

Course Discontinuation Policy and Procedure		
Code: B3.14	Area: Non-Academic B and Academic	
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VERSION HISTORY

Version	Updated by	Approval Date	Details
1.0	AB	20 May 2015	Document creation
1.1	AB	4 May 2017	Change for alignment with HESF 2015
2.0	BoD	17 Jan 2020	Comprehensive review and update
2.1	BoD	3 Apr 2020	Updated in response to recent amendments to the <i>Higher Education Support Act 2003</i> and <i>Higher Education Provider Guidelines 2012</i> .
2.2	BoD	18 Jan 2021	Updated tuition protection info for up-front fee-paying students in response to the <i>Education Legislation Amendment (Up-front Payments Tuition Protection) Bill 2020</i> and the <i>Higher Education (Up-front Payments Tuition Protection Levy) Bill 2020</i> .

PURPOSE AND SCOPE

The aim of this policy is:

- Ensure that the discontinuation of a course does not disadvantage enrolled students.
- Outline the procedure for discontinuing a Higher Education course.

This policy applies to all Higher Education courses offered by the Sydney Institute of Traditional Chinese Medicine (SITCM).

1 OVERVIEW

The Sydney Institute of Traditional Chinese Medicine (SITCM) is committed to ensuring that no student is disadvantaged should a Higher Education course be discontinued. To meet this commitment, the discontinuation of a course must follow a clear and transparent process which includes an appropriate teach-out plan, tuition assurance plan and communication plan (as outlined in the *BTCM Transition Contingency Plan*).

This policy is informed by the *Higher Education Standards Framework (Threshold Standards) 2015*, in particular Section 6.2 Corporate Monitoring and Accountability, as well as the *Higher Education Support Act 2003*, the *Higher Education Provider Guidelines 2012*, the *Education Services for Overseas Students Act 2000* and the *Tertiary Education Quality and Standards Agency Act 2011*.

2 POLICY

2.1 DECISION TO DISCONTINUE

- 1) The decision to discontinue a course may be made for several reasons, including but not limited to:
 - a. The course is not financially viable.
 - b. Changes in the relevant industry (including decisions made by regulatory authorities) significantly impact either the course or the graduate outlook.
 - c. A regulatory authority requires the course's discontinuation.
- 2) If a regulatory authority decides that an SITCM course is to be discontinued, the decision to discontinue occurs when SITCM receives notice of the regulatory authority's decision.
 - a. In this case, both the Board of Directors and the Academic Board must be notified of the decision.
- 3) If SITCM decides that an SITCM course is to be discontinued, the decision to discontinue must be approved by the Board of Directors after their review of a discontinuation proposal.
 - a. If the decision relates to academic factors, the discontinuation proposal must be prepared by the Dean and approved by the Academic Board.
 - b. If the decision does not relate to academic factors, the discontinuation proposal must be created by the CEO.
- 4) Within three (3) business days of a decision to discontinue being approved by the Board of Directors, SITCM will notify TEQSA of the decision.
 - a. Where a domestic student entitled to FEE-HELP assistance is affected, SITCM must notify the Higher Education Tuition Protection Director of the default within 24 hours of the default occurring.
 - b. Where an international student is affected, SITCM must notify the ESOS agency (which includes the Secretary and TEQSA) and the Tuition Protection Director of the default within three (3) business days of the default occurring.

2.1.1 DISCONTINUATION PROPOSALS

A discontinuation proposal must include the following information:

- 1) The reasons for discontinuation of a course.
- 2) The proposed end date for course enrolments.
- 3) The proposed final semester of course delivery.
- 4) The proposed course progression arrangements for enrolled students.

2.2 TEACH-OUT PLAN

- 1) Once a decision to discontinue is made, the Dean will prepare a teach-out plan in consultation with the CEO.
- 2) The teach-out plan will address the needs of all cohorts of students currently undertaking the course that is to be discontinued.
- 3) The teach-out plan will aim to enable all students enrolled in the course to complete it at SITCM.
- 4) If it is not possible for all students enrolled in the course to complete it at SITCM, SITCM will attempt to form a student transfer agreement with another higher education provider of an equivalent course.
 - a. Such an agreement would require Credit for Prior Learning mapping.
- 5) The teach-out plan will be submitted to the Academic Board for approval.
- 6) The Dean will provide regular updates on the implementation of the teach-out plan to the Academic Board.

2.3 TUITION PROTECTION PLAN

- 1) This section relates to the protection of all tuition fees that are paid to SITCM by students in any SITCM higher education course.
- 2) For a definition of “tuition fees”, please refer to Section 5 of the *Tuition Protection (Up-front Payments Guidelines) 2020*.
- 3) This section is designed to comply with the legal requirements of Part 5-1A Division 2 of the *Higher Education Support Act 2003* and Part 5 of the *Education Services for Overseas Students Act 2000*.

2.3.1 TUITION PROTECTION FOR DOMESTIC STUDENTS

- 1) The Australian Government’s Tuition Protection Services (TPS) provides tuition protection assistance for all domestic students.
- 2) Within 24 hours of the default occurring, SITCM will give written notice of the default to:
 - a. The Higher Education Tuition Protection Director; and
 - b. Affected students.
- 3) Within two (2) business days of a default occurring, SITCM will enter discussions with Western Sydney University (WSU) regarding the possibility for affected SITCM students to transition to WSU’s BTCM course.
- 4) Within three (3) business days of the default occurring, SITCM will give written notice of the details of the default to the Higher Education Tuition Protection Director.
- 5) Within 14 days of the default day¹ (the “Obligation Period”), SITCM will discharge its obligation to the student by either:
 - a. Arranging for the student to be offered a place in a suitable replacement unit or replacement course at WSU and the student accepts the offer in writing; or
 - b. Re-crediting the student’s HELP balance and repays the relevant HELP loan to the Commonwealth; or
 - c. Providing a refund of the amount of any unspent tuition fees received by SITCM in respect of the student.
- 6) Within seven (7) days of the end of the Obligation Period, SITCM will notify the Higher Education Tuition Protection Director of the outcome of the discharge of its obligations.
- 7) Refer to *Table 1: Notice Procedures* for notice requirements.

2.3.2 TUITION PROTECTION FOR INTERNATIONAL STUDENTS

- 1) The Australian Government’s Tuition Protection Services (TPS) provides tuition protection assistance for international students.
- 2) Within two (2) business days of a default occurring, SITCM will enter discussions with Western Sydney University (WSU) regarding the possibility for affected SITCM students to transition to WSU’s BTCM course.
- 3) Within three (3) business days of a default occurring, SITCM will give written notice of the default to:
 - a. The ESOS agency and the Tuition Protection Director; and
 - b. Affected students.
- 4) Within 14 days of the default day² (the “Obligation Period”), SITCM will discharge its obligation to the student by providing a refund of the amount of any unspent tuition fees received by SITCM in respect of the student.

¹ See *Education Services for Overseas Students Act 2000* Section 46A for a definition of “default”.

² See *Education Services for Overseas Students Act 2000* Section 46A for a definition of “default”.

- 5) Within seven (7) days of the end of the Obligation Period, SITCM will notify the ESOS agency and the Tuition Protection Director of the outcome of the discharge of its obligations via PRISMS.
- 6) Refer to *Table 1: Notice Procedures* for notice requirements.

2.4 COMMUNICATION PLAN

- 1) After a teach-out plan is approved, the Dean will immediately send all students who are enrolled in the course written notification of the following:
 - a. The decision to discontinue the course.
 - b. The final semester of course delivery.
 - c. Relevant teach-out arrangements, including the option to transition to another course.
 - d. The availability of the Dean and/or Associate Dean to meet with affected students and create individualised progression plans.
- 2) After a teach-out plan is approved, the Dean will immediately notify all staff involved in the delivery of the course written notification of:
 - a. The decision to discontinue the course.
 - b. The final semester of course delivery.
 - c. Relevant teach-out arrangements, including the option to transition to another course.
- 3) After a teach-out plan is approved, the Dean will ensure the following information is publicly available on the SITCM website:
 - a. The decision to discontinue the course.
 - b. The final semester of course delivery.

2.4.1 LIASISING WITH STAFF

- 1) The Dean will liaise with the Librarian and IT Officer regarding any changes to service delivery associated with the discontinuation.
- 2) The Dean will liaise with the Academic Support Officer and Student Support Officer regarding any additional support that needs to be provided to students who are affected by the decision to discontinue.

3 PROCEDURE

3.1 PROCESS FOR THE DECISION TO DISCONTINUE

3.1.1 DECISION TO DISCONTINUE MADE BY SITCM DUE TO ACADEMIC REASONS

- 1) A discontinuation proposal is created by the Dean.
- 2) The discontinuation proposal is approved by the Academic Board.
- 3) The discontinuation proposal is approved by the Board of Directors.
- 4) TEQSA receives notification within three (3) business days of the Board of Directors' approval.
- 5) SITCM follows the Notice Procedures (see Table 1).

3.1.2 DECISION TO DISCONTINUE MADE BY SITCM DUE TO NON-ACADEMIC REASONS

- a. A discontinuation proposal is created by the CEO.
- b. The discontinuation proposal is approved by the Board of Directors.
- c. TEQSA receives notification within three (3) business days of the Board of Directors' approval.

- d. SITCM follows the Notice Procedures (see Table 1).

3.1.3 DECISION TO DISCONTINUE MADE BY REGULATORY AUTHORITY

- 1) SITCM receives notification of a regulatory authority's decision for an SITCM course to be discontinued.
- 2) The Board of Directors and Academic Boards are notified.
- 3) SITCM follows the Notice Procedures (see Table 1).

3.2 DISCONTINUATION PROCESS

- 1) In consultation with the CEO, the Dean prepares a teach-out plan.
- 2) The teach-out plan is approved by the Academic Board.
- 3) The Dean sends all enrolled students written details about the decision to discontinue and process that will follow in accordance with the Notice Procedures (see Table 1).
- 4) The Dean sends all relevant staff written details about the decision to discontinue and process that will follow.
- 5) The Dean ensures information about the decision to discontinue is made publicly available on the SITCM website.
- 6) The Dean will liaise with the Librarian, IT Officer and student support staff regarding any changes to service delivery associated with the discontinuation and any additional support that needs to be provided to affected students.
- 7) The Dean and/or Associate Dean holds meetings with affected students to create individualised progression plans as necessary.
- 8) The Dean provides regular updates on the implementation of the teach-out plan to the Academic Board.

Table 1: Notice Procedures

	Domestic Students	Overseas Students
Notice to parties	<ul style="list-style-type: none"> • Affected students • Government (Higher Education Tuition Protection Director) 	<ul style="list-style-type: none"> • Affected students • Government (ESOS Agency and the Tuition Protection Director)
Notice of default to affected students	<p><i>HESA</i> Section 166-20(2) and <i>TEQSA Act</i> section 62E(2):</p> <ol style="list-style-type: none"> 1) Within 24 hours of the default occurring, SITCM will give written notice of the default to affected students. 2) The notice will include: <ol style="list-style-type: none"> a. The name of the course of study affected by the default; b. The day the course of study ceased to be provided; c. A copy of the student’s transcript for units of study already completed; and d. Details of where to get information from the Australian Government Department of Education about tuition protection. 	<p><i>ESOS Act</i> Section 46B:</p> <ol style="list-style-type: none"> 1) Within three (3) business days of the default occurring, SITCM will give written notice of the default to affected students. 2) The notice will include: <ol style="list-style-type: none"> a. The name of the course of study affected by the default; b. The day the course of study ceased to be provided; c. A copy of the student’s transcript for units of study already completed; and 3) If SITCM intends to discharge its obligations to those students under Section 46D, that a refund of the amount of any unspent tuition fees will be made within 14 days of the default day in accordance with the <i>ESOS (Calculation of Refund) Specification 2014</i>.
Notice of default to government	<p><i>HESA</i> Section 166-15(2) and <i>TEQSA Act</i> section 62D(2):</p> <ol style="list-style-type: none"> 1) Within 24 hours of the default occurring, SITCM will give written notice to the Higher Education Tuition Protection Director. 2) The notice will include the following information: <ol style="list-style-type: none"> a. The circumstances of the default; b. The number of affected students; 	<p><i>ESOS Act</i> Section 46B:</p> <ol style="list-style-type: none"> 1) Within three (3) business days of the default occurring, SITCM will give written notice to the ESOS agency and the TPS Director of the default. 2) The notice will include the following: <ol style="list-style-type: none"> a. The circumstances of the default; b. The details of the affected students;

	<p>c. Advice about:</p> <ul style="list-style-type: none"> i. Whether SITCM intends to teach units of study so that students are able to complete the units, or provide a refund to those students; and ii. If so, how SITCM intends to teach the units and/or refund students. <p>HESA section 166-15(3) and TEQSA Act section 62D(3):</p> <p>3) Within 3 business days of the default occurring, SITCM will give written notice to the Higher Education Tuition Protection Director specifying the following information in relation to each affected student:</p> <ul style="list-style-type: none"> i. The student’s full name and contact details; ii. The units of study and the course of study that the student was enrolled in at the time of the default; iii. The amount of the tuition fees for each unit of study that the student was enrolled in at the time of the default; iv. Details about the payment of those tuition fees; v. Student contact hours; vi. Mode of study and location of study, where the unit(s) of study are delivered face-to-face, for each unit of study affected by the default; vii. Unit hours; viii. Work integrated learning and internship requirements for each course of study affected by the default; and <p>e. If requested by the Higher Education Tuition Protection Director, a copy of the student’s transcript for the units of study that the student has completed.</p>	<p>c. Advice as to:</p> <ul style="list-style-type: none"> i. Whether SITCM intends to discharge its obligations to those students under Section 46D; and ii. If appropriate, how SITCM intends to discharge those obligations. <p><i>ESOS Act Section 46F, ESOS (Provider default – discharge of obligations – requirements for a notice) Determination 2012 (No. 1) Section 4:</i></p> <p>3) Within 21 days of the default day, SITCM will notify the ESOS agency and the TPS Director of the outcome of the discharge of its obligations via PRISMS.</p> <p>4) SITCM will enter for each CoE, the information below in PRISMS in accordance with the <i>ESOS (Provider default – discharge of obligations – requirements for a notice) Determination 2012 (No. 1)</i>:</p> <ul style="list-style-type: none"> a. Whether SITCM discharged its obligations to the students in accordance with s 46D; b. If SITCM provided refunds: <ul style="list-style-type: none"> i. Details of the students SITCM provided refunds to; and ii. Details of the amounts of the refunds provided. c. If SITCM is unable to discharge its obligations to the students in accordance with s 46D, the TPS will contact affected students.
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	<p><i>HESA</i> section 166-26A and <i>TEQSA Act</i> section 62H(1):</p> <p>4) Within 21 days of the default day, SITCM will notify the Higher Education Tuition Protection Director of the outcome of the discharge of its obligations:</p> <ol style="list-style-type: none"> a. Whether SITCM discharged its obligations to the student in accordance with s 166-25 of HESA for affected HELP students, or with s 62F of the TEQSA Act for affected domestic up-front fee-paying students; and b. If SITCM arranged a suitable unit or replacement course for the student, the following information: <ol style="list-style-type: none"> i. Details of the student; and ii. Details of the replacement unit or replacement course; and iii. Evidence of the student's acceptance of an offer of a place in the replacement unit or replacement course; or c. If SITCM re-credited the student's HELP balance and repaid the Commonwealth for an affected HELP student, the: <ol style="list-style-type: none"> i. Details of the student; and ii. Details of the amount re-credited and the amount repaid; or d. If SITCM provided a refund to an affected domestic up-front fee-paying student, the: <ol style="list-style-type: none"> i. Details of the student; and ii. Details of the amount of the refund. 	
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4 RELATED POLICY AND OTHER DOCUMENTATION

- 1) BTCM Transition Contingency Plan.
- 2) Higher Education Standards Framework (Threshold Standards) 2015.
- 3) Higher Education Support Act 2003.
- 4) Higher Education Provider Guidelines 2012.
- 5) Education Services for Overseas Students Act 2000.
- 6) Tertiary Education Quality and Standards Agency Act 2011.
- 7) Tuition Protection (Up-front Payments Guidelines) 2020.
- 8) Education Services for Overseas Students (Provider default – discharge of obligations – requirements for a notice) Determination 2012 (No. 1).
- 9) Education Services (Calculation of Refund) Specification 2014.