESA)*, the *Higher Education Standards Framework (Threshold Standards) 2015*.

The objective of this policy is to provide students with a clear understanding of when and how their fees will be refunded by TOP. All refund requests must be submitted in writing on the Refund Form and must be accompanied by official documentary evidence of the grounds for the request.

This written agreement, and the right to make complaints and seek appeals of decisions and action under various processes, does not affect the rights of the student to take action under the Australian Consumer Law if the Australian Consumer Law applies.

2. Procedure

To request a refund student must complete the Refund Form and submit it to the Student Service Department either by post, in person, by fax or by email. Where a refund is payable, the refund is made in Australian dollars, within 28 business days from the date the student lodges a written request for a refund of their tuition fees.

Payment will be made to an account in the student's name, in specific circumstances where the refund must be made to a third party, the student must apply for special approval. A letter giving the reason and consent for payment to the third party, as well as evidence that proves the relationship of the third party and the student, must be attached to the corresponding Refund Form.

If TOP is unable to provide the academic program offered then a full refund is payable within two weeks from the date the student lodges a written request for a refund of their tuition fees.

3. International Students

Full tuition fee refunds are payable if:

- TOP is unable to provide the academic program offered (tuition and all other compulsory fees will be refunded in this circumstance).
- The offer of enrolment is withdrawn by TOP for reasons other than incorrect or incomplete information supplied by the student at the time of enrolment.
- An Australian visa application is refused before commencement of the course. Refund of all fees minus the lesser of administrative charge of 5% of one semester tuition fees, or \$500. Students must supply evidence of their visa refusal to TOP.
- Approval of an Australian student visa is delayed for reasons beyond the student's control resulting in the student being unable to commence the program in which they have accepted an offer of a place. Refund of all fees minus the lesser of administrative charge of 5% of one semester tuition fees, or \$500. Students must provide evidence that their visa has been delayed for reasons beyond their control.

If TOP is unable to provide a refund, or place the student in an alternative course, then, under Division 3, the Tuition Protection Services, TPS Director will provide the student with options for suitable alternative courses (if any such courses are available). TOP will notify, in writing, the Secretary and the TPS Director of the default within 3 business days of the default occurring. TOP will also notify, in writing, the students to whom the default has affected.

Partial tuition fee refunds are payable in the following manner: the following %s are all based on the fees of 4 subjects in one semester/trimester no matter how many subjects enrolled or based on one semester tuition fee if student applied for Non Award program.

80%	When the student decides and gives a written notice of not to enrol at least four weeks prior to the commencement of the course.
50%	When the student decides and gives a written notice of not to enrol less than four weeks prior to the commencement of the course, but before the relevant census date.
Unspent tuition fee	When an Australian visa application is refused after the student has commenced the course.

No tuition fee refund is payable if:

- After census date, the student withdraws before completing the program. In this case the student is liable to pay the full tuition fee and any expenses, costs or disbursements incurred in recovering the tuition fees.
- Student has funds in their account and is not completing their studies in the current study period will not be eligible for a refund unless special consideration is requested by the student

and agreed by TOP. Unused funds will be transferred to subsequent study periods tuitions as credit.

This includes credit from:

- i. Overpayment in any study period, and
 - ii. Withdrawal before the relevant census date from one or more units after payment has already been made
- The terms and conditions of the contract between the student and TOP are breached.
 - The student's enrolment is cancelled by TOP after census date.

Deferral of Studies

Where a student, after accepting an offer of a place, gives written notice, any time prior to the Census date of their intention to defer their place in the course to the next available intake, all tuition fees will be transferred to the next available intake. The next available intake may be the following semester or following year. A place may be deferred for up to 12 months. If after deferring a student gives written notice that they do not intend to take their deferred place, a refund will be processed in accordance with the timeframes and circumstances relevant to the original deferral.

Refunds related to International Students who obtain Permanent Residency

An international student who is granted Permanent Residence status in Australia is eligible to pay Domestic Student fees. Permanent Resident status is recognised from the date dated on the student's visa grant letter, not the date on which the application for status is made. A student must show proof of their Permanent Residence status before census date in order to be eligible to pay domestic fees. If the student has already paid the tuition fees applying to international students for the semester, the difference in fees will be credited back to the student account for future use.

If the student has obtained residency after census date of each semester the student must pay the international student fees and will be classified as an international student for the remainder of the semester.

Exceptional circumstances

Where a student or their representative gives written notice prior to the census date that he/she is withdrawing from a course due to exceptional circumstances being:

- a) Illness/disability; or
- b) Death of the student or close family member (parent, sibling, spouse, child) excluding pets, step siblings and first/second cousins; or
- c) A political, civil or natural event which prevents full payment of fees or the students' attendance.

TOP as applicable may in its sole discretion grant a total or partial refund of tuition fees subject to the provision of documentary evidence in support of the application.

The following fees are non-refundable prior to the commencement of the course:

- Enrolment fee;
- Deposit paid for package COE unless an Australian visa application is refused.

The following fees are non-refundable after the commencement of the course:

- Overseas Student Health Cover (OSHC) fee;

Fees charged for administrative services (for example, late fees, and re-prints of transcripts).

4. Domestic Students

Full tuition fee refunds are payable / no FEE-HELP debt will be incurred if:

- TOP is unable to provide the academic program offered (tuition and all other compulsory fees will be refunded in this circumstance).
- The offer of enrolment is withdrawn by TOP for reasons other than incorrect or incomplete information supplied by the student at the time of enrolment.
- The student formally withdraws from the program or a subject of study on or before the census date.

No tuition fee refund is payable / FEE-HELP debt will be incurred if:

- The student formally withdraws from the program or a subject of study after the census date. In this case the student is liable to pay the full tuition fee and any expenses, costs or disbursements incurred in recovering the tuition fees.
- The terms and conditions of the contract between the student and TOP are breached.
- The student's enrolment is cancelled by TOP after census date.

Refund Due to Provider Default:

Domestic students should refer to the Statement of Tuition Assurance for further information.

5. Refunds due to Special Circumstances

As set out in this policy, a student may discontinue their enrolment in the program, take leave of absence from the program or withdraw from one or more courses in which they are enrolled. Where the notification of such change of enrolment is received after the census date, the student is still liable for the full tuition fee as determined by their enrolment on the census date. However, if the enrolment change is necessitated by "special circumstances" as defined below, the student may request the repayment of any amounts that the person paid in relation to his or her student contribution amount for the unit or the remission of the person's FEE-HELP debt in relation to the unit.

“Special circumstances” are defined as circumstances applying to the student that:

- d) are beyond the student's control; and
- e) do not make their full impact on the student until on or after the census date for the course; and
- f) make it impracticable for the student to complete the requirements for the course during the period in which the student undertook or was to undertake the course.

The *Administration Guidelines 2012* (Cth) (as amended from time to time) may specify circumstances in which TOP will be satisfied of a matter referred to in sub-paragraph (a), (b) or (c) above. A decision of TOP under this section will be in accordance with any such guidelines.

The request for a refund due to special circumstances must be accompanied by appropriate documentary evidence and must be lodged online within twelve (12) months of the date the person has withdrawn from his or her course (and TOP has given notice that the withdrawal has taken effect) or if the course was not dropped then within twelve (12) months of the last day of teaching for the course. Requests for withdrawal due to special circumstances lodged outside of these timeframes *may* be considered by TOP where the student presents a reasonable case as to why it was *not possible for the application to be made* within the prescribed timeframe set out above. Lack of awareness of the provisions of this policy does not constitute a reasonable case.

Students will be notified of the outcome of their request for withdrawal due to special circumstances within four (4) weeks after the lodging of the request, provided appropriate documentary evidence accompanies the request. The student will be given a statement of the reasons for the decision of TOP.

A student whose request for a refund of student contribution or for the remission of the person's FEE-HELP debt in relation to a unit is refused may request a review of the decision. The review request must be submitted to TOP and must be received no later than four (4) weeks from the notification of the outcome of their request and must address the reason given for the refusal. The Vice President (Internal affairs) reviews the original decision, taking account of the information provided by the student in the request for a review, together with all other relevant information. The Vice President (Internal affairs) is the designated review officer for the purpose of reviewing decisions made relating to the *Higher Education Support Act 2003* (Cth).

6. Change and Version Control

Historical Version	Approved by	Approval Date
2013.12	Vice President (Internal)	December 2013
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