



Refund Policy and Procedures

Version: 2.0

Last Modified: 9 August 2018

PURPOSE

The purpose of this policy is to ensure that all students are treated fairly and with integrity while assessing their refund application. All 'refunds' are to be signed off by the Duke College Director of Studies and applications to be processed within 7 days of the application being received.

All refunds applications are to be submitted at the campus reception and the following procedures followed in assessing the application.

Please note the below refund policy in relation to 'Tuition Fees' and should not be confused with 'enrolment' fees which is non-refundable unless mentioned.

SCOPE

This policy applies to:

- Students enrolled at Duke College
- Duke College Marketing, Admissions, Academic, Student Services and Administrative staff.

All staff are made aware of the requirements of this policy through regular meetings, staff updates and continuous improvement practices. Students are made aware of this policy through Student Handbook, during the enrolment and orientation processes and also throughout the course.

PROCEDURE

REFUNDS AND WITHDRAWAL:

This policy document includes a plain English explanation of what happens in the event of a course not being delivered, including the role of the Australian Government Tuition Protection Service (TPS).

In the case of provider default, Duke College will fulfil its obligation under the ESOS Act and Tuition Protection Service (TPS).

In the case of student default, the amount to be refunded by the Duke College is calculated according to the Calculation of Fees and Refunds Table in this policy.

The refunds must be calculated in accordance with the Legislative Instrument made under section 47E - the Education Services for Overseas Students (Calculation of Refund) Specification 2014.

This document describes processes for claiming a refund.

Duke College will only pay a refund to the student; or to a person nominated by the student only when written authorisation is given by the student in favour of another party.

Student unsatisfied with refund or the processes for claiming a refund have rights to make complaints and seek appeals of decisions internally and externally according to Duke College *Complaints and Appeal Policy, Procedures and Process*.

This written agreements between Duke College and a student, 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.

Duke College must retain records of all written agreements as well as receipts of payments made by students under the written agreement for at least 2 years after the person ceases to be an accepted student.

Student before commencing any course at Duke College

Where the student notifies of cancellation before commencing any course at Duke College, written notification must be provided to Duke College. In this case:

- Enrolment fee – No refund
- Accommodation placement – No refund
- Equipment fees, uniform and material fees – Full refund
- OSHC – Per OSHC provider conditions
- Tuition fee – Refer to Calculation of Fees and Refunds Table

Student withdrawal from their studies after commencement:

Student must notify Duke College of their intention to withdraw from their current course at least **two weeks prior to the start of their next semester**. Student failure to notify Duke College two weeks prior to their next semester start date will be liable to pay whole semester tuition fees of their following semester. Student must pay any outstanding tuition fee balance of their previous semester before withdrawing from their studies.

Where the student withdraws after commencing studies at Duke College written notice must be submitted completing **Duke College's Application to Defer, Suspend or Cancel Enrolment Form** indicating courses to be cancelled, signed and dated by the student and marked as received by Duke College

- Enrolment Fee – No refund
- Accommodation placement – No refund
- Equipment, uniform and material fees – No refund
- OSHC – Per OSHC provider conditions
- Tuition fee – Refer to Calculation of Fees and Refunds Table

Where student requests for **deferment after commencing studies** at Duke College that is more than one semester, it will be treated as student's withdrawal from the current semester. The student is required to pay fee incurred for the current semester and re-enrol after the deferment period paying the respective tuition fees again.



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The non-refundable portion of the fees is kept by Duke College to offset the administrative costs incurred explicitly while delivering services to international students in compliance with the ESOS Act and the National Code 2018. If a student cancels or withdraws from a course, the loss of revenue is incredibly high, can be higher if Duke College is unable to recruit another student in the place of withdrawing student due to a shorter timeframe. Thus, in all circumstances, except for visa refusal, Duke College will deduct certain percentage or demand student to pay tuition fees for the whole semester.

If tuition fees remain outstanding, Duke College reserves the right to withhold any Certificates and Records of Results achieved by the student.

PROCESS OF CLAIMING REFUND:

1) Refunds based on student applications:

All applications for refund must be made in writing by way of the 'Application for Refund' form and submitted to the **Duke College Campus Reception** or **via email completed form attachment to: admissions@duke.edu.au**

All applications for refunds are to be processed by the **Duke College Staff** within **4 Weeks** from the receipt of student's written notification of cancellation/withdrawal only if the supporting documents have been validated during this timeframe.

Please note the following points related to all refunds applications received by Duke College:

1. Duke College Application for Refund form must be completed by the student only. Refund requests made to any other person or submitted by other means will not be considered.
2. Education Agents are not authorised to receive or deal with refund requests from students
3. Proof of identification is required to be submitted with all refund applications
4. Refunds will be sent to the bank account nominated by student in writing as part of their refund request.
5. Duke College will not take responsibility for delays or expenses caused by student advising wrong account details
6. Under banking regulations, if a student has made payment using a credit card any refund must be credited to the original credit card.
7. Duke College is unable to refund any applicant in any currency other than the Australian Dollars
8. Date of cancellation/withdrawal is the date written request received by Duke College.
9. Without proof of Visa refusal by the Australian Government Department, no refund will be issued.
10. Refund will only be calculated if fees are received by Duke College in respect of the student.
11. Depending on the date of student's request for cancellation or withdrawal, the student may be still liable for fees and not eligible for refund.



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12. There are no refunds associated with material and resources fees, e.g. uniforms, consumables etc.
13. Please refer to OSHC provider for refunds directly regarding Compulsory Health Insurance (Student Visa Holders only).
14. Refunds are paid to the student; or to a person nominated by the student only when written authorisation is given by the student in favour of another party.
15. Duke College is not responsible for delays caused by the financial institutions in the money transfer.
16. All fees incurred by financial institutions in the money transfer process is the responsibility of the student, and where possible will be pre-deducted from the calculated refund amount.
17. Student can appeal Duke College's decision taken on their refund application internally and externally through Duke College's Complaint and Appeal Policy, Procedures, and Process.

The assessment of refund applications shall be granted as indicated below:

CALCULATION OF FEES AND REFUND TABLE			
Student Default Circumstances		Calculation of Fees	Calculation of Refund
Student visa refused	Student fails to start a course due to visa refusal (before agreed start date)	Duke College will retain on the account of administrative cost: either 5% of each course fees (Tuition fees + Non-tuition fees); or \$500; whichever is less.	Refund course fees (tuition and non-tuition fees) less 5%; or \$500; whichever is less
	Student's application for student visa renewal got rejected or refused after agreed start date	Duke College will retain weekly tuition fees for part of the course that has already been delivered to the student before the day student's application for student visa renewal got rejected or refused.	Refund tuition fees for part of the course that has not been delivered to the student after the day student's application for student visa renewal got rejected or refused. Non-tuition fees are non-refundable.
Student visa cancelled	Student's visa got cancelled due to student actions including breach of student visa conditions or holding any other types of visa including permanent residence	Full semester tuition fees for the whole duration of the current semester is payable.	No Refund.
Cancellation requests before agreed start date	Student's notification of cancellation in at least 10 weeks prior to agreed start date	Duke College will retain on the account of administrative cost: 10% of the first semester tuition fees.	Refund tuition fees less 10% of first semester tuition fees. Non-tuition fees are non-refundable.
	Student's notification of cancellation in at least 4 weeks prior to agreed start date	Duke College will retain on the account of administrative cost: 50% of the first semester tuition fees.	Refund tuition fees less 50% of first semester tuition fees. Non-tuition fees are non-refundable.
	Student's notification of cancellation in at least 2 weeks prior to agreed start date	Duke College will retain on the account of administrative cost: 75% of the first semester tuition fees.	Refund tuition fees less 75% of first semester tuition fees. Non-tuition fees are non-refundable.

	Student's notification of cancellation in less than 2 weeks prior to agreed start date	Full semester tuition fees for the whole duration of the first semester is payable.	No Refund
Cancellation requests after deferment of commencement	Student's notification of cancellation of his/her course after the deferment of commencement date in a student's original eCoE in which visa was granted.	Full semester tuition fees for the whole duration of the first semester is payable.	No Refund
Cancellation requests in consecutive courses	Student's notification of cancellation in succeeding course enrolled	Duke College will retain deposit paid towards succeeding course enrolled.	No Refund.
Non-commencement	Student failed to commence his/her first course without prior written notification	Duke College will record a Credit Note against the student as to honour the fees paid in that course. This Credit Note is valid for a year from the date issued and is not transferable to any other course. It is neither redeemable for cash nor refundable in full or in part for any reason.	No Refund.
	Student failed to commence his/her succeeding course without prior written notification	Duke College will retain deposit paid towards succeeding courses enrolled.	No Refund
	Student failed to satisfy condition of a conditional CoE including English language proficiency requirements and Course specific entry requirements.	Duke College will retain deposit paid towards courses enrolled.	No Refund
Withdrawal requests after course has started	Student's notification of withdrawal from the course in at least two weeks prior to the start of his/her next semester.	Full semester tuition fees for the whole duration of the current semester is payable.	No Refund

	Student's notification of withdrawal from the course after two weeks prior the start of his/her next semester.	Full semester tuition fees for the whole duration of the next semester is payable.	No Refund
	Student's notification of withdrawal from the course during his/her study	Full semester tuition fees for the whole duration of the current semester is payable.	No Refund
	Student withdraws after his/her course has started without notification	Full semester tuition fees for currently studying course is payable.	No Refund
Withdrawal during deferment or suspension of studies	Student notification of withdrawal from the course during deferment or suspension of studies	Full semester tuition fees for the whole duration of the current semester is payable.	No Refund
Other circumstances	Student expelled for breach of Duke College student code of conduct including submitted fraudulent documents or misleading information	Full semester tuition fees for the whole duration of the current semester is payable.	No Refund
	Student failed to disclose previous visa refusal / cancellation or makes false declaration on the application	Full semester tuition fees for the whole duration of the current semester is payable.	No Refund

Definition of terms used in refund table above:

Course fees	The total amount of fees including pre-paid tuition fees and non-tuition fees.
Weekly tuition fees	A daily tuition fee is calculated outcome of total tuition fees for the course divided by number of calendar days in the course. Then, to get weekly tuition fees simply multiply the outcome by 7.
Non-tuition fees	Enrolment Fee; OSHC Fee; Fees to cover textbooks or uniforms, which student use while they study the course.
Tuition fees	A Semester is study period comprised of 20 weeks of teaching. Tuition fees are charged in full for each semester and must be paid according to the Enrolment Acceptance Agreement.
Deposit	Any monies paid to confirm the student's enrolment in succeeding courses; concurrently with or after signing the Enrolment Acceptance Agreement.
Agreed start date	Agreed start date means the day on which the course is scheduled to start or a day agreed between Duke College and the student as per student's eCoE.

Appealing Refund decisions:

Student can access Duke College's internal complaints and appeals processes at no cost if he/she wish to appeal Duke College's decision taken on his/her refund application.

Student can complete Duke College Complaint/Appeal form and submit it to the Duke College Campus Reception within **20 working days from the decision taken on his/her refund application**, to begin appeal resolution process.

2) Refunds due to non-delivery of course by Duke College (Provider Default):

Under section 46A of the ESOS Act a registered provider defaults, in relation to an overseas student or intending overseas student and a course at a location, if:

- the provider fails to start providing the course to the student at the location on the agreed starting day; or
- after the course starts but before it is completed, it ceases to be provided to the student at the location; and the student has not withdrawn from the course before the default day.

Refunds under the above conditions will be paid in full to the student within 14 days.

Duke College may arrange within **14 days** for another course, or part of a course, to be provided to students at no (extra) cost to the student as an alternative to refunding course money. Please refer to the information under Tuition Protection Service.

Further information:

Tuition Protection Service (TPS) - Refer to www.tps.gov.au for detailed information.

Under the Tuition Protection Service (TPS) framework, all providers have a statutory obligation to report to the TPS Director and the Secretary about provider and student defaults. This is the first layer of tuition protection for students. One of the main objectives of the TPS is to ensure that the placement and refund processes for students are quick and streamlined. The default notification requirements are to ensure students are looked after following a default in a timely way.

Provider default –

Under section 46A of the ESOS Act a registered provider defaults, in relation to an overseas student or intending overseas student and a course at a location, if:

- the provider fails to start providing the course to the student at the location on the agreed starting day; or
- after the course starts but before it is completed, it ceases to be provided to the student at the location; and the student has not withdrawn from the course before the default day.

Note: Section 46A sets out further rules prescribing when a provider defaults.

Student default –

Under section 47A of the ESOS Act, an overseas student or intending overseas student defaults, in relation to a course at a location, if:

- the course starts at the location on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn); or
- the student withdraws from the course at the location (either before or after the agreed starting day); or
- the registered provider of the course refuses to provide, or continue providing, the course to the student at the location because of one or more of the following:
 - the student failed to pay an amount payable to the provider for the course;
 - the student breached a condition of his/her student visa;
 - misbehaviour by the student (Note: the student is entitled to natural justice under subsection 47A(3)).

Note: Subsection 47A(2) - A student does not default for failing to start a course on the agreed starting day if he/she does not start that course because the provider defaults in relation to the course at the location under subparagraph 46A(1)(a)(i).

What Duke College must do in the event course not being delivered-

- Under section 46B of the ESOS Act, Duke College must notify the Secretary and the TPS Director of the default within 3 business days of the default occurring. Duke College must also notify students in relation to whom Duke College have defaulted. The notices must be in writing and meet the requirements of the section 46B of the ESOS Act.
- Under section 46D of the ESOS Act, Duke College will satisfy its tuition protection obligations to students within 14 days after the day of the default (the provider obligation period) to satisfy your tuition protection obligations to the student as set out in the section. This may include placing students who are referred to the TPS in a suitable alternative course. If a student choose to be placed into another course, Duke College will ask student to sign a document to indicate that the student accepted the placement.

What Duke College must do if a student or intending student defaults-

- If a student or intending student defaults, **Duke College** must provide a refund in accordance with the requirements under either section 47D or 47E of the ESOS Act, depending on which section applies to the circumstances of the default situation.
- Under section 47D or 47E of the ESOS Act, **Duke College** must pay the refund within the period (the provider obligation period) of **4 weeks** after the day specified in section 47D or 47E, depending on which section applies to the circumstances of the default situation.



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3) Appealing Refund decisions:

Refer to the Student Complaints & Appeals Procedure from the Duke College Student Administrations department if you wish to appeal Duke College's decision taken on your refund application.

OUTLINE OF Duke College'S INTERNAL AND EXTERNAL COMPLAINTS AND APPEALS PROCESSES:

- Duke College manages and responds to allegations involving the conduct of Duke College, its trainers, assessors, or other staff, and a student of Duke College. Duke College responds to any complaint or appeal the student makes regarding his or her dealings with the Duke College and the Duke College's education agents. Duke College does not use or have any arrangement with any third party to provide service on its behalf.
- Student can request (appeal) for a review of decisions, including assessment decisions, made by Duke College.
- Students can discuss their issues informally with any member of the Duke College Student Support Team.
- Duke College staff will endeavour to resolve any disputes, informal/formal complaints or appeals raised regarding student dealings with Duke College or the Duke College's education agents amicably and at an early stage.
- Student can access Duke College's complaint and appeal process to lodge a formal complaint or appeal if a matter cannot be resolved informally.
- Student unsatisfied with the informal process can lodge a formal complaint or appeal internally using the Duke College's *Complaints / Appeals Form*.
- Student can access *Complaints / Appeals Form* from the Duke College *campus reception*. Student can easily access free and comprehensive information about Duke College's Complaints and Appeals policy, procedures, processes and forms from the Duke College *website (www.duke.edu.au)* at any time.
- Student should complete *Complaints / Appeals Form*, and attach all the supporting document and information the student has to support their complaint or appeal then submit to Student Support Officer in person at the Duke College *Campus Reception*.
- There is no charge for Duke College students to lodge a formal complaint or appeal internally.
- Once the completed Duke College *Complaints / Appeals Form* is received by Duke College, 'Director of Studies' or a delegate will send a written

acknowledgement to the complainant/ appellant within as soon as practicable from the receipt of the form.

- Duke College staff will commence assessment of all formal complaints or appeals within 10 working days of it being made in accordance with the Duke College's complaints handling and appeals process and policy, and finalise the outcome as soon as practicable.
- Duke College staff will record, acknowledge, and deal with complaints and appeal in a fair and effective manner.
- Duke College staff will conduct the assessment of the complaint or appeal in a professional, fair and transparent manner. Complainant or appellant will not be discriminated or victimised.
- Duke College staff will provide student an opportunity to formally present his or her case at no cost. Duke College student can be accompanied and assisted by a support person at any relevant meetings.
- Duke College staff will notify providing student a written statement of the outcome of the internal complaint or appeal, including detailed reasons for the outcome as soon as practicable.
- Student not satisfied with the internal complaint resolution process or the outcome can access Duke College's internal appeals process within 20 working days from the notification date.
- Duke College staff will keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome, according to Duke College *Record Management Policy and Procedures*. Written record of the complaint or appeal and further action required will be maintained in the Duke College *Complaints / Appeals Logbook*.
- Where Duke College considers more than 60 calendar days are required to process and finalise the complaint or appeal, Duke College Staff will:
 - inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
 - regularly update the complainant or appellant on the progress of the matter.
- If the student is not satisfied with the outcome of the Duke College's internal complaints handling and appeals process, Duke College staff will advise the student within 10 working days of concluding the internal review of the student's right to access an external complaints handling and appeals process at minimal or no cost.
- Duke College staff will provide the student with the contact details of the appropriate external complaints handling and external appeals body.

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- If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the student, Duke College must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the student of that action.
 - Duke College's complaints policy and appeals policy, procedures and process:
 - ensures the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process
 - are publicly available
 - set out the procedure for making a complaint or requesting an appeal
 - ensures complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable
 - provide for review by an appropriate party independent of Duke College and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.
 - Duke College will identify potential causes of complaints and appeals and take appropriate corrective action to eliminate or mitigate the likelihood of recurrence.
 - Duke College will securely maintains records of all complaints and appeals and their outcomes.
 - Duke College's complaints and appeals policy does not inhibit student's rights to pursue other legal remedies at any point during or after the implementation of procedure.

4) Further information

If tuition fees remain outstanding, Duke College reserves the right to withhold any Certificates and Records of Results achieved by the student. The Institute will refund any monies due to the student, to the student's education agent (where applicable).

Reference:

This policy/procedure supports:

Education Services for Overseas Students Act (2000), National Code of Practice for Providers of Education and Training to Overseas Students 2018,, Standard 1: Marketing information and practices ;Standard 2: Recruitment of an overseas student; Standard 3: Formalisation of enrolment and written agreements ;Standard 10: Complaints and appeals

National Vocational Education and Training Regulator Act (2011), Standards for Registered Training Organisations (RTOs) 2015, Standard 5. Each learner is properly informed and protected.

Documents/Forms:

1. Application for Refund Form
2. Complaints/Appeal Form
3. Enrolment Acceptance Agreement

Revision History Table:

Version	Date	Revision Description
2.0	9 th August 2018	Reflect changes in National Code 2018
1.0	12 th February 2015	Original