

Course Discontinuation Policy and Procedure		
Code: B3.14	Area: Non-Academic B and Academic	
Policy Owner: Board of Directors	Version #: 2.3	Date: 17 Dec 2021
Policy Developer/Reviewer: QAM	Review date: 16 Dec 2024	

#### 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 to match <i>Education Legislation Amendment (Up-front Payments Tuition Protection) Bill 2020</i> and <i>Higher Education (Up-front Payments Tuition Protection Levy) Bill 2020</i> .
2.3	BoD	17 Dec 2021	Replaced 'WSU' with 'HE provider that delivers an equivalent course', 'Associate Dean' with 'Course Coordinator' & restructured for readability.

#### PURPOSE AND SCOPE

The aim of this policy is to:

- 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.

This policy is informed by the *Higher Education Standards Framework (Threshold Standards) 2021*, 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. A discontinuation proposal must include the following information:
    - i. The reasons for discontinuation of a course.
    - ii. The proposed end date for course enrolments.
    - iii. The proposed final semester of course delivery.
    - iv. The proposed course progression arrangements for enrolled students.
  - b. If the decision relates to academic factors, the discontinuation proposal must be prepared by the Dean and approved by the Academic Board.
  - c. If the decision does not relate to academic factors, the discontinuation proposal must be created by the CEO.
- 4) SITCM will notify TEQSA within three (3) business days of a decision to discontinue being approved by the Board of Directors.
  - 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.

### 2.2 DISCONTINUATION PLANNING

- 1) Once the decision to discontinue has been made:
  - a. The CEO ensures that SITCM fulfils its tuition protection obligations.
  - b. The CEO prepares a Communication Plan for the Board of Directors' approval.
  - c. The Dean prepares a Teach-Out Plan for the Academic Board's approval.

#### 2.2.1 TUITION PROTECTION OBLIGATIONS

- 1) The Australian Government's Tuition Protection Services (TPS) provides tuition protection assistance for all higher education students.
- 2) The *Higher Education Support Act 2003* Section 166.10 and the *Education Services for Overseas Students Act 2000* Section 46A define "default" as:
  - a. SITCM failing to start to provide a unit of study to an enrolled student on the day on which the unit was scheduled to start; or
  - b. SITCM ceasing to provide a unit of study to an enrolled student on a day after the unit starts but before it is completed.

- 3) The *Tuition Protection (Up-front Payments Guidelines) 2020* Section 5 provides a comprehensive definition of “tuition fees”.
- 4) The specific process that SITCM will adhere to meet its tuition protection obligations is outlined in Section 3.2: Process to Comply with Legal Obligations.

### 2.2.2 COMMUNICATION PLAN

- 1) Once a decision to discontinue is made, the CEO will prepare a Communication Plan in consultation with the Dean.
- 2) The Communication Plan must include:
  - a. When and how each affected stakeholder group will receive direct written notification of the decision to discontinue.
  - b. When and how the following information will become publicly available on the SITCM website:
    - i. The decision to discontinue the course; and
    - ii. The final semester of course delivery.
- 3) Affected stakeholder groups that must be considered include:
  - a. Government regulators;
  - b. Members of SITCM governance bodies;
  - c. Domestic students;
  - d. International students;
  - e. Teaching staff; and
  - f. Operations staff.
- 4) The Communication Plan must adhere to the legal requirements outlined in Section 3.2: Process to Comply with Legal Obligations.
- 5) The Communication Plan will be submitted to the Board of Directors for approval.
- 6) The CEO will provide regular updates on the implementation of the approved Communication Plan to the Board of Directors.

### 2.2.3 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 a higher education provider that delivers an equivalent course.
  - a. Such an agreement would require Credit for Prior Learning mapping.
  - b. Priority would be given to any equivalent courses in the Greater Sydney Area.
- 5) The Teach-Out Plan must include any changes to service delivery associated with the discontinuation.
  - a. This will require the Dean to consult with the Librarian, the IT Officer and teaching staff.
- 6) The Teach-Out Plan must specify any additional support services that will be provided to assist students who are affected by the discontinuation.
  - a. This will require the Dean to consult with the Academic Support Officer and Student Support Officer.
- 7) The Teach-Out Plan will be submitted to the Academic Board for approval.
- 8) The Dean will provide regular updates on the implementation of the approved Teach-Out Plan to the Academic Board.

### 3 PROCEDURE

#### 3.1 DISCONTINUATION PROCESS

- 1) A decision is made to discontinue a higher education course.
  - a. If the discontinuation is initiated at SITCM due to academic reasons:
    - i. A discontinuation proposal is created by the Dean.
    - ii. The discontinuation proposal is approved by the Academic Board.
    - iii. The discontinuation proposal is approved by the Board of Directors.
    - iv. TEQSA receives notification within three (3) business days of the Board of Directors' approval.
  - b. If the discontinuation is initiated at SITCM due to non-academic reasons:
    - i. A discontinuation proposal is created by the CEO.
    - ii. The discontinuation proposal is approved by the Board of Directors.
    - iii. TEQSA receives notification within three (3) business days of the Board of Directors' approval.
  - c. If the discontinuation is due to a regulatory decision:
    - i. SITCM receives notification of a regulatory authority's decision for an SITCM course to be discontinued.
    - ii. The Board of Directors and Academic Boards are notified.
- 2) Once a decision to discontinue has been confirmed:
  - a. The CEO ensures that SITCM fulfils all legal obligations listed in Section 3.2: Process to Comply with Legal Obligations by their strict deadlines.
  - b. The CEO presents a Communication Plan for the Board of Directors' approval in accordance with Section 2.2.2: Communication Plan.
    - i. Once approved, the Dean provides regular updates on the implementation of the Communication Plan to the Board of Directors.
  - c. The Dean presents a Teach-Out Plan for the Academic Board's approval in accordance with Section 2.2.3: Teach-Out Plan.
    - i. Once approved, the Dean provides regular updates on the implementation of the Teach-Out Plan to the Academic Board.

#### 3.2 PROCESS TO COMPLY WITH LEGAL OBLIGATIONS

- 1) Within 24 hours of a default, SITCM will give written notice of the default to:
  - a. The Higher Education Tuition Protection Director, which will include:
    - i. The circumstances of the default;
    - ii. The number of affected domestic students; and
    - iii. Advice regarding:
      1. Whether SITCM intends to teach units of study so that students are able to complete the units, or to provide a refund of unspent tuition fees to those students; and
      2. If so, how SITCM intends to teach the units and/or refund students.
  - b. Affected domestic students, which will include:
    - i. The name of the course of study affected by the default;
    - ii. The day the course of study ceased to be provided;
    - iii. A copy of the student's transcript for units of study already completed; and
    - iv. Details of where to get information from the Australian Government Department of Education about tuition protection.
- 2) Within three (3) business days of the default, SITCM will give written notice to:
  - a. The Higher Education Tuition Protection Director, which will include:

- i. The full name and contact details of each affected domestic student;
    - ii. The units of study and the course of study that each affected domestic student was enrolled in at the time of the default;
    - iii. The amount of the tuition fees for each unit of study that the affected domestic 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
    - ix. 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.
  - b. The TPS Director and SITCM's ESOS agency, which will include:
    - i. The circumstances of the default;
    - ii. The details of the affected overseas students; and
    - iii. Whether and how SITCM intends to arrange for affected overseas students to be offered a place at an alternative course at SITCM's expense or to provide a refund of unspent tuition fees.
  - c. Affected overseas students, which will include:
    - i. The name of the course of study affected by the default;
    - ii. The day the course of study ceased to be provided;
    - iii. A copy of the student's transcript for units of study already completed; and
    - iv. That a refund of the amount of any unspent tuition fees will be made within 14 days of the default day (if applicable).
- 3) Within 14 days of the default day, SITCM will discharge its obligation to the student by either:
  - a. Arranging for the student to be offered a place in a suitable equivalent course, which the student accepts in writing;
  - b. Re-crediting the student's HELP balance and repaying the relevant HELP loan to the Commonwealth (if applicable); or
  - c. Providing a refund of the amount of any unspent tuition fees received by SITCM in respect of the student.
- 4) Within 21 days of the default day, SITCM will:
  - a. Notify the Higher Education Tuition Protection Director of:
    - i. Whether SITCM discharged its obligations to domestic students 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
    - ii. If SITCM arranged a suitable unit or replacement course for the student, the following information:
      1. Details of the student; and
      2. Details of the replacement unit or replacement course; and
      3. Evidence of the student's acceptance of an offer of a place in the replacement unit or replacement course; or
    - iii. If SITCM re-credited an affected domestic student's HELP balance and repaid the Commonwealth for an affected HELP student, the:
      1. Details of the student; and

2. Details of the amount re-credited and the amount repaid; or
- iv. If SITCM provided a refund to an affected domestic upfront fee-paying student, the:
  1. Details of the student; and
  2. Details of the amount of the refund.
- b. Enter the following information in PRISMS:
  - i. Whether SITCM offered all affected overseas students a place at an alternative course at SITCM's expense or provided them with a refund of unspent tuition fees;
  - ii. If SITCM provided refunds of unspent tuition fees:
    1. Details of the students SITCM provided refunds to; and
    2. Details of the amounts of the refunds provided.
- c. Notify the TPS Director and SITCM's ESOS Agency of the outcome of the discharge of its obligations via PRISMS.

#### **4 RELATED POLICY AND OTHER DOCUMENTATION**

- 1) Higher Education Standards Framework (Threshold Standards) 2021.
- 2) Higher Education Support Act 2003.
- 3) Higher Education Provider Guidelines 2012.
- 4) Education Services for Overseas Students Act 2000.
- 5) Tertiary Education Quality and Standards Agency Act 2011.
- 6) Tuition Protection (Up-front Payments Guidelines) 2020.
- 7) Education Services for Overseas Students (Provider default – discharge of obligations – requirements for a notice) Determination 2012 (No. 1).
- 8) Education Services (Calculation of Refund) Specification 2014.