



Domestic Student Refund Policy

1. Purpose and scope

This policy applies to domestic students enrolled at King's Own Institute (KOI).

The objectives of this policy are to:

- provide students with an understanding of when, how and in what amount they may be eligible for a refund of some or all fees paid to KOI or a re-credit of their FEE-HELP debt;
- comply with KOI's responsibilities under all relevant legislation.

The policy sets out KOI's position on the refund of monies to commencing and continuing students for fees and charges related to study at KOI, where the student does not study for all or part of the period in which they were to study. This policy applies irrespective of who has paid the tuition fees. Discontinuation of study does not negate or void any legal liability to pay fees and other monies owing to KOI.

This policy applies to refund of the **UNUSED PORTION OF TUITION FEES ONLY** which have been paid in advance, including any money collected by education agents on behalf of KOI. Any fines or other incidental fees incurred during enrolment with KOI have been or are to be paid in full. Administrative fees and incidental charges including fines and incidental fees where applicable are non-refundable (see Section 3 below for a list of non-refundable fees and charges).

2. Definitions

<i>Census date</i>	The official deadline (generally the end of Week 4 of a trimester) for Domestic Students to finalise enrolment and fees in a unit of study or course. KOI determines a census date for each trimester. Census dates are published in the Student Handbook (http://koi.edu.au/wp/current-students).
<i>Domestic student</i>	An Australian citizen, New Zealand citizen (or dual citizenship holders of either Australia or New Zealand), a permanent resident of Australia or an Australian humanitarian visa holder.

3. Other fees and charges

Some administrative and incidental fees and charges are not refundable once incurred. The following charges apply in 2020 and are subject to annual review.

Item	Fee
Credit Transfer Re-assessment after Census Date – Domestic students only	\$100
Simulation software licence fee (if applicable)	At cost set by the software provider (indicative cost - \$68.00 in 2020)
ID Card Replacement	\$10
Late Payment Fee	\$100
Replacement Testamur	\$50
Interim Transcripts	\$10
Replacement Completion Letters	\$15
Replacement Official Transcript	\$15
Replacement Cross-Institutional Transcript	\$15



Library Late Return Fee	\$2 per day
Library lost Items	\$100
Additional Printing (above the free weekly allowance during trimester)	10c per single sided page
Hire of graduation gown and cap	\$80.00 indicative cost. Cost is dependent on location of ceremony.

4. Standard provisions relating to refunds and re-crediting of FEE-HELP debt

Students who lodge their *Withdrawal from Course Form* or a *Drop/Add Form* on or before the Census Date for the trimester will be granted withdrawal without penalty from the unit(s) of study or course requested. They will not incur a FEE-HELP debt for the unit(s) of study, their FEE-HELP limit will not be reduced and any tuition fees paid for the unit(s) of study will be refunded. They do not need to apply for a refund or a re-credit of their FEE-HELP debt.

Students who lodge their *Withdrawal from Course Form* or a *Drop/Add Form* after the Census Date will incur a FEE-HELP debt for the unit(s) of study specified, their FEE-HELP limit will be reduced and they will remain liable for tuition fees unless special (compassionate or compelling) circumstances apply.

If KOI cancels a student's enrolment based on a course no longer being offered, a course not being offered for a particular trimester or other provider default, students will be notified in writing and will be given the option to transfer their enrolment to another course and/or trimester, or request a full refund of their tuition fees or re-credit of their FEE-HELP debt as applicable. Requests for a full refund of tuition fees will be processed within 14 days of the provider default unless a request to transfer enrolment to another course or term is received from the student in writing during this period.

5. Applying for a refund or a re-credit of a FEE-HELP debt

Unless otherwise stated in the following sections of this Policy, students applying for a refund or a re-credit of a FEE-HELP debt must complete a *KOI Refund Request Form* and attach the relevant documents. In addition, students may need to complete some additional forms such as the *Withdrawal from Course Form* or provide other written applications, depending on the specific circumstances of the refund request.

Relevant forms and documentation should be submitted in hard copy to Reception, King's Own Institute, Level 1, 31 Market Street, Sydney NSW 2000, Australia or by email to accounts@koi.edu.au.

Requests for refunds should normally be made within 14 days of an event which qualifies the student for a refund. Students must ensure that all sections of the form are completed before submission to KOI, and they must attach all required documentation. Contact details must be provided, including at least one telephone number and one valid email address. The *Refund Request Form* must be signed by the student, or in the event that the student does not have the legal capacity to do so, by the student's parent or guardian. The original form must then be returned to KOI in order for the refund payment to be processed.

If a refund request is not received within 6 months of the event which qualifies the student for a refund, the student will forfeit the rights for a refund.

An application for a re-credit of a FEE-HELP debt must be made within 12 months of the date of withdrawal from those unit(s) of study.

KOI may exercise its discretion to waive this requirement if, in its opinion, it was not possible for the application to be made before the end of the 12 month period.

In requesting a refund or a re-credit of their FEE-HELP debt, a student must provide relevant and appropriate evidence that they were unable to complete the unit(s) of study due to their special circumstances (see the description of compassionate and compelling circumstances below).

Once a request to re-credit a FEE-HELP debt is approved, the FEE-HELP debt is removed for the relevant



unit(s) of study. KOI will refund to the Commonwealth the amount of FEE-HELP paid to it on behalf of the student, if the student's request is successful. KOI will also notify the Department of Education via the *Higher Education Information Management System (HEIMS)* using a Revisions Submission.

KOI will disallow an application to re-credit a FEE-HELP debt if it considers the student's request is not based on special circumstances, it believes there is not sufficient and relevant evidence, or it believes the student's request does not fall within the relevant timeframes for the application and processing of requests for re-crediting of FEE-HELP debts.

The Finance and Accounts Officer will consider the student's application as soon as practicable. Applicants will be notified of the decision in writing within 28 days.

5 Refund eligibility

5.1 Circumstances where a refund WILL be paid

Full refunds, when approved, will be paid if KOI is unable to deliver a course in full.

Note: As an alternative, KOI may offer a place in an alternative course, either at KOI or another CRICOS registered provider, at no additional cost to the student. If the place is accepted, a refund WILL NOT be paid.

A refund will also be paid if:

1. KOI withdraws the offer of enrolment
2. Written notice of withdrawal (the student's decision for any reason) is received by KOI **on or before the Census Date of the trimester**. The refund applies to any tuition fees that have been paid up front.

5.2 Circumstances where a refund WILL NOT be paid

No refund will be paid if:

1. The student withdraws **after the Census Date** and Compassionate and Compelling Circumstances (see 5.3 below) do not apply
2. KOI cancels a student's enrolment because the student fails to maintain satisfactory course progress
3. KOI cancels a student's enrolment because the student fails to maintain satisfactory attendance
4. KOI cancels a student's enrolment because the student is found guilty of academic or behavioural misconduct as specified in the *KOI Academic Misconduct Policy* or the *Student Misconduct (Non-Academic) Policy*
5. KOI cancels a student's enrolment because the student supplies fraudulent, forged or deliberately misleading documentation
6. KOI cancels a student's enrolment because the student fails to pay course or other fees – KOI reserves the right to pursue the collection of unpaid fees via any legal method available.

5.3 Compassionate or compelling circumstances

When calculating the possibility and size of a refund or determining a re-credit of FEE-HELP debt, KOI may take compassionate or compelling circumstances into account. To do so, KOI must receive written notice of withdrawal stating the compassionate or compelling circumstances considered as beyond the control of the student and accepted as unforeseeable by the student prior to enrolment. Supporting documentary evidence will be required.

The following definitions and guidelines are applied in determining special circumstances.

1. Special circumstances which would make it impracticable for the person to complete the requirements for the unit of study may include:

- Medical circumstances which may include illness or injury, hospitalisation, treatment programs, exacerbation of existing medical conditions or disability, resulting in a person's medical condition



changing to such an extent that they are unable to continue studying. The application must be accompanied by an original medical certificate, or certified copy. **Note:** normally progressing pregnancies do not meet the criteria of special medical circumstances.

- Compassionate circumstances which may include loss or bereavement, such as the death of a family member, immediate relative or close friend, or family relationship breakdown, substantial unplanned carer's responsibilities to members of their immediate family or household, significant disruption to domestic arrangements, hardship or trauma, being the victim of a crime, legal commitments, accidents or natural disasters.
- Employment related circumstances, which may include sudden loss of income or employment, unavoidable relocation or military service.
- Course related circumstances which may include changes made by KOI to the course so that the student is disadvantaged by not being able to complete a unit of study in which they had enrolled and not receiving credit towards another unit of study.

2. Special circumstances must satisfy the following conditions:

- beyond a person's control, i.e. not due to the person's action or inaction, either direct or indirect, and for which the person is not responsible,
- do not make their full impact until on or after the census date for the unit of study in question, i.e. the circumstances occur
 - before the census date but worsen after that day, or
 - before the census date, but the full effect of magnitude does not become apparent until on or after that day, or
 - on or after the census date, AND
- make it impracticable for a person to complete the requirements for the unit of study.

3. The situation must be unusual, uncommon or abnormal to be considered special circumstances.

Special circumstances **do not** include:

- a lack of knowledge;
- less than anticipated academic ability.

Claims related to special circumstances must be supported with appropriate documentary evidence to allow impartial assessment of the claim.

Supporting documentary evidence may include (but is not limited to):

- original signed and sufficiently detailed medical certificates;
- police reports;
- signed and witnessed statutory declarations (or similar);
- any other evidence which supports the student's claim;
- any other documentary evidence as requested by Finance and Accounts Director.

Refunds under compassionate or compelling circumstances are solely at the discretion of the CEO and President and are dependent on individual circumstances.

6. Payment of refunds

Refunds will be reimbursed in Australian dollars and the payment sent to the applicant's bank account* unless otherwise requested by the student in writing. Refunds will be paid to the student, the person specified in the *Refund Request Form*, or a third party where the fees were paid by that third party.

Unless otherwise advised, refunds will be paid within 28 days of the completed documentation and *Refund Request Form* being submitted to KOI. Incomplete forms or forms without sufficient supporting documentation may cause processing delays.

* If a student has made a payment with a credit card, under current Australian banking regulations, any refund must be re-credited to the original card. KOI will refund to the original credit card if the initial payment was via that credit card within the previous twelve (12) months. Where the initial payment was made by credit card more than twelve (12) months previously, the refund will be paid into the credit card account via Electronic Funds Transfer (EFT) – such transfers may take up to seven (7) working days to complete.



If the fee was paid using KOI's online facility (quickweb) the refund will be reversed into the card that was used to pay online

7. Complaints and appeals against decisions

Students may ask for a review of any decision relating to refund and re-crediting applications and payment related matters. Initial appeals should be made by asking to speak to a Finance and Accounts Officer. Students making an appeal may be asked to provide supporting evidence and a written statement of appeal.

If the student is not satisfied with the decision made by the Finance and Accounts Officer, the student may apply for a review of the decision. Students must lodge the request for review in writing within 28 days of receiving notice of the original decision. The request for review must specify:

- the date of the original decision
- fully state the reasons for applying for the review
- any additional relevant evidence.

The request for review should be addressed to the Finance and Accounts Manager, KOI, Level 1, 31 Market Street, Sydney, NSW 2000, Australia. The Finance and Accounts Director will acknowledge receipt of an application for review in writing within five days.

If, after 30 days from submission of a request to appeal a refund decision the student has not been notified of an outcome, or if the student wishes to formally appeal the decision, the student may do so by following the procedures set out in the *Complaints and Appeals Policy*. (Refer to Full Complaints and Appeals Policy: <http://koi.edu.au/wp/policies-forms-2/>).

Students have access to an internal appeals to the CEO and President and external appeals. See the provision for a final internal review in the Complaints and Appeals Policy (Section 9.2.2) and the external review procedures (Section 10).

In relation to re-crediting FEE-HELP debt and making and amending FEE-HELP assessments, an external appeal may also be made to the Administrative Appeals Tribunal (AAT). The student may supply additional information to the Administrative Appeals Tribunal which they did not previously supply to KOI either in the original application or the request for review.

If an appeal is lodged with the AAT, the Department of Education will be the other party to the appeal. All relevant documents will be forwarded to the Department.

The contact details for the Administrative Appeals Tribunal are at <https://www.aat.gov.au/contact-us>

The approximate cost of submitting an appeal to the AAT (as at June 2020) is \$932.00 (<https://www.aat.gov.au/apply-for-a-review/other-decisions/fees>) and is indexed annually, although this fee may be reduced to \$100 by an officer of the AAT in some circumstances.

8. Privacy

KOI will maintain the confidentiality and privacy of student information. However, information collected from students in the application process will, as required, and in accordance with the Higher Education Support (HES) Act 2003, ESOS Act 2000 as amended, the National Code 2018 and Migration Act 1985, be provided to the Department of Education, Skills and Employment, the Department of Home Affairs and other State or Territory government agencies, and higher education governing or examining authorities.

KOI is bound by the *Australian Privacy Principles* (APPs) under the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* with respect to the collection, use and disclosure of personal information. For more information please see KOI's *Privacy Policy* available on the KOI website.



9. Australian consumer law

This *Domestic Student Refund Policy*, and the availability of a complaints and appeals process, does not remove the right of a student to take action under Australia's consumer protection laws.

Document Control

Policy title	Domestic Student Refund Policy
Policy owner	Director of Finance and Accounts
Approver	Council
Version date	10 August 2020
Version Approval Date	2 April 2020 Parts of the policy are under review and will be presented to Council for approval on 23 October 2020
Date of next review	1 February 2023
Changes in this version	Version 2.1. Section 4: requirement to apply for a refund within 6 months Section 6: clarification of mode of payment of a refund Section 8: update of privacy statement Version 2.2. Section 3: replaced RPL by credit transfer Section 6: corrected typo

***** END OF POLICY *****