



OTAGO POLYTECHNIC MANAGEMENT POLICY		Number: MP0357.03
Title:	Cancellations, Withdrawals, and Transfers for International Learners at Auckland International Campus	
Classification:	Operations	
Chief Executive Approval:	Effective Date: 1 January 2019	Review Date: 1 March 2019
Previous Policy No:	n/a	Status: Current
Contact Authority:	Deputy Chief Executive Corporate Services	

Purpose

This policy, which applies only to Auckland International Campus based full fee paying international learners, is to ensure international learners are treated fairly and consistently with regard to cancellations, withdrawals and transfers, while also ensuring that Otago Polytechnic recovers the full cost for international learners as required by the Education Act 1989.

This policy sets out the conditions under which an international learner will be considered for a refund of tuition fees after the cancellation of a course or following withdrawal.

Compliance

Education Act 1989

Education (Pastoral Care of International Learners) Code of Practice 2016

Fair Trading Act 1986

Funding Rules Tertiary Education Commission (TEC)

StudyLink regulations <https://www.studylink.govt.nz/>

Immigration New Zealand <https://www.immigration.govt.nz/new-zealand-visas/options/study>

Policy

1. All international learners will be treated equitably and consistently with regard to cancellations, withdrawals and transfers, and the refund of fees.
2. There is no automatic right to a refund of fees if an international learner changes their mind about studying at Otago Polytechnic's Auckland International Campus.
3. **Cancellations**
 - 3.1. Otago Polytechnic reserves the right to cancel a programme/course if there are insufficient enrolments prior to programme/course commencement.
 - 3.2. If the Polytechnic cancels or postpones a programme/course all international learner fees will be refunded in full or credited to another course at the learner's request.
4. **Withdrawals**
 - 4.1. The date of withdrawal will be taken from the date the completed Change of Enrolment, Withdrawal and Refund Form (obtainable from the Auckland International Campus Office) is received by either the Auckland International Campus Office or Registry.
 - 4.2. Late Arrivals - If a learner starts the course after the course start date on the accepted offer of place, the date of the withdrawal will be processed against the start date of the learner's academic year not the learner commencement date.
5. **Refunds**
 - 5.1. By accepting a place in a programme at Otago Polytechnic's Auckland International Campus, a learner enters a contract with Otago Polytechnic for the period defined on the Offer of Place. Unless the learner's circumstances fall within specific criteria outlined in section 5 of this policy, there will be no refund of tuition.
 - 5.2. Any refund will be calculated from the date the Change of Enrolment, Withdrawal and Refund form is received by either Registry or the Auckland International Campus Office. Refund amounts can only be held in credit for the year the refund has been processed unless agreed in writing by the CEO Auckland International Campus.
 - 5.3. Where New Zealand Immigration regulations require payment of one year's tuition fee in order to be granted a visa or permit, there is no refund or transfer of tuition fees if a learner does not complete the whole year of study.



- 5.4. International learners will be eligible for a full refund if:
- 5.4.1. Otago Polytechnic declines or withdraws an offer of a place to a learner.
 - 5.4.2. Otago Polytechnic is unable to provide the programme offered.
 - 5.4.3. A learner's permit/visa application is rejected or an extension to their visa/permit application is rejected by the New Zealand Immigration Service, provided the International Learner Refund and Transfer Application form (accompanied by satisfactory evidence that the learner's application has been rejected by the New Zealand Immigration Service) is received by Auckland International Campus Office or Academic Registry Dunedin within thirty 30 days of the learner receiving notification from the New Zealand Immigration Service. A \$100.00 (including GST) administration fee will be charged.
- 5.5. International learners will be eligible for a partial refund if:
- 5.5.1. A learner wishes to withdraw their application, and notice is received by either Registry or the Auckland International Campus Office prior to the course start date on the learner's Offer of Place letter , 75% of the tuition fees will be refunded (25% is retained for administrative purposes).
 - 5.5.2. A learner commences their programme of study and decides within the first two weeks to withdraw 75% of tuition fees will be refunded (25% is retained)
 - 5.5.3. A learner wishes to transfer to another institution, and notice is received by either Registry or the Auckland International Campus Office prior to the start date on the learner's Offer of Place letter, 75% of the tuition fees will be refunded (25% is retained for administrative purposes).
 - 5.5.4. A confirmed offer is withdrawn by Otago Polytechnic as a result of fraudulent information being supplied by the learner. Otago Polytechnic reserves the right to retain up to 25% of the tuition fee.
- 5.6. Learners will not be eligible for any refund if:
- 5.6.1. A learner is withdrawn from study following academic or disciplinary procedures.
 - 5.6.2. A learner is on a learner visa and fails to attend Otago Polytechnic. There will be no refund for the period the visa was granted once the Accepted Offer of Place start date or the learner's academic year has passed, unless there are compassionate or exceptional circumstances (refer clauses 5.10 and 5.11).
 - 5.6.3. Once the start date on the Accepted Offer of Place has passed, unless there are compassionate circumstances.
 - 5.6.4. A learner has commenced study and has not maintained or obtained a learner permit visa.
 - 5.6.5. A learner is excluded/has their enrolment terminated due to unsatisfactory progress and/or poor attendance.
- 5.7. Returning learners
- 5.7.1. Where an international learner has commenced study and has not maintained or obtained a learner permit/visa, they will not be entitled to a refund of any fees.
 - 5.7.2. An international learner with a section 35A (late visa application) will not get a refund of fees even though Immigration NZ require the enrolment to be cancelled.
- 5.8. Fees set by external bodies
- External examination fees will be refunded (less a \$50.00 (including GST) administration charge) if a withdrawal is advised before the cut-off date as set by Otago Polytechnic each year. If fees have been sent to the examining body a request for refund must be made directly with the appropriate organisation within the publicised time frame.
- 5.9. Agent fees and commission
- Any commission or fee paid by Otago Polytechnic relating to the learner's recruitment, enrolment or accommodation will be deducted from the amount of any refund payable to the learner. This includes (but is not limited to) any homestay placement fees, airport shuttle fees and E-visa administration fees.

5.10. Compassionate Circumstances

- 5.10.1. Where a learner withdraws and wishes to apply for a refund under compassionate circumstances, a written application should be submitted to the CEO Auckland International Campus and Programme Manager accompanied by appropriate supporting evidence from the learner.
- 5.10.2. All applications will be considered by the CEO Auckland International Campus and Programme Manager.

5.11. Exceptional Circumstances

Refunds, or transfer of funds to another programme/course or to the same programme/course for a different intake, may be made in exceptional circumstances at the sole discretion of the CEO Auckland International Campus (in consultation with the relevant Head of School/College where appropriate) upon written application by a learner. In exceptional circumstances, and for specific courses, the CEO Auckland International Campus may also approve a change to the policy regarding refunds for specific courses.

5.12. Refund arrangements

- 5.12.1. Refunds will be paid in New Zealand dollars or a nominated currency:
 - i. Directly into an overseas nominated bank account; or
 - ii. By bank draft sent to the applicant's registered address; or
 - iii. To another institution; or
 - iv. If it is known that the learner's fee has been paid by a recognised third party, any refund will be paid back to that third party and not the learner, unless the learner produces a written authority from the third party authorising payment directly to the learner. Agents are excluded as a third party unless there is written authority from the learner.
 - v. To the learner in NZ on sighting a changed permit (e.g. work permit).
- 5.12.2. The refund will be paid to the learner on production of documentation to show that they have cancelled their learner permits and that they have returned home or a changed permit has been sighted.
- 5.12.3. If a learner has other fees owing to Otago Polytechnic, those fees will be deducted from any refund.
- 5.12.4. A refund may take up to three weeks to be processed, except in the case of Compassionate or Exceptional Considerations which may take longer.
- 5.12.5. A withdrawal application from a course will only be accepted within the enrolment period that the learner is enrolled on that course.
- 5.12.6. In any case no refund less than \$20.00 (including GST) will be made.
- 5.12.7. Credit balances of less than \$20.00 (including GST) sitting in a learner's fees account at the end of the current enrolment will be transferred to the Otago Polytechnic Learner Assistance Fund account, unless an objection in writing is received before that date.

5.13. Permanent Residency

An international learner who gains Permanent Residency will not receive a refund of fees for the year in which residency is granted. However they will be treated as a New Zealand Permanent Resident for the following year.

6. **Transfers**

- 6.1. By accepting a place in a programme at Otago Polytechnic, an international learner enters a contract with Otago Polytechnic for the period defined on the Offer of Place. Unless the learner's circumstances fall within specific criteria listed in this section 6 there will be no transfer of tuition fees for study within this period.
- 6.2. An international learner must complete and submit an official Change of Enrolment, Withdrawal and Refund form to Auckland International Campus Office or Registry to transfer from any programme/course in which he/she is enrolled.

- 6.3. Transfers outside Otago Polytechnic
If an international learner wishes to transfer to another institution, and notice is received prior to the start date on the learner's Offer of Place at Otago Polytechnic, 75% of the tuition fees will be refunded (25% is retained for administrative purposes). An offer letter from the other institution will be required for the refund to be arranged. The refund will be paid directly to the institution to which the learner is transferring.
- 6.4. Transfers between Programmes at Otago Polytechnic
- 6.4.1. Transfers will usually only be accepted within two weeks from the learner's course start date and within the current year, calculated from the start date of the course in which the learner initially enrolled. All applications will be considered for approval or declination by the Programme Manager.
- 6.4.2. The international learner must pay any direct costs incurred, e.g. equipment, uniforms, books.
- 6.5. New Zealand Immigration Service Notification
In all circumstances the New Zealand Immigration Service will be notified of any transfers.
- 6.6. Company Fees
If a company has stated that they are paying the fees for an international learner, by producing an order number or a letter confirming payment, the company is then liable for any outstanding fees if a learner withdraws or transfers. They are still liable even if a learner has left their employ.

7. Complaints and Appeals

International learners who believe they have been unjustly treated by any decision, action or omission in respect of the administration of this policy should seek to have their complaint dealt with in accordance with the provisions of policy *AP0603 Resolution of Student Complaints*.

8. General

- 8.1. All international learners who are offered a place at Otago Polytechnic's Auckland International Campus must know how to access a copy of the policy and procedures at the time the offer is made. The policy is available on the Otago Polytechnic website. www.op.ac.nz
- 8.2. All International Agents must have a copy of the policy.
- 8.3. The Registry Team Leader and Programme Manager will report annually to the Director: Quality Services via the Quality Specialist at Auckland International Campus, on Cancellations, Withdrawals and Transfers for Auckland International Campus Learners and any issues that arise.
- 8.4. An International learner must complete an official Change of Enrolment, Withdrawal and Refund form to withdraw and apply for a refund from any course that he/she is enrolled in. These forms are available from Academic Registry Otago Polytechnic Dunedin, or Auckland International Campus Office. All applications must be submitted to either Academic Registry Dunedin or Auckland International Campus Office along with supporting written information.

Referral Documents

Appendix 1: Definitions

Terms and Conditions for International Students at Auckland Campus - <https://www.op.ac.nz/assets/Uploads/2019-AKL-INT-Terms-and-Conditions2.pdf>

AP0521 Programme Entry, Continuation and Exclusion
AP0602 Student Discipline
AP0603 Resolution of Student Complaints
MP0351 Withdrawal, Transfer, Cancellation and Refund
MP0354 Learner Fees

Approved by Chief Executive
Date: 1 January 2019



Appendix 1: Definitions:

Academic Registry means Otago Polytechnic, located in F Block on the Otago Polytechnic's Forth Street, Dunedin or Private Bag 1910 Dunedin and the Auckland International Campus is Otago Polytechnic's Auckland International Campus Office, Level 7, 350 Queen Street, Auckland.

Compassionate Considerations means if a learner withdraws and wishes to apply for a refund under compassionate circumstances, the application must be accompanied by appropriate evidence from the learner.

Course means a self-contained block of study.

Enrolment period means period for a learner is enrolled (i.e. first day of the first course to last day of the last course).

Full Fee Paying International Learners is as defined by the Ministry of Education Single Data Return. It excludes Ministry of Foreign Affairs and Trade sponsored learners and ITO off job training foreign learners.

Institute means Otago Polytechnic.

International Learner means a Full Fee Paying international learner enrolled on a programme/course at the Polytechnic.

Programme means a stand-alone course, or the combination of courses, with which a learner is required to be credited in order to be awarded a specified qualification.

Returning Learner means a learner who has completed one year of study at Otago Polytechnic and is returning to continue further study.

Section 35A means any application received by Immigration New Zealand after an international learner's permit has expired must be treated and considered as a request under Section 35A of the Immigration Act 1987