

INTERIM/PROVISIONAL SPRING 2020 EARLY DEPARTURE ACCOMMODATION AND MEALS REFUND POLICY (LONDON)

Preamble

The COVID-19 Pandemic created a set of specific and unprecedented challenges for the University and our students. Support for the academic and related personal needs of students in Spring 2020 was maintained in a transition to online learning and online support, in accordance with the guidance and advice of the Office for Students (UK) for students on UK awards and the Middle States Commission on Higher Education (US) for students on US awards (and both regulators for students on a US and UK award).¹

The University continued and continues to provide and maintain safe and secure accommodation for its students and maintained a student-focussed approach to accommodation charging and refunds, based on contractual obligations and reasonable adjustments arising from individual mitigating circumstances. This has included:

- The option of adjusting charging where appropriate because of individual mitigating circumstances in Spring 2020 and Summer 2020.
- The option of waiving or reducing accommodation fees for students unable to return home because of documented mitigating circumstances, including COVID related issues.
- The option of waiving, refunding, or re-scheduling accommodation, meal, and related costs for students unable to take up their accommodation in Fall 2020 or Spring 2021.

Context

This policy has been approved ex post facto on the recommendation of the UK Office for the Independent Adjudicator (OIA), which recommended that the University ‘publish a dedicated policy on accommodation fee refunds and/or discounts, which clearly sets out under what grounds students can request a refund/discount of accommodation fees where they have not been able to remain in occupation in University accommodation as a result of the COVID-19 pandemic’.

The University operates on the US semester system, and students are contracted, charged, and billed accordingly. Housing (accommodation) contracts with students are normally annual, with exceptions made for one semester Visiting Students.

This policy applies only to students with accommodation contracts on the Spring 2020 Semester, Fall 2020 Semester and/or Spring 2021 Semester (as defined below). The

¹ See Office for Students “Guidance for providers about student and consumer protection during the coronavirus (COVID-19) pandemic” 9 June 2020 (updated March 2021) reference OfS 2020.29 accessed from <https://www.officeforstudents.org.uk/media/c22f8880-81b8-4b28-bd5d-72348a2ed66e/guidance-for-providers-about-student-and-consumer-protection-march-2021.pdf> on 10 March 2021, and MSCHE <https://www.msche.org/covid-19/> accessed 11 March 2021.

published dates for the Spring 2020 Semester were 6 Jan 2020 (Week 0: Move In, Orientation and Registration for new students) until 1 May 2020 (Week 15: Exams) (“Spring 2020 Semester”). For the Fall 2020 Semester the published dates were 01 September 2020 (UG: New Study Abroad, Visitors and Freshmen Programmes) until 18 December 2020 (Exams for Fall Two) (“Fall 2020 Semester”). For the Spring 2021 Semester the published dates were 12 January 2021 (Week 0: Move In, Orientation and Registration for new students) until 30 April 2021 (Week 14: Exams) (“Spring 2021 Semester”).

A new early departure policy shall be approved through the regular University procedures in advance of the 2021-22 academic year and shall replace this policy.

Refund and Appeal Procedures

1. Any student who withdrew or withdraws from accommodation and withdrew or withdraws from the University at the same time was (and for current students is) required to complete the online withdrawal process available via Student Affairs (as explained in the ‘University Refunds and Withdrawal Policy’²) and consult the relevant procedures required by the Finance Department.
2. Any student who withdrew or withdraws from accommodation only (i.e. remained registered for classes) was (and for current students is) required to abide by the terms of their accommodation contract, and the University ‘Housing and Meals Policy’.³
3. The University may, at its discretion, adjust or revise the requirements of the housing (accommodation) contract and the Housing and Meals Policy for Spring 2020 Semester, Fall 2020 Semester and/or Spring 2021 Semester to account for early departure based on documented mitigating circumstances. The University shall apply its existing Mitigating Circumstances Guidance in any appeal, as revised and adjusted in this policy.
4. In line with the recommendation of the OIA, to qualify for a refund a student will need to demonstrate ‘they have not been able to remain in occupation in University accommodation as a result of the COVID-19 pandemic’.
5. The University shall only provide a refund up to the maximum of the time, pro rata, any accommodation and/or meal plan not used, i.e. the period following the departure of the student. The University may determine that a partial refund of accommodation and/or meal plan is appropriate, at less than 100% of the time any accommodation and/or meal plan was not used. No refund will be considered for any date prior to 23 March 2020 when the UK Government first announced a lockdown due to COVID-19.

² See University Policies accessed from <https://3d50fu3mup51tmdxz3zef8dq-wpengine.netdna-ssl.com/wp-content/uploads/2021/02/2021-02-23-Refund-Policy.pdf> accessed 23 March 2021.

³ See University Policies accessed from <https://3d50fu3mup51tmdxz3zef8dq-wpengine.netdna-ssl.com/wp-content/uploads/2020/09/Housing-and-Meals-Policy.pdf> accessed 24 March 2021.

Accommodation Departure Mitigating Circumstances

6. This section should be read as an addendum to the University's Mitigating Circumstances Guidance, providing further detail and information related to the Spring 2020 Semester, Fall 2020 Semester and Spring 2021 Semester accommodation and meal issues only. The evidence requirements provided under the University's Mitigating Circumstances Guidance remain in force, except as provided below. Additional mitigating circumstances specific to the Spring 2020 Semester, Fall 2020 Semester and Spring 2021 Semester which shall be regarded as compelling grounds for departure include:
 - a. Appropriately certified medical evidence of a specific or particular additional personal health risk from COVID-19. A health risk includes documented mental health issues.
 - b. Documented evidence of specific or particular risk to an immediate family member from COVID-19.
 - c. Documented evidence of an immediate family who was unwell because of COVID-19.
 - d. Documented evidence of specific financial hardship for a student and/or the student's financial sponsor as a direct consequence of COVID-19.
 - e. Other documented evidence of a compelling reason to leave accommodation related to COVID-19.
7. As a condition of registration with the Office for Students the University is bound by the laws of England. When reviewing mitigating circumstances arising from COVID-19 the University shall take account of the information, guidance and advice provided by the appropriate English authorities including the Department for Education, the Office for Students, the National Health Service, and Public Health England. No account shall be taken of any non-English information, guidance, or advice unless it would also be a mitigating circumstance under English law, information, guidance, or advice.
8. For the avoidance of doubt, and per paragraph (7), all students at the University are subject to the regulations, policies, and procedures of the University (as a condition of registration and enrolment) and the guidance and instructions of the UK government and its bodies and agencies (as residents in the UK). English law and regulation therefore take precedence over advice or guidance provided by third parties, including foreign governments or other higher education providers or non-English regulators.

Requests and appeals process

9. Any student requesting a refund and/or discount under this policy must follow this process:
 - a. A request for a refund and/or discount must be submitted by the dates specified below for each relevant semester i.e. for Spring 2020 Semester, on or before 01 May 2021 for Fall 2021 Semester, on or before 18 December 2021 and for Spring 2021 Semester, on or before 04 May 2022.

- b. Any request for a refund/discount for which a completion of procedures letter was issued by the University will automatically be granted reconsideration at stage one. Students will be notified and supplied with this policy.
- c. When submitting a request for a refund and/or discount a student must be able to demonstrate, using the circumstances referred to above, that there are compelling grounds why they have not been able to remain in occupation in University accommodation as a result of the COVID-19 pandemic, and that they have followed the University procedures for withdrawal as outlined above (or if such procedures have not been followed then why the procedures were not followed).
- d. The University shall follow an accelerated procedure when considering requests for a refund and/or discount and any appeal of a decision.
 - i. A request for a refund and/or discount should be submitted, via email, to complaints@richmond.ac.uk. The request must provide a clear and compelling explanation of why the student was not able to remain in University accommodation and/or use the meals they had paid for, and, where applicable, evidence of mitigating circumstances.
 - ii. The request for a refund and/or discount for accommodation and/or meals must clearly state the amount of monies being requested, or the refund/discount methodology the student believes should be applied; for example, 'I am requesting X days accommodation refund.'
 - iii. Where a student was in accommodation AND on a meal plan, they may request a refund and/or discount for the meal plan, as with clause (ii) above.
 - iv. Any refund review and/or discount review shall consider any previous related correspondence from the OIA.
 - v. A student may appeal the outcome of the decision to the Chief Operating Officer Morleyd@Richmond.ac.uk in accordance with the University's Non-Academic Related Appeals and Complaints Policy;⁴
 - vi. A student may appeal the decision of the Chief Operating Officer to the Office of the President President@Richmond.ac.uk. The decision of the President is the final stage of the internal process of the University; if they appeal is found 'not justified' or 'partly justified' the student will be issued with a Completion of Procedures letter.
 - vii. To expedite the process the University will endeavor to respond within five working days, at each stage. Students shall be given reasonable time to respond to University requests for further information, evidence, or clarification.
 - viii. When issued with the Completion of Procedure letter the student may appeal the decision of the President to the Office of the Independent Adjudicator.
- e. When a student accepts the decision of the University this will be taken as the full and final settlement of the request and any subsequent appeal.

⁴ <https://3d50fu3mup51tmdxz3zef8dq-wpengine.netdna-ssl.com/wp-content/uploads/2020/09/Complaints-Policy-Non-Academic-Related-v4.pdf>

10. This policy does not apply to any accommodation rented by a student and not owned by the University. Such accommodation will be subject to a separate contract between the student and the landlord. The University has no control over decisions of such landlords although the University would urge landlords to be as flexible as possible.

11. This policy shall be governed by and interpreted in accordance with English law.

VERSION MANAGEMENT

Responsible Department: Student Affairs			
Approving body: University Board			
Version no.	Key Changes	Date of approval	Date of effect
001		25 March 2021 (by Chair's action)	25 March 2021
		Restricted access? <i>Tick as appropriate</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	