

---

# Program Discontinuation Policy

Version number	6
Approved by	Corporate Governance Board; Academic Board
Date of approval	14/05/2024

## Purpose

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

This *Program Discontinuation Policy* outlines the legal obligations of SIHE and the rights of students in the unlikely event that a program at SIHE is discontinued. It details the procedures that SIHE 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 SIHE, as well as all positions and bodies within SIHE that are responsible for implementing the *Program Discontinuation Policy*.

## Principles

### *SIHE obligations and student rights*

SIHE 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, SIHE has a responsibility to ensure students receive the best quality treatment and are not in any way disadvantaged by the actions of SIHE.

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.

### ***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/C2004A01234/latest/text>

### ***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.

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

The Tuition Protection Service (TPS) is an Australian Government Initiative to assist domestic and international students enrolled at higher education providers who are unable to fully deliver their course of study.

The TPS ensures that these students are able to either:

- complete their studies in another course or with another education provider or
- receive a refund of their unspent tuition fees or a re-credit of their loan for open units of study (FEE-HELP)

(Read more at: [www.tps.gov.au](http://www.tps.gov.au)). The TPS Framework is established under the ESOS Act (see below).

### ***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 LEA obligations can be accessed at: <https://www.legislation.gov.au/Details/C2016C00935>.

#### ***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.

### ***Higher Education Standards Framework (Threshold Standards) 2021***

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/F2021L00488>.

## **Procedures**

### ***Program discontinuation initiated by SIHE***

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

On deciding to discontinue a program, SIHE 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:

- SIHE 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 SIHE.

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

TEQSA has the authority to discontinue an SIHE 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.

SIHE 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 SIHE.

### ***Tuition Assurance***

SIHE will maintain tuition assurance protection through the TPS Levy for international and domestic students (where applicable).

SIHE 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.

---

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 SIHE 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 SIHE, the final decision to discontinue a program lies with the *Corporate Governance Board* and cannot be delegated.

The *Corporate Governance 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 GM Compliance and Continuous Improvement.

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/C2004A01234/latest/text>
- Tertiary Education and Quality Standards Agency Act 2011
- Education Services for Overseas Students Act 2000

## 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
5	Corporate Governance Board	30/09/2022	Standard review. Review against any changes in the legislative requirements. The reporting entity is now the Department of Education as opposed to the Department of Education, Skills and Employment. The TPS was expanded in 2019 to provide tuition assurance for students with VET Student Loans (VSL) providers and non-university higher education providers (NUHEP) offering FEE-HELP. SIHE provides neither so no changes to this policy required.	5/2/2025
6	Corporate Governance Board	14/05/2024	Broken links amended.	5/2/2025

End of document: "Program Discontinuation Policy"

Document ID: 8571, Revision No : (10), Created : January 6, 2020 10:35 am, By : Nigel Finch, Last updated : May 15, 2024 2:25 pm, Updated by : patricia.lam@sydneyinstitute.edu.au

Produced & Printed : Wednesday 15th of May 2024 05:52:21 AM "Sydney Institute of Higher Education ABN 49 618 742 813 TEQSA PRV14323 CRICOS 03866C"

## Related Documents

		<a href="#">Recognition of Prior Learning Policy and Procedure</a>
		<a href="#">Risk Management Framework 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>