

# Program Discontinuation Policy

Version number	4
Approved by	Corporate Governance Board; Academic Board
Date of approval	05/02/2018

## Purpose

The program teach-out process is an essential safeguard for higher education students at Sydney Institute of Higher Education (SI). Through the process outlined in the *Program Discontinuation Policy*, SI will uphold its responsibility to ensure students are not disadvantaged in the event that an SI program is discontinued.

This *Program Discontinuation Policy* outlines the legal obligations of SI and the rights of students in the unlikely event that a program at SI is discontinued. It details the procedures that SI will implement in order to ensure these rights and responsibilities are adhered to.

## Scope

This policy applies to all students and staff who are affected by the discontinuation of a higher education program at SI, as well as all positions and bodies within SI that are responsible for implementing the *Program Discontinuation Policy*.

## Principles

### *SI obligations and student rights*

SI is committed to ensuring cooperation and compliance with legislation and regulatory requirements. Compliance must be maintained while a program is in teach-out mode.

As a higher education provider, SI has a responsibility to ensure students receive the best quality treatment and are not in any way disadvantaged by the actions of SI.

Students must be fully informed about what will occur during 'teach-out mode' and their rights during the process.

The rights of students, as they pertain to this *Program Discontinuation Policy*, are as follows:

- Both current and potential students should have full access to timely and accurate information that will affect their decision to study or their study conditions
- Students must be treated fairly and all efforts must be made to ensure they are not disadvantaged financially or academically in the event that a higher education program is discontinued.

These rights and the responsibilities of providers are enshrined in various legal and regulatory frameworks as outlined below. The 'Procedures' section of this *Program Discontinuation Policy* addresses the requirements detailed in legislation.

For a full list of website links, including selected resources additional to the ones below, please see the *Related Documents* section at the end of this policy.

### ***The Higher Education Support Act (HESA) 2003***

The *Higher Education Support Act 2003* is the legislation governing higher education in Australia. It aims to support and strengthens the provision of higher education and some vocational and training education. Its primary purpose is to establish financial support and requirements for higher education, including grants, scholarships and student loans.

The requirements and safeguards outlined below are established under the *HESA 2003*. The wording has been taken from the Act, however, it has been abbreviated for the purposes of this policy. The complete HESA can be accessed at:

<https://www.legislation.gov.au/Details/C2017C00003>

### ***Subdivision 36B - Conditions relating to Commonwealth supported students***

#### ***24A. Providers to repay amounts - provider ceases to provide program***

In the event that a provider ceases to provide a unit as a result of ceasing to provide the program of which the unit formed part, the provider must:

1. pay to the person [student] an amount equal to the payment, or the sum of the payments, that the person made in relation to his or her student contribution amount for the unit; and
2. pay to the Commonwealth an amount equal to any HECS-HELP assistance to which the person was entitled for the unit.

### ***169 - 15. Charging student contribution amounts and tuition fees***

A higher education provider must not require a student or domestic student who is enrolling in a unit in circumstances that make it a replacement unit within the meaning of the tuition assurance requirements to pay to the provider the student's student contribution amount or tuition fee for the unit.

### ***ACPET Australian Students Tuition Assurance Scheme (ASTAS)***

As a member of ACPET, SI has access to the ASTAS, a scheme that provides tuition assurance for domestic students enrolled full-time or part-time in approved programs.

For information on the scheme, please refer to: <https://www.acpetactivations.com.au/wp-content/uploads/2016/11/ACPET-Activations-and-Tuition-Assurance-Briefing-Sheet-14112016.pdf>.

### ***The Education Services for Overseas Students (ESOS) Act 2000***

The *Education Services for Overseas Students Act 2000 (ESOS Act)* is the legal framework that governs the delivery of education to international students who are on a study visa in Australia. It covers the

registration processes of education providers, governs the Tuition Protection Service, and outlines enforcement and compliance arrangements.

The requirements and safeguards outlined below are established under the *ESOS Act 2000*. The wording has been taken from the Act, however it has been abbreviated for the purposes of this policy. The complete ESOS Act and details on the following provisions regarding student rights and SI obligations can be accessed at: <https://www.legislation.gov.au/Details/C2016C00935>.

Standard 2.1g of the National Code requires SI to provide important information for students regarding the ESOS framework. A link this information is available here <https://internationaleducation.gov.au/Regulatory-Information/Pages/Regulatoryinformation.aspx#Information>

### ***The Tuition Protection Service (TPS)***

The TPS protects fees paid in advance by international students. The TPS “ensures that international students are able to either:

- complete their studies in another program or with another education provider or
- receive a refund of their unspent tuition fees.”

(Read more at: [www.tps.gov.au](http://www.tps.gov.au)).

### ***Part 3 - 24. TPS Levies***

A registered provider must pay a TPS levy for each calendar year.

A registered provider who is required to pay a TPS levy for a year must tell the TPS Director as soon as practicable of any matter that might cause the TPS Director to increase the amount of levy the provider would be required to pay for that or a later year.

The provider must ensure that, at all times, there is a sufficient amount (the protected amount) standing to the credit of the account to repay all tuition fees to every overseas student or intending overseas student (a relevant student):

- in respect of whom tuition fees have been paid to the provider; and
- who has not yet begun the program that the provider is to provide to the student.

An amount may be withdrawn from the account, so as to reduce the balance of the account below the protected amount, only if:

- the amount is withdrawn to pay a refund to, or in relation to, a relevant student; or
- both of the following apply:
  - the provider arranges for a relevant student to be offered a place in an alternative program at the provider’s expense;
  - the amount is withdrawn to pay the alternative provider in relation to the relevant student; or
- the amount is withdrawn to pay the TPS Director in relation to the relevant student.

### ***Part 4 - 46D. Obligations on registered providers in case of provider default***

If a provider defaults (ceases to provide a program that a student is enrolled in), it must, in relation to each affected student, take one of the following actions within 14 days of the day of default:

- The provider may arrange for the student to be offered a place in an alternative program at the provider's expense. This obligation is only considered to be carried out if the student accepts the offer.
- The provider may pay the student a refund of the amount of any unspent tuition fees received by the provider in respect of the student.

#### ***Part 5 - 49. Student Placement Service***

If the TPS Director determines that a provider has failed to carry out its obligations under 46D, or is unlikely to be able to carry out its obligations within 14 days, the TPS Director must provide, in writing, the student with one or more options for suitable alternative programs if any are available. This obligation is only considered to be carried out if the student accepts the offer.

#### ***50A. When a call is made on the Overseas Students Tuition Fund***

Made up primarily of the TPS levies paid by Australian education providers, the OSTF is established as a safeguard for when a provider fails to carry out its financial obligations towards students within 14 days of the default.

A call on the OSTF will only be considered up to twelve months after the date of the default.

Money from the OSTF may be put towards:

- Refunding a student where SI failed to do so
- Paying another registered provider for providing an alternative program to a student.

The provider must pay back the TPS an amount equal to the money paid from the OSTF.

#### ***Higher Education Standards Framework (Threshold Standards) 2015***

The Threshold Standards are a legislative instrument established under the *TEQSA Act 2011*. This instrument establishes the standards for higher education and corresponding criteria for higher education providers.

The Standards require that “there are credible business continuity plans and adequately resourced financial and tuition safeguards to mitigate disadvantage to students who are unable to progress in a program of study due to unexpected changes to the higher education provider's operations, including if the provider is unable to provide a program of study, ceases to operate as a provider, loses professional accreditation for a program of study or is otherwise not able to offer a program of study” (6.2.1.i).

In addition, the Standards establish that students must be fully informed of changes and the accreditation status of all programs must be published online. The complete Threshold Standards can be accessed at: <https://www.legislation.gov.au/Details/F2015L01639>.

## Procedures

### ***Program discontinuation initiated by SI***

The *Academic Board* can recommend the discontinuation of a higher education program at SI, and the *Corporate Governance Board* has final authority to discontinue a program.

On deciding to discontinue a program, SI will apply for accreditation for the teach-out period from the *Tertiary Education Quality and Standards Agency (TEQSA)*.

The application must include information regarding:

- program outcomes
- program transition and closure arrangements
- program articulation
- program resourcing, information and student support arrangements; and
- certification documentation.

If TEQSA grant teach-out accreditation, it will be for a maximum of two years.

Program discontinuation will be announced to all staff, students and stakeholders, and information on teach-out mode will be publicly available.

The *Corporate Governance Board* is then responsible for implementing teach-out mode, and may delegate associated duties to the *Academic Board* or appropriate managerial and academic staff (through the Dean) as appropriate.

### ***Teach-Out mode***

Teach-out mode spans the years or months (maximum two years) required to ensure that all students already enrolled in the program are able to either complete the requirements of their program, or transition out of the program to another suitable program.

During teach-out mode the following conditions must be observed:

- SI cannot enrol new students in the discontinued program
- The program must remain compliant with the *Threshold Standards*
- All information disseminated regarding the program must be accurate and up to date
- All students will receive program counselling to develop an individual study plans to ensure they either complete the requirements of the program in the given time frame, or transition to another equivalent program.

Students will receive an academic transcript of all studies undertaken at SI.

### ***Program discontinuation initiated by TEQSA (default)***

TEQSA has the authority to discontinue an SI program.

In this case, students will have the option to:

- Accept an offer to enrol in an equivalent program, with prepaid tuition fees transferring across to replacement units
- Receive a refund of prepaid tuition fees, or re-crediting of FEE-HELP balance, for any unit the student is unable to take due to program discontinuation.

SI must ensure that each affected student takes one of the above options within 14 days of the default.

Students will receive an academic transcript as a record of studies undertaken at SI.

### ***Tuition Assurance***

SI will maintain tuition assurance protection through the TPS Levy for international students and the ACPET ASTAS for domestic students.

SI will pay the TPS Levy each year.

### ***Information to students and staff***

A statement of tuition assurance must be published on the website at all times, and students will be clearly informed of where to find it.

Additionally, this *Program Discontinuation Policy* will be available on the website at all times.

In the case of program discontinuation, the Program Director must identify affected students and staff and communicate to them what will occur as a result.

Students and staff will receive written notification of the reasons for program discontinuation, including an explanation of teach-out mode, student rights, and alternative programs that are available either at SI or at other providers.

Students and staff will receive written notification of any changes or updates during the teach-out period.

## **Policy Implementation and Monitoring**

In the case of program discontinuation initiated by SI, the final decision to discontinue a program lies with the *Corporate Governance Board* and cannot be delegated.

The *Corporate Governances Board* delegates responsibility for the day-to-day implementation of teach-out mode to appropriate managerial and academic staff (through the Dean), and matters of compliance to the Quality and Compliance Coordinator.

To monitor the implementation of the *Program Discontinuation Policy*, the *Corporate Governance Board* must review all reports from positions and bodies to which it delegates authority, in accordance with the *Compliance Calendar*. It must also monitor student grievances, complaints and appeals, and staff concerns, in accordance with the *Compliance Calendar*.

## Related documents

- HESA 2003 - <https://www.legislation.gov.au/Details/C2017C00003>
- Key points of the ACPET ASTAS - <https://www.acpetactivations.com.au/wp-content/uploads/2016/11/ACPET-Activations-and-Tuition-Assurance-Briefing-Sheet-14112016.pdf>
- TPS Website - [www.tps.gov.au](http://www.tps.gov.au)
- ESOS Act contextual information - <https://internationaleducation.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/ESOS-Regulations/Pages/default.aspx>
- ESOS Act - <https://www.legislation.gov.au/Details/C2016C00935>.
- Threshold Standards - <https://www.legislation.gov.au/Details/F2015L01639>.
- TEQSA as ESOS regulator factsheet - <https://docs.education.gov.au/system/files/doc/other/registrationfactsheethigher.pdf>
- Statement of Tuition Assurance template - <https://docs.education.gov.au/system/files/doc/other/statementtuitionassurancehep-may2015.pdf>

## Definitions

**Academic Board:** the SI governing body responsible for academic oversight, including SI learning and teaching environment and practices, program development and approval, workforce planning, research and scholarship, and academic policies and procedures. The *Academic Board* advises the *Corporate Governance Board* on academic matters.

**Academic transcript:** An official certification that presents a full record of a student's enrolment at SI, including all units attempted and results attained.

**Business Continuity Plan:** a document that determines and evaluates the risks to key SI operations and established risk mitigation strategies and recovery plans accordingly.

**Corporate Governance Board:** The SI governing body responsible for the oversight of all SI operations, including the direction-setting, quality assurance, monitoring, and improvement of academic and non-academic operations. It delegates responsibility for academic matters to the *Academic Board*.

**Program Director:** A senior academic staff member responsible for the delivery of a specific program at SI. The Program Director, working in conjunction with other senior academic staff, must plan and develop the program, particularly program curriculum.

**Teach-Out mode:** a period of time following the decision to discontinue an SI program in which all students must either complete the program or transition to another similar program.

**Tertiary Education Quality and Standards Agency (TEQSA):** Australia's regulatory body that registers and evaluates the performance of higher education providers against the Higher Education Standards Framework, thus ensuring that all students studying a higher education degree in Australia receive quality education.

# Review Schedule

This policy will be reviewed by the *Corporate Governance Board* every three years.

Version History				
Version number:	Approved by:	Approval date:	Revision notes:	Next review date:
1	Corporate Governance Board	4/09/2017		
2	Corporate Governance Board	16/10/2017		
3	Academic Board	25/10/2017		
4	Corporate Governance Board	5/02/2018		5/2/2021

## ▲ Related Documents

<a href="#">🔗 Recognition of Prior Learning Policy</a>
<a href="#">🔗 Risk Management Policy</a>
<a href="#">🔗 Business Continuity Plan</a>
<a href="#">🔗 Dean</a>
<a href="#">🔗 Quality and Compliance Coordinator</a>
<a href="#">🔗 Corporate Governance Board - Terms of Reference</a>
<a href="#">🔗 Academic Board - Terms of Reference</a>

End of document: "Program Discontinuation Policy"

Document ID: 8571, Revision No : (10), Created : January 6, 2020 10:35 am, By : Nigel Finch, Last updated : July 17, 2020 2:19 pm, Updated by : Nigel Finch, Reviewed & Approved by : Nigel, On : May 2, 2018, Next Review by : Nigel, Review Scheduled For : May 2, 2021

Produced & Printed : Thursday 10th of September 2020 03:13:51 AM "Sydney Institute of Higher Education ABN 49 618 742 813 TEQSA PRV14323 CRICOS 03866C"