



## Trinity College Pathways School Refund Policy

Policy Type:	Divisional Policy
Policy Number:	TCDP03
Date Approved:	25 October 2019
Previous Policy:	Trinity College Pathway School Refund Policy
Review Date:	July 2022

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### 1 OBJECTIVES

- 1.1 The purpose of this policy and procedure is to define the circumstances in which students may be eligible for fee refunds. This policy is consistent with the Education Services for Overseas Students Act 2000 ('ESOS Act').

### 2 SCOPE

- 2.1 This Policy applies to all prospective, commencing and continuing students in the Trinity College Pathways School Foundation Studies and Trinity College Academic English Program. The Short Courses department have a separate refund policy.
- 2.2 This policy, and the right to make complaints and seek appeals 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.

### 3 POLICY

- 3.1 International students are entitled under Australian government legislation to receive tuition refunds under certain circumstances.
- 3.2 Refund calculations are specified under sections 46D(7) and 47E(4) Education Services for Overseas Students Act 2000 ('ESOS Act') as a result of the Education Services for Overseas Students Amendment Act 2014 ('Amendment Act').

#### Overpayments

- 3.3 Any overpayment of fees will be refunded to the student according to the criteria outlined under Section 5.

### **Withdrawal and Cancellation of Enrolment**

- 3.4 If a student accepts an offer of a place in a Trinity College Pathways School course and subsequently decides to withdraw from the course, they must notify Trinity College in writing of their withdrawal from the course to be eligible for a refund.
- 3.5 Trinity College will calculate the refund amount upon receipt of the written notice of intention to cancel enrolment.
- 3.6 A student may withdraw and cancel enrolment in a course at any point of time. The date on which the student withdraws from the course will determine the amount of refund they receive and the student may be subject to a cancellation charge as set out in Section 4 of this policy.
- 3.7 No refund will be made if a commencing student does not give formal written notice of withdrawal and/or fails to commence the course.
- 3.8 No refund of the relevant or subsequent study period tuition fees will be made once the census date has passed, except as set out under the 'Refunds – Special Circumstances' in 3.19 – 3.23.

### **Deferral of commencement**

- 3.9 Where a student's application to defer commencement of study is approved, the fees paid are transferred to the new intake. The student remains liable for any difference between the fees payable for the original course and the fees for the new intake.
- 3.10 Where a commencing student defers prior to course commencement and subsequently submits a withdrawal request, any refund will be calculated based on the date of request for deferral.

### **Failure Meet Conditions of an Offer**

- 3.11 Where the student does not meet the conditions of a Conditional Offer before the commencement date of the course, Trinity College may offer an alternative program. If the student decides not to accept the alternative program, they will be entitled to an 80% refund. If Trinity College cannot offer a suitable alternative program, a 100% refund of tuition fees will apply. The student must provide evidence of their most recent results, as requested in the offer letter or no refund will be provided.

### **False or Misleading documentation**

- 3.12 If the student is found to have provided false or misleading documents at any time, Trinity College has the right to retain up to 100% of any fees paid and may terminate their enrolment, if they have already enrolled. This includes medical and psychological information, knowingly or willfully withheld or not provided by the student which could affect or influence their management while enrolled at Trinity College.

### **Suspension of Studies**

- 3.13 Where a student is granted a voluntary suspension of studies, any fees paid may be transferred to the future semester or study period.
- 3.14 Where a student is granted a voluntary suspension and subsequently submits a withdrawal request, any refund will be calculated based on the date of request for suspension.

### **Student Breach of Code of Conduct/ Student Visa conditions**

- 3.15 Where a Student's enrolment is terminated or suspended for breaches of Trinity College Pathways School Student Code of Conduct or for breaches of the conditions of their Student Visa as set out by the Department of Home Affairs (HA), they are not entitled to a refund of any fees.

### **Provider Default**

- 3.16 In the unlikely event that Trinity College is unable to deliver a course in full, in accordance with the provisions of the ESOS Act 2000, the student will be offered either enrolment in another Foundation Studies intake or Academic English module at no extra cost, or a partial refund of the unexpended portion of the pre-paid tuition fees, or Trinity College will seek to assist the student with a negotiated transfer to an equivalent education provider in Melbourne. Only where we are unable to offer a negotiated transfer to an equivalent provider and program, will we refund tuition fees in full. The refund will be paid within two weeks of the day on which the course ceased being provided.

### **Non-tuition Fees**

- 3.17 Refunds do not include the Enrolment Fee which is non-refundable.
- 3.18 The Overseas Student Health Cover (OSHC) will only be refunded if the student's visa has not been granted.

### **Refunds – Special Circumstances**

- 3.19 Tuition fees will be refunded if a visa application is refused by HA and no additional fees will be levied.
- 3.20 If applying for both TCAEP and TCFS, a 100% refund of the TCFS portion will apply if the student does not meet the TCAEP English language hurdle to enter the TCFS intake.
- 3.21 Where special circumstances apply e.g. financial hardship, significant health problems, or other special extenuating circumstances beyond the students control, which prevent the student from taking up or continuing the course, a refund may be made at the discretion of the Dean Pathways School, Trinity College.
- 3.22 Documentary evidence is required to support an application for a refund relating to 3.19 and 3.21.

3.23 Where special circumstances apply under point 3.21 above an administrative fee will not be levied.

## 4 REFUND CALCULATIONS AND CENSUS DATES

### 4.1 Refund Calculations

Reason for refund	Notification Period	Cancellation Penalty	Refund Payable
Overpayment of Tuition Fees		NA	100% of overpaid fees
Commencing student Withdrawal	30 Days or more prior to course commencement	20% of the relevant study period	80% of the relevant study period
	Census Day -29 days prior to course commencement	50% of the relevant study period	50% of the relevant study period
	Failure to give written notice of withdrawal/Failure to commence without notice	100% of the relevant study period	0
	After Census Day (no 'special circumstances')	100%	0
	Visa rejection (evidence required)	0	100%
Failure to Meet Conditions of an offer- refuses alternative offer from Trinity		20%	80%
Failure to Meet Conditions of an Offer- no alternative program available at Trinity		0	100%
Deferral of course commencement			Fees paid transferred to the new intake
Continuing student Withdrawal	On or before Census date of relevant study period.	\$500 administration fee charged	100%
	After Census date- special circumstances as per 3.21		Deans Discretion
Voluntary Suspension of Studies			Fees Paid transferred to future study period
<b>Student Misconduct</b>			
Submission of False or misleading documentation		Up to 100% of tuition fees for the relevant study period	
Cancellation or suspension of studies for a serious breach of the Trinity College Code of Conduct or visa violation		100% of tuition fees for the relevant study period	

Provider Default			
Trinity College fails to deliver the course and student rejects equivalent alternative			Partial refund of unexpended portion of pre-paid tuition fees
Trinity College fails to deliver the course or provide/negotiate equivalent alternative			100%
Other Charges			
OSHC Fees	Will only be refunded where the visa has not been granted		
Enrolment Fee	Non-refundable		

Intake	Pre-semester (study period) Census date	Semester One (study period) census date	Semester Two (study period) census date
Foundation Studies (Extended)	First day of Orientation	10 teaching days after the re-commencement of classes	10 teaching days after the re-commencement of classes
Foundation Studies (Main Plus)	First day of Orientation	10 teaching days after the re-commencement of classes	10 teaching days after the re-commencement of classes
Foundation Studies (Main)		First day of Orientation	10 teaching days after the re-commencement of classes
Foundation Studies (Fast Track)		First day of Orientation	10 teaching days after the re-commencement of classes

Intake	Study Period Census Date
TCAEP 10 weeks	First day of Orientation
TCAEP 20 weeks	First day of Orientation

## 5 PAYMENT OF REFUNDS

- 5.1 Where the student is over 18 years of age, refunds will be paid directly into their Australian or international bank account in Australian dollars.
- 5.2 Where the student is under 18 years of age, refunds will be paid to the parent or guardians bank account.
- 5.3 Refunds will not be paid to an agent or other party unless they were the original payee.
- 5.4 The final payment will be withheld until all third-party agreements have been finalised.

## 6 PROCEDURAL NOTES

- 6.1 Any commencing student who wishes to withdraw should notify Trinity College Pathways School in writing of their intention to withdraw.
- 6.2 Registrations will process the withdrawal and forward the information to Finance to process the refund.
- 6.3 After the student commencement, the submission of an application to withdraw will prompt the refund assessment by the Associate Dean (Academic Administration).
- 6.4 Students who wish to appeal a refund decision are able to access the internal and external appeals processes. In such cases students should refer to the Trinity College Appeals Policy.

## 7 ROLES AND RESPONSIBILITIES

Role / Decision / Action	Responsibility	Conditions and limitations
Notifies TCPS of decision to withdraw/suspend enrolment	Student/Agent	
Assesses refund eligibility	<b>Commencing students</b> -Associate Dean (Marketing and Admissions) <b>Continuing Students-</b> Associate Dean (Academic Admin)	
Processes Refund	Finance	

## 8 DEFINITIONS

HA – Department of Home Affairs

ESOS Act – Education Service for Overseas Students Act 2000

IELTS – International English Language Testing System

OSHC – Overseas Student Health Cover

TCAEP – Trinity College Academic English Program

TCFS – Trinity College Foundation Studies

TCPS – Trinity College Pathways School

TPS – Tuition Protection Service

*Census date* – The last date a student can withdraw from the course and be entitled to a refund.

*Study period* – A discrete period of study within a course, namely term, semester, trimester, short course of similar or lesser duration.

## 9 RELATED DOCUMENTS

- Education Services for Overseas Students Act 2000 (ESOS Act)
- National Code of Practice for Providers of Education and Training to Overseas Students (the National Code 2018)
- Criminal Code Act 1995 (Cth)
- Crimes Act 1958 (Vic)
- TCPS Appeal Policy
- TCPS Student Code of Conduct

## 10 POLICY OWNER

10.1 The Associate Dean (Marketing and Admissions) is responsible for the development, compliance monitoring and review of this Policy and any associated procedures and guidelines.

## 11 REVIEW

This Policy is to be reviewed by July 2022.

## 12 VERSION HISTORY

Version	Approved By	Approval Date	Effective Date	Sections Modified
V25102019	Trinity College Pathways School Executive	25/10/2019	25/10/2019	Policy re-written within new template guidelines
V25102019.1	Dean Pathways School	25/03/2020	25/03/2020	5.1