

Withdrawals, Refunds and Compassionate Consideration

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Applies From:	Immediately		

1 Introduction

1.1 Purpose

This policy provides a framework and set of principles relating to formal withdrawal, non-engagement or non-starting withdrawals for domestic and international learners, and compassionate consideration. The policy and associated procedures are designed so that all regulatory requirements are met.

1.2 Scope and Application

This policy relates to the payment of any programme, course and/or course related fees (e.g. course fees, course administration fees and course examination fees).

1.3 Formal Delegations

The Ara Institute of Canterbury Ltd¹ Academic Committee delegates to the Head of Department (or delegate):

- a To approve the formal withdrawal of a learner after the Last Withdrawal date.
- b To approve applications for compassionate withdrawal.
- c To approve an academic result of “WD” (Withdrawal).

The Ara Academic Committee delegates to the Registry Manager:

- a To assess applications for compassionate withdrawal and make recommendation to the Head of Department.
- b To determine whether an approved compassionate application will result in any refund of tuition fees.

The Ara Academic Committee delegates to the Director, International:

- a To co-sign the formal withdrawal of an International Learner.
- b To co-sign an approval for compassionate withdrawal of an International Learner.

¹ From herein referred to as Ara

1.4 Definitions

- a **Termination of Enrolment for Non-Engagement** (*relates to learners who do not start their study, or lack engagement*):
- Termination of enrolment for the reasons of non-starter or ceased attending are the processes, actioned by Ara, to cancel an individual's enrolment in a course or programme, or other educational activity, because the learner has not engaged significantly.
- Failure to engage on the learner's part is deemed to be "insufficient progress" in terms of s224 (12) of the Education Act 1989.
- Non-starter** is the status applied to an enrolment in a course or programme of study, where a learner has either not attended at all or only attended briefly or sporadically, and not engaged with the course content or attempted to satisfy course requirements before the last withdrawal date (LWD) of the course. Tuition fees that have been paid for the courses concerned will be refunded and no academic result will be generated.
- Ceased Attending** is the status applied to an enrolment in a programme of study, where a learner though enrolled, has ceased attending or engaging after the LWD (participation, submission of assignments, sitting assessments, etc). The learner will not be eligible to receive a refund of tuition fees for the courses concerned. A withdrawn grade will apply if the enrolment is cancelled between the LWD and 80% of the course otherwise the actual grade earned will apply.
- b **Domestic learner:** a person who is:
- i a New Zealand citizen; or
 - ii the holder of a residence class visa granted under the Immigration Act 2009 who satisfies the criteria (if any) prescribed by regulations made under subsection (4); or
 - iii a person of a class or description of persons required by the Minister, by notice in the *Gazette*, to be treated as if they are not international learners
- c **Government subsidy:** The Government's contribution to the direct costs of teaching, learning and other costs driven by learner numbers.
- d **International Learner:** A person who is not a domestic learner.
- e **International Path of Study:** Path of Study is defined as the total length of each programme which the learner has chosen to study as detailed in the Offer of Place, Statement of Fees and the period defined in the student's visa.
- f **New Zealand Citizen:** All people born to New Zealand citizens or permanent residents as well as all people eligible to hold New Zealand passports are New Zealand citizens. People from the Cook Islands, Tokelau and Niue are New Zealand citizens and are eligible for New Zealand passports.
- g **Permanent Resident:** A non-New Zealand citizen who has been granted permission by Immigration New Zealand to reside indefinitely in New Zealand.
- h **Australian Learners:** Australian citizens and permanent residents pay the same fees as New Zealand citizens if they are studying in New Zealand. If they are studying distance learning from outside New Zealand, they will need to pay international fees. They may also not be eligible to apply for New Zealand Student Loans and Allowances – refer to *Student Allowances Regulations 1998 in association with the Immigration Act 2009*.

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<p>Related Ara Procedures (on Infoweb)</p> <ul style="list-style-type: none"> • CPP120b People & Development Delegations • CPP120c Financial Delegations Schedule • APP514a Application for Compassionate Consideration for Withdrawal or Transfer • APP514b Withdrawal and Refund of Fees and Charges (Domestic Learners) • APP514c Withdrawal and Refund of Fees and Charges (International Learners) • APP517b Application for Academic Appeal Form 	<p>Related Ara Policies</p> <ul style="list-style-type: none"> • CPP120 Delegations • APP504 Regulations Governing Admission and Enrolment • APP512 Suspension and Refusal/Cancellation of Enrolment • APP517 Academic Appeals Committee Terms of Reference
<p>Related Legislation or Other Documentation</p> <ul style="list-style-type: none"> • Education Act 1989 • Student Allowances Regulations 1998 • Immigration Act 2009 • Tertiary Education Commission website • Ministry of Education website 	<p>Good Practice Guidelines (indicate if attached to policy or where they can be found)</p>
<p>References</p> <ul style="list-style-type: none"> • 	
<p>Notes</p> <p>2018: New policy: content has come directly from the previous version of <i>APP504 Regulations Governing Admission, Enrolment, Withdrawals and Non-Engagement Cancellations</i>. <i>APP514 Withdrawals, Refunds and Compassionate Consideration</i> has been made into its own policy to ensure clarity of procedures.</p> <p>2019: Compassionate Consideration applications now to be reviewed by Registry Manager prior to HOD approval to ensure consistency of outcome decisions. Termination of Enrolment section added to International procedures. Department Support are responsible for notifying the Admissions team of any non-starter withdrawals.</p> <p>Nov 2019: updated to note that withdrawals processed before the Last Withdrawal Date do not require Head of Department approval.</p> <p>2020: NZIST changes – Academic Board becomes Ara Academic Committee; Ara Council becomes Ara Board; Standardised text relating to appeals, new Appeal Application Form; Changing ‘student’ to ‘learner’.</p>	

2 Principles

- 2.1 To provide fair, equitable treatment and clarity for all learners with regard to the withdrawal and non-engagement related to programmes, courses and other educational activities delivered by or through Ara.
- 2.3 To provide fair and equitable treatment of all learners with regard to **unforeseen, exceptional** circumstances that result in the requirement for a learner to seek withdrawal from a Programme, Course or, in the case of International Learners, a Path of Study.

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3 Associated procedures for Ara Academic Policy on: Withdrawals, Refunds and Compassionate Consideration (Compassionate Consideration for Withdrawn Grade or Fees Refund)

Contents:	3.1	Compassionate Consideration
	3.2	Compassionate Academic Result
	3.3	Compassionate Refunds Calculation
	3.4	Right of Appeal

3.1 Compassionate Consideration

The Policies governing withdrawals and refunds of fees and charges state that in most cases, refunds will not be made after the published last withdrawal date (LWD). There are, however, grounds on which a compassionate WD grade will be recorded, or a partial or full refund may be made. These guidelines have been produced to assist with such decisions.

- a Compassionate consideration is only available for a range of medical/psychological or compassionate grounds where a learner may experience significant unexpected or extenuating circumstances which prevent them from continuing all or part of their programme of study. *(See Table 1 below)*.
- b All applications for Compassionate Consideration must be made in writing using *APP514a Application for Compassionate Consideration for Withdrawal or Transfer* and include the required evidence *(see Table 1 below)*. Each request will be reviewed on an individual basis to determine the learner's particular situation.
- c Applications for compassionate consideration are forwarded to the Registry Manager for review. They are then sent to the Head of Department for final approval.
- d Application for compassionate consideration must be made within the calendar year of the course for which the application is being made.
- e Compassionate refunds will be granted at the discretion of the Institution and are not automatic. They are reserved for circumstances beyond the learner's control or on serious compassionate grounds as set out below.
- f International learners are expected to seek redress from their insurer for situations which may be covered before applying to Ara for a refund of fees and charges.
- g Withdrawals or transfers requested/advised before the start date of the enrolment incur no financial penalty. Transfers made on or after the starting date will generally only be between concurrent enrolments.
- h Partial or full refunds will be calculated based on the dates within the evidence provided.
- i Partial refund made after the LWD result in a reduced funding claim for that enrolment.
- j The Head of Department is responsible for forwarding the academic result arising from a compassionate withdrawal to the Central Academic Records Office (Customer Experience and Engagement Division) to action.

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- k In some cases, a learner may be advised to transfer from one course to another within a programme concurrent to their existing enrolment (e.g. if as a result of his/her initial performance the Department recommends transferring to another course at a higher or lower level). The Department may recommend for a waiver of the associated charges to the Registry Manager or his/her delegate if the transfer request is outside the withdrawal period of the original enrolment. Learners are required to pay any additional course fees but are also eligible for a refund if the initial fee paid was higher than that for the new course. Note that transfers that are not concurrent may impact on the student's loan/allowance entitlements.

3.2 Compassionate Academic Result

- a The Head of Department (or delegate) approves an academic result of WD ('withdrawal') instead of a 'Fail' on compassionate grounds for a learner who must withdraw during the last 20% of a course or courses because of exceptional circumstances unforeseen by this policy. This discretion is used sparingly and only when:
 - i The Department cannot provide an extension or alternative assessment for the learner because of the nature of the assessment(s), *and*
 - ii The usual aegrotat process is not applicable, *and*
 - iii There is evidence that the learner would have in all likelihood passed the course(s) if completed.
- b The Head of Department (or delegate) is responsible for forwarding the academic result arising from a compassionate withdrawal to the Central Academic Records Office (Customer Experience and Engagement Division) to action.

3.3 Compassionate Refunds Calculation

These only apply in cases where the withdrawal request is made after the Last Withdrawal Date (LWD), and where the circumstances regarding the reason for withdrawal are due to unforeseen exceptional circumstances. (*See Table 1 for examples of exceptional circumstances*). Application for compassionate consideration must be made within the calendar year of the course for which the application is being made.

Total Course Duration – (Attendance x 1.5) = % to be refunded x Course Fee = Refund

Total Duration

Using this formula, no refund would apply after 80% of the course duration.

In exceptional circumstances the institution may decide to give a full refund. Departments will contact the Registry Manager who will approve refund eligibility.

Learners have one (1) calendar month from receipt of the application to submit all required documentation for the application to be considered.

Only applications which have been submitted within the current calendar year of the enrolment for which Compassionate Refund is being requested will be considered.

A learner who has been granted two (2) compassionate withdrawals for the same reasons within 24 months will be required to provide a medical clearance to the DCE – AIR and undergo specific course advice/counselling before re-enrolment is accepted.

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3.4 Right of Appeal

- a Any learner affected by a decision made under Section 3 of this policy may appeal that decision in writing to the Chief Executive within ten working days from the date on the advice of the decision (refer *APP517b Application for Academic Appeal Form*).
- b The Chief Executive may choose to respond to the appeal directly or authorise the convening of an Academic Appeals Committee (refer *APP517 Academic Appeals Committee Terms of Reference*) which must be done within ten working days of receiving the appeal. The next steps must be communicated to the student within 15 working days.
- c If an Academic Appeals Committee is convened, they will determine the matter and communicate its decision to all the parties.
- d Appeal decisions are reported publicly every six months. Please note no identifying information is published.

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4 Associated procedures for Ara Academic Policy on: Withdrawals, Refunds and Compassionate Consideration (Domestic Learners)

Contents:	4.1	Withdrawal and Refund of Fees and Charges
	4.2	Deferred Enrolment
	4.3	Termination of Enrolment for non-engagement or ceased attending

4.1 Withdrawal and Refund of Fees and Charges

- c A learner may terminate their current enrolment(s) at any time but is encouraged to discuss this with their Programme Manager first in order to check the implications on future enrolments, academic record, fees, refunds, loans, and allowances. Formal withdrawal, after the Last Withdrawal date, is made in writing to the Head of Department, and acted on by the Head of Department or delegate.
- d If withdrawal is formalised before the published Last Withdrawal Date (LWD) the withdrawal will not require HOD approval. In this instance no academic result will be generated on the learner record for the specific course. An academic result of WD (Withdrawal) is entered for learners withdrawing at any time between the LWD and 80% of the course duration. After that time, the actual grade obtained, taking into account assessments not completed during the last 20% of the course, is entered as the result. In most cases, this would be a 'Fail' or 'No Credit'.
- e A partial refund of fees and charges will be made if the withdrawal is completed before the published Last Withdrawal Date (LWD). Except in extraordinary circumstances (refer Section 3.12), no refund will be made after the LWD. The effective date of withdrawal is the date when Ara receives the written advice of withdrawal, not the last date the learner engaged class.
- f The entitlement to a refund of any fees and charges for a learner who formally withdraws from a course/programme is based on the start and end dates and whether the learner is a domestic or international learner. (International Learners refer to Section 5 of this policy). Ara deducts an administration charge from any amount refunded (refer *APP514b Refund of Fees and Charges Table (Domestic Learners)* for current administration charges and procedures). Ara will not deduct the administration fee where this deduction would place the learner in debt to the Institution.
- g Note that Ara is unable to claim TEC funding for any learner who has never actively engaged in the learning process (or in the case of online learning, never logged on), even if they have paid their fees. If the learner does not formally withdraw (see above), his/her record is set to 'Withdrawn Status', does not generate a refund and removes them from the Single Data Return (EFTS claim).
- h A learner cannot be withdrawn from a programme or course(s) where the final assessment and/or the course/programme end date has taken place and final results are due to be, or are, entered into the Student Management System.
- i Learners who intentionally withdraw (i.e. after LWD) receive no refund and remain valid for SAC Funding purposes.
- j Learners who have not paid their tuition fees but have engaged in the learning process past the last withdrawal date remain liable for all outstanding fees.
- k Refer also to the policy *APP512 Suspension and Refusal/Cancellation of Enrolment*, which includes related information not covered by this policy.

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4.2 Deferred Enrolment

- a Deferred enrolment is when an applicant, having been accepted to a programme, subsequently decides to delay starting their studies before courses start.
- b The applicant may have preferred placement for enrolment at a later date provided any changes to entry criteria are met.

4.3 Termination of Enrolment for non-engagement or ceased attending

- a Non-engagement relates to learners who do not start their study or lack engagement. Engagement is a mix of achievement against stated learning outcomes.

Failure to engage on the learner's part is deemed to be "insufficient progress" in terms of s224 (12) of the Education Act 1989.

- b Departments have in place mechanisms by which learners who have not engaged or who are no longer engaging are identified. Department Support are responsible for notifying the Admissions team of these non-starter withdrawals. Such learners must be advised by email and letter to their last known physical address that their enrolment is to be withdrawn and must be given at least **five** working days to respond on receipt of that advice.
- c In most cases, attendance is not an assessed course requirement at Ara. Assessment is based on the achievement of stated learning outcomes, not on whether a learner attends a specific number of class sessions. The exceptions to this are when experiential learning or participation in specific activities is essential to meet outcomes or meet the requirements set by an external body.
- d If the learner does not respond to the Department or their response is not considered sufficient reason to allow them to continue, the Department must advise Admissions and Enrolments for a withdrawal to be processed.
- e The learner must be advised by Admissions and Enrolments that their enrolment is withdrawn and that they may appeal the decision. A formal letter to their last known physical address or email address is sufficient advice.
- f Any learner affected by this decision may appeal that decision in writing to the Chief Executive within ten working days from the date on the advice of the decision (refer *APP517b Application for Academic Appeal Form*).
- g The Chief Executive will, within ten working days of receiving a notice of the appeal, determine the matter and communicate decisions to all the parties.
- h The learner may, within ten working days of the date of the Chief Executive decision, appeal to the Chair of the Board for a review of the decision.
- i The Chair of the Board will, within ten working days of receiving a notice of appeal, establish an Enrolment Appeal Committee.
- j The Enrolment Appeal Committee thus established will, in accordance with the Committee's Terms of Reference determine its own procedures for hearing the appeal (subject to the requirements of natural justice and procedural fairness) including the time, date, and venue for the hearing.

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k The Enrolment Appeals Committee will determine the matter and communicate its decision to all the parties.

Advice to the appellant must include information about any other relevant rights.

l A report on the decision together with a brief statement of the circumstances must be presented to the Ara Board at its next ordinary meeting with the public excluded.

m Appeal decisions are reported every six months. Please note no identifying information is published.

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5 Associated procedures for Ara Academic Policy on: Withdrawals, Refunds and Compassionate Consideration (International Learners)

Contents:	5.1	Withdrawals
	5.2	Refunds
	5.3	Termination of Enrolment for non-engagement or ceased attending

5.1 Withdrawals

- a An international learner may apply to withdraw from the Path of Study they are enrolled into by completing an Enrolment Amendment Form and meeting with the International Student Advisors in the first instance. The international advisors will meet with the learner to discuss their situation and support them towards an outcome. The International Advisors will communicate the outcomes to the Director, International.
- b Any withdrawal application must be received and approved by the Head of Department or delegate, in consultation with the Director, International, in the period within which the learner is enrolled to study on that Path of Study and the withdrawal will be actioned as at the date that the form is received by the International Admissions team.
- c Immigration New Zealand (INZ) will be notified to terminate the student visa once the withdrawal has been completed.
- d Late Arrivals
If a learner commences their path of study after the earliest course start date, the date of the withdrawal will be processed against the earliest course start date of the learner's academic year and not the learner commencement date.

5.2 Refunds

- a By law, Ara has the discretion to grant either no, partial, or full refund to any learner.
- b International learners are expected to seek redress from their insurer for situations which may be covered before applying to Ara for a refund.
- c The payment of tuition fees indicates acceptance of the place offered in a programme or training scheme (as indicated on the Offer of Place and Student Visa (including Pathway Visa)). International learners enter into a contract with Ara for the period defined in their student visa. Unless a learner's circumstances are approved under the criteria listed in Table 1 there will be no refund of tuition fees for study within this period.
- d Any Refund due will be calculated from the date on the Enrolment amendment form received by the International Admissions team.
- e Refunds for International learners are based on the sliding scale referred to in *APP514c Refund of Fees and Charges Table (International Learners)*.
- f The refund of fees and charges table will be updated annually.
- g Where Ara cancels or postpones a course/courses within a Path of Study, all fees will be refunded in full.
- h Where learners owe other fees to Ara, those fees will be deducted from any refund.

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- i Any refund of fees will be paid to the original payer. If a third party has paid the fees, the refund will be paid back to that third-party unless the learner can produce written authority (in English) from the third-party authorising payment directly to the learner.
- j Refunds will be paid directly into a bank account. Printed confirmation of the bank account details are required prior to any refund being made.
- k Ara will remit monies due for refunds in New Zealand dollars. Learners may request that refunds are made in their home country's currency, however, movements in exchange rates that give rise to an exchange rate gain or loss on the transactions will be borne by the learner.
- l Learners are responsible for any bank fees, transaction fees, duties, or taxes payable in respect of any refund. These may be deducted from the refund amount.
- m Refund amounts can only be held in credit for the year the refund has been processed unless otherwise agreed in writing by the Director International.
- n No refund less than \$10 (including GST) will be made. Credit balances of less than \$10 (including GST) in a student's fees account will be transferred to the Student Hardship Fund unless an objection is received before the end of the academic year.
- o Learners whose enrolment is cancelled following misconduct are not entitled to a refund of fees.
- p Ara will not compensate or repay learners any commission or fees paid to an agent. Learners must claim any fees they have paid directly to an agent from that agent. Any commission or fees paid by Ara relating to a learner's recruitment, enrolment or accommodation will be deducted from the amount of any refund payable. This includes Homestay placement fee.
- q International learners who gain permanent residency after the start of a course within their Path of Study will not receive a refund for that course/s however they will be treated as a permanent resident for courses that commence in the next semester after the date that residency is gained.
- r International learners who are enrolled in a Path of Study with full year courses who gain permanent residency, must pay the International fee for the full year regardless of the date on which permanent residency is granted during that year.
- s International learners in programmes of one year or less, who have been granted transfer of credit will not receive a refund of these fees. International learners will be able to utilise these funds to enrol in additional modules during the year of their study. Fees not used within twelve months of the completion of the programme are non-refundable and cannot be transferred to another person or another institute.

5.3 Termination of Enrolment for non-engagement or ceased attending

- a Non-engagement relates to learners who do not start their study or lack engagement. Engagement is a mix of achievement against stated learning outcomes.

Failure to engage on the learner's part is deemed to be "insufficient progress" in terms of s224 (12) of the Education Act 1989.
- b International learners are required to attend all lectures, compulsory tutorials, practical classes, demonstrations, assessments, and examinations required by the courses in which they are enrolled to retain their right to study in New Zealand under a student visa. Failure to meet this requirement may result in the learner's enrolment with Ara being terminated and notification to INZ.

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- c Departments have in place mechanisms by which learners who have not engaged or who are no longer engaging are identified. Such learners must be advised by email and letter to their last known physical address that their enrolment is to be withdrawn and must be given at least **five** working days to respond on receipt of that advice.
 - d If the learner does not respond to the Department or their response is not considered sufficient reason to allow them to continue, the Department must advise Admissions and Enrolments for a withdrawal to be processed.
 - e The learner must be advised by Admissions and Enrolments that their enrolment is withdrawn and that they may appeal the decision. A formal letter to their last known physical address or email address is sufficient advice.
 - f Any learner affected by this decision may appeal that decision in writing to the Chief Executive within ten working days from the date on the advice of the decision (refer *APP517b Application for Academic Appeal Form*).
 - g The Chief Executive will, within ten working days of receiving a notice of the appeal, determine the matter and communicate decisions to all the parties.
 - h The learner may, within ten working days of the date of the Chief Executive decision, appeal to the Chair of the Board for a review of the decision.
 - i The Chair of the Board will, within ten working days of receiving a notice of appeal, establish an Enrolment Appeal Committee.
 - j The Enrolment Appeal Committee thus established will, in accordance with the Committee's Terms of Reference determine its own procedures for hearing the appeal (subject to the requirements of natural justice and procedural fairness) including the time, date, and venue for the hearing.
 - k The Enrolment Appeals Committee will determine the matter and communicate its decision to all the parties.
- Advice to the appellant must include information about any other relevant rights.
- l A report on the decision together with a brief statement of the circumstances must be presented to the Ara Board at its next ordinary meeting with the public excluded.
 - m Appeal decisions are reported every six months. Please note no identifying information is published.

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Table 1: Reasons for Seeking Compassionate Withdrawn Grade or Refund of Fees

	Reason	Evidence Required
1	Severe illness, injury, or accident	Medical certificate, hospital notice, or letter from a registered medical professional stating learner's inability to continue studying.
2	Transfer to another public tertiary institution for genuine reasons (either relocation as in 4 below) or significant change of circumstances which means the learner is unable to continuing study at Ara	Letter from learner explaining reason or Evidence of enrolment at other institution
3	Serious compassionate grounds	Letter from a medical professional, counsellor, Kaumatua or other professional person verifying learner's inability to continue study or Evidence of political, civil or natural event in home country which requires the learner to return home
4	An application on grounds of relocating for reasons outside reasonable control, and unable to complete by distance delivery	Letter from employer or partner's employer or Letter from person/body appropriate to reasons other than employment
5	Changed employment circumstances (this is applicable to part-time learners) who have had significant change to working hours prevailing attendance	Application setting out the effects of the changed employment or Consideration will be given as to whether the learner could undertake the study at an alternative time, or by distance delivery
6	Immigration issues	Evidence from New Zealand Immigration Service detailing why a student visa will not be granted or Evidence from New Zealand Immigration Service detailing why an extension to visa will not be granted or Evidence from New Zealand Immigration Service informing learner of granting of Permanent Residency status
7	Death of a learner	In the event of a learner's death, the Registry Manager will consider an application for a refund on behalf of the estate.

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