



Withdrawal and Refund Policy & Procedure

Withdrawal and Refund Policy & Procedure

Infinity Institute Australia (“IIA”) understands that in some circumstances, students may wish, or in rare cases, have no option to withdraw from a course of study. IIA intends to support students in fulfilling all educational aspirations with the greatest level of support and ease. Stress can play a significant role in the life of a student and where IIA is able to reduce that stress, it will endeavour to do so. Ultimately however, the onus must be on the student to understand the rules and processes around both withdrawals and as a consequence, seeking a refund or re-credit of fees.

On occasion there will be a situation where, although at first instance withdrawal would seem to be the natural next step, alternative arrangements will be instituted. An example is where a course is cancelled if, for example, minimum numbers are not met. In such cases, students will be offered a place in the next available course rather than simply provided with an immediate withdrawal and refund. This is to ensure the academic interests of the student is protected by continuing the educational goals without unnecessary delay.

In usual circumstances, the policy of IIA Australia will be to consider, on the merits, the application for withdrawal and further, to determine the level of fees, if any, that are properly refundable (or subject for re-credit). Of course, IIA considers special circumstances in accordance with this policy and procedure document where applicable.

In any case, students are required to make a formal application to withdraw and/or request a refund using the Application to Withdraw Form and Refund Request. Grounds for a refund may, for example, include withdrawal from a course prior to commencement and special circumstances such as serious illness or other matters beyond the student’s control which have a serious, adverse effect on the student’s ability to complete the course.

Documentary evidence and a statutory declaration may be required in support of applications for withdrawal and/or refund due to special circumstances. Approval of an application for a refund is the decision of IIA Australia. Review and appeal procedures apply as set out in this document. Eligible VET Student Loans students may choose to defer a portion of their course fees and in such cases, the following conditions will apply:

- If a student chooses to withdraw from a course after a census date the relevant proportion of the course fees will be applied inclusive of upfront fees and VSL fees
- Students are required to make a formal application to withdraw using the Application to Withdraw Form;
- no requirement to complete a Refund Request Form for fees deferred to VET Student Loans.

Withdrawal Procedure

Students who wish to withdraw from a VET Course or Unit of Study must provide in writing their Application to Withdraw Form and Refund Request to withdraw to the student services officer.

If the Application is made on or **before** the VSL census date:

- The student will be advised that they will not incur a VSL debt;
- Any tuition fees paid up-front, any gap fees paid via payment plan or a loan from the provider will be refunded; and
- IIA Australia will NOT charge:
 - a withdrawal fee;

- an administration fee;
- a fine or penalty;
- a fee determined to be a disincentive to withdrawing from a unit, part of a course or whole course.

IIA will ensure there is no penalty for withdrawing enrolment on or before census day where:

- IIA enrolls a student in a course on the basis that some or all of the tuition fees for the course are covered fees (covered by a VET student loan); and
- on or before a census day for the course the student requests in writing that the provider cancels the enrolment (a student may understand this to be an application to withdraw).

If a student requests to be withdrawn from a VET Course or Unit of Study **after** the census date:

- The student will incur a VSL debt for that VET Unit of Study; and
- No refund is applicable to any fees paid up-front (subject to the Special Circumstances provisions outlined below).

If IIA cancels a student's enrolment, it will:

- Inform the student concerned of a proposed cancellation;
- Provide the student with at least 28 days to initiate complaint procedures before the cancellation takes final effect;
- Provide for the cancellation to take effect only after the complaint procedures initiated by the student have been completed;
- Set out the circumstances in which fees for the course, or the part of the course concerned will, or will not be refunded.

If a student elects to enrol in part of an approved course where the student had earlier withdrawn from a part of the course, the student must request to re-enrol in writing to IIA Australia's student services officer.

In all circumstances, IIA will provide confirmation to the student of their withdrawal, including the date and time of the student's withdrawal, the unit of study, part of a course or whole course from which the student withdrew and the relevant census day upon completion of the decision regarding withdrawal and fee refund. Further, confirmation will also be provided as to whether the student has incurred a debt for the unit, part of the course or whole course.

Special Circumstances

IIA will only consider applications for remitting a VSL debt after the census date where there are special circumstances for doing so. To assist students with making their application the following definitions and guidelines are to be applied in determining special circumstances:

Special circumstances will allow IIA to re-credit a student's fees where it is satisfied that they prevented, or will prevent, the student from completing the requirements of the course or the part of the course. Some factors may include:

- medical;
- family;
- personal;
- employment; or
- course related.

In determining whether the student's circumstances meet the required special circumstances threshold, IIA will have regard to the following:

- whether the student could do enough of the following to meet course requirements:
 - private study;
 - attending training sessions and other activities;
 - engaging online;
 - complete any assessments, or demonstrate any competencies, required;
 - complete any other requirements which would assist meeting the course requirements.

Special circumstances need to be:

- beyond a person's control; AND
- do not make their full impact until on or after the census date for the unit of study in question; AND
- make it impracticable for a person to complete the requirements for the unit of study.

For circumstances to be *beyond a person's control*, the situation should be that which a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the person is not responsible.

IIA needs to be satisfied that a person's circumstances did not make their full impact on the person until on or after the census date for a unit of study if the person's 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.

The situation must be unusual, uncommon or abnormal to be considered special circumstances. Students do not need to demonstrate they were unable to withdraw from the course prior to the census day.

IIA will consider whether the person's circumstances changed on or after the census day and when the full effect or magnitude of the circumstances became apparent, taking into account any additional circumstances, including continuation of a pre-existing condition that may have affected the person on or after the census day.

Payment Plan Arrangements and Refunds

Where a student has an approved payment plan arrangement and requests to withdraw, IIA will, for students supported by a VET Student Loan:

- PRE-census date, refund any monies paid through this payment plan arrangement, and
- Post-census date maintain the debt for any monies owed to IIA for the previous census period until repaid in full, at which time the debt will be reduced to a zero balance for the payment plan arrangement.

Re-crediting of a VSL Debt

A student may apply in writing to have their FEE-HELP balance re-credited under Part 6 Division 2 of the *VET Student Loans Act 2016* pursuant to the following requirements:

- a student may apply in writing to the provider for the student's FEE-HELP balance to be re-credited under section 68 of the Act because of special circumstances;
- a student may apply to the Secretary for the student's FEE-HELP balance to be re-credited under section 71 of the Act because:
 - the provider, or a person acting on the provider's behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan;
 - the provider has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student;
- that special circumstances are circumstances that:
 - are beyond the student's control;
 - do not make their full impact on the student until on or after the census day for a course, or the part of a course;
 - make it impracticable for the student to complete the requirements for the course, or the part of the course, during the student's enrolment in the course, or the part of the course;
- that applications for re-crediting under section 68 of the Act must be made within 12 months after the census day for the course, or the part of the course, concerned, or within that period as extended by the provider;
- that applications for re-crediting under section 71 of the Act must be made within 5 years after the census day for the course, or the part of the course, concerned, or within that period as extended by the Secretary.

The processes available to students in relation to reconsideration and review of decisions whether or not to re-credit FEE-HELP balances carry no charge for reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal.

The Secretary may re-credit a student's FEE-HELP balance in relation to special circumstances if a course provider

- is unable to act or is being wound up or has been dissolved; or
- has failed to act and the Secretary is satisfied that the failure is unreasonable.

In requesting a remittance of the VSL debt, a student must provide relevant and appropriate evidence that they are unable to continue their study in the unit due to special circumstances. Students can obtain further information about special circumstances from the student services officer.

Once a request to remit a person's VSL debt is approved, a student's VSL debt is removed for the relevant unit/s studied.

IIA will refund to the Commonwealth the amount of VSL paid to the IIA on behalf of the student, if the student's request is successful. IIA Australia will notify 'the Secretary' of variation if the student's request is successful.

IIA may refuse an application to withdraw from a unit or units of study after the Census Date if it considers the student's request is not based on special circumstances, if it believes there is not sufficient and relevant evidence or if it believes the student's request does not fall within the relevant timeframes for the application and processing of requests for remittance of VSL debt.

IIA will consider the student's application as soon as practicable. Applications will be considered within twenty (20) business days after submission of all final material/evidence. Applicants will be notified of the decision in writing, within a further fifteen (15) business days.

Students will not be victimised or discriminated against for:

- seeking review or reconsideration of a decision; or
- using the provider's processes or procedures about dealing with complaints; or
- making an application for re-crediting of the student's FEE-HELP balance under Part 6 of the Act.

Review of Decision

Where IIA decides NOT to re-credit a student's FEE-HELP balance, that decision is subject to review. This means an affected person may request the decision maker to review the decision and further apply to the AAT for a review of the reconsidered decision.

If a Student is not satisfied with the decision made by IIA, the Student may apply at no additional charge, within 28 days of the receipt of the original decision, for a review of the decision. The application for review must:

- be made within 28 days of receipt of the original decision;
- include the date of the original decision;
- state fully the reasons for applying for the review; and
- include any additional relevant evidence.

Applications should be made in writing to the CEO (IIA Australia, Level 1, 22 Somerton Rd, Somerton VIC 3062) as the designated Review Officer of any decisions relating to a request for re-crediting of a VSL balance.

Note: The Review Officer is senior to the designated student services officer responsible for the original decision and was not involved in making the original decision to be reviewed.

The Review Officer will:

- acknowledge receipt of the application for review of a decision in writing within ten (10) business days; and
- inform the Student that if the Review Officer has not advised them of a decision within 45 days of receipt of the application for review, it is taken that the Review Officer has confirmed the original decision.

The Review Officer will then:

- review the information from the original decision and then assess any new evidence provided by the Student;
- provide written notice to the Student of the decision, setting out the reasons for the decision; and
- inform the Student of their right to apply to the Administrative Appeals Tribunal if they disagree with the Review Decision, and timelines involved (see below).

In circumstances where an application for review is made outside the application period (that is, 28 days after the person was notified of the decision), and the provider has not extended this time, the applicant will be advised the application has been refused on the basis the person is out of time. In these circumstances, it is not necessary for IIA to address whether the special circumstances test has been satisfied.

Reconsideration by the Administrative Appeals Tribunal

At the time of the original decision, and at the time of the subsequent Review Decision, the student will be notified of their review rights and responsibilities. The student services officer will inform a student in writing of their right to appeal to the Administrative Appeals Tribunal (AAT) if they are not satisfied with the outcome and provide the contact details of the closest AAT office and the approximate costs of lodging an appeal.

The Application must be lodged at the AAT within 28 days of receiving written notice of the Review Decision. This time limitation can be extended in limited circumstances by order of the AAT.

AAT Details and Approximate Costs

AAT
Registry
GPO Box
9955
MELBOURNE VIC 3000
Telephone: 1300 366700

Full details of the application process and fees payable are available on the AAT Registry's website www.aat.gov.au

An application fee may have to be paid in the amount of \$816 and is subject to change. Applications cannot proceed until the fee has been paid or waived. Applications for fee waiver must be made to the AAT directly. Students are informed of the AAT website and payment arrangements as part of the written notification of the student's right for an external review and through publishing of this Policy & Procedure on IIA's website.

Upon receipt of notification from the Commonwealth Department of Education & Training (DET) of a lodged AAT appeal, IIA Australia commits to the provision of copies of all the documents that are relevant to the appeal within ten (10) business days.

Notification of Withdrawal from a VET Student Loans approved course.

Students who have been withdrawn from a VET Student Loans approved course will be provided a confirmation of withdrawal within 30 days of the withdrawal being entered into the system.

The letter will contain the following information:

- confirmation to the student of their withdrawal, including the date of the student's withdrawal, the unit of study, part of a course or whole course from which the student withdrew and the relevant census day;
- confirmation as to whether the student has incurred a debt for the unit, part of the course or whole course (noting that no debt may be incurred if the student withdraws prior to the census day);
- advice to the student regarding the special circumstances requirements (if applicable to the student's circumstances);
- information about the refund of upfront payments (if applicable to the student's circumstances)

Deferral, Suspension or Cancellation of Enrolment

IIA may defer student's commencement on the following grounds when a course is not offered.

IIA may suspend a student enrolment on the following instances:

- When a student is deemed to be in breach of the Student Code of Conduct & Practice; or
- When a student is deemed not making satisfactory course progress and fails to comply with the requirements of the Intervention Plan.

IIA Australia may cancel a student enrolment on the following instances:

- When a student demonstrates serious breach of the Student Code of Conduct & Practice;
- When a student is in breach of the Academic Progress and Student At-Risk Policy and Procedure;
- When a student is continually absent from scheduled course hours;
- Non-payment of outstanding fees (if applicable)

In the event that a student enrolls on the basis that some or all of the VET tuition fees will be covered by a VET student loan, and if the student does not submit an eCAF on or before the census date (or is not approved for a VET student loan) and does not voluntarily pay for the part of the course (eg. unit) upfront IIA may cancel or defer the student's enrolment for the course in whole or in part on the census day.

In cases where suspension or cancellation of the student's enrolment is initiated by the IIA, students will be notified and given 30 business days to access the IIA's Complaints and Appeals Policy & Procedure.

There will be no change in enrolment status and the student will not be reported to the department until the appeals process is completed. Upon cancellation of the course, student fees for the remaining proportion of the study period will be reimbursed in full.