

# **COURSE DISCONTINUATION AND TEACHOUT POLICY AND PROCEDURES**

## **Purpose**

In the event that a course is discontinued the teach-out process is an essential safeguard for higher education students at Lincoln Education Australia (LEA\*\*). Through the process outlined in the *Course Discontinuation Policy and Teachout Policy and Procedures* LEA will uphold its responsibility to ensure students are not disadvantaged in the event that a LEA course is discontinued.

This *Course Discontinuation Policy and Teachout Policy and Procedures* outlines the legal obligations of LEA and the rights of students in the unlikely event that a course at LEA is discontinued. It then details the procedures that LEA will implement in order to ensure these rights and responsibilities are adhered to.

\*\*The trading name for the Lincoln Institute of Higher Education (LIHE) is Lincoln Education Australia (LEA).

## **Scope**

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

## **Principles**

### ***LEA obligations and student rights***

LEA is committed to ensuring cooperation and compliance with legislation and regulatory requirements. Compliance shall be maintained when a course is discontinued and while a course is in teach-out mode.

As a higher education provider, LEA has a responsibility to ensure students receive the highest quality teaching and treatment and are not in any way disadvantaged by the discontinuation of a course by LEA.

Students shall be fully informed about course discontinuation and what will occur during 'teach-out mode', along with their rights during the process.

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

- Both current and potential students should have full access to timely and accurate information that may affect their decision to study or their study conditions
- Students shall be treated equitably, and all efforts made to ensure they are not disadvantaged, either financially or academically, in the event that a higher education course is discontinued

These rights and the responsibilities of providers are enshrined in various legal and regulatory frameworks outlined below. *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 strengthen 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 the following site:

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

Subdivision 36B – Conditions relating to Commonwealth supported students

#### ***24A. Providers to repay amounts – provider ceases to provide course***

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

- a) 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
- b) pay to the Commonwealth an amount equal to any FEE-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 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 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***):

- a) in respect of whom tuition fees have been paid to the provider; and
- b) who has not yet begun the course 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:

- a) the amount is withdrawn to pay a refund to, or in relation to, a relevant student; or
- b) both of the following apply:
  - i. the provider arranges for a relevant student to be offered a place in an alternative course at the provider's expense;
  - ii. the amount is withdrawn to pay the alternative provider in relation to the relevant student; or
- c) 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 course 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 course 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 courses 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 LEA failed to do so
- Paying another registered provider for providing an alternative course 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 course of study due to unexpected changes to the higher education provider’s operations, including if the provider is unable to provide a course of study, ceases to operate as a provider, loses professional accreditation for a course of study or is otherwise not able to offer a course of study” (6.2.1.i)

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

## **Course Discontinuation Initiated by LEA**

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

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

The application must include information regarding:

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

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

Course 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 as appropriate.

## **Teachout Mode**

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

During Teachout Mode the following conditions must be observed:

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

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

## **Course Discontinuation Initiated by TEQSA (Default)**

TEQSA has the authority to discontinue a LEA course.

In this case, students will have the option to:

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

LEA shall 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 LEA.

## **Tuition Assurance**

LEA will maintain tuition assurance protection through the Tuition Protection Service (TPS) for international students and domestic FEE-HELP students. The number of non-FEE-HELP domestic students is expected to be very low and LEA will allocate sufficient funds to support such students if need arises.

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

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

Additionally, this *Course Discontinuation and Teachout Policy* is be available on the website at all times.

In the case of course discontinuation, the Course Coordinator shall identify affected students and staff, and communicate to them what will occur as a result.



Students and staff shall receive a written notification of the reasons for course discontinuation, including an explanation of teach-out mode, student rights, and alternative courses that are available either at LEA or at other providers.

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

## Policy Implementation and Monitoring

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

The CEO and the Dean have overall responsibility to ensure the proper implementation of the course teachout.

To monitor the implementation of the *Course Discontinuation and Teachout Policy*, the Corporate Governance Board shall review all reports from positions and bodies to which it delegates authority. It shall also monitor student grievances, complaints and appeals, and staff concerns.

## Compliance

All staff members and students at LEA are required to comply with this policy and its procedures and with related policies and respective procedures. Non-compliance may result in disciplinary action or withdrawal of rights.

<b>File Number</b>	LEA-GEN-COR-70020-D
<b>Responsible Officer</b>	Chief Executive Officer
<b>Contact Officer</b>	Academic Dean
<b>Legislative Compliance</b>	<ul style="list-style-type: none"><li>• <i>Higher Education Standards Framework (Threshold Standards) 2015</i></li><li>• <i>Tertiary Education Quality and Standards Agency Act 2011</i></li><li>• <i>Education Services for Overseas Students (ESOS) Legislative Framework</i></li><li>• <i>Australian Government Tuition Protection Service Charter 2020</i></li><li>• <i>HESA 2003</i></li></ul>
<b>Supporting Documents</b>	
<b>Related Documents</b>	<ul style="list-style-type: none"><li>• <i>Risk Management Policy</i></li><li>• <i>Recognition of Prior Learning Policy</i></li><li>• <i>Business Continuity Plan</i></li></ul>
<b>Superseded Documents</b>	
<b>Effective Date</b>	1 January 2022
<b>Next Review</b>	3 years from the effective date



### Definitions

**Academic Board:** Governing body responsible for academic matters, including learning and teaching, course approval, workforce planning, academic staff appointments, research and professional development, academic policies and procedures, overseeing student grievances and appeals processes.

**Academic transcript:** Official statement that provides a certified record of a student’s full enrolment at LEA including all subjects attempted and the results they attained in that subject.

**Business Continuity Plan:** Identifies threats and risks LEA faces. The Business Continuity Plan provides risk mitigation strategies and recovery plans to protect LEA’s personnel and assets in the event that key operations are disrupted.

**Corporate Governance Board:** Governing body responsible for oversight of all higher education operations, including the ongoing viability of LEA and the quality of its higher education delivery. The Corporate Governance Board guides management and delegates responsibility for academic matters to the Academic Board.

**Course Coordinator:** Senior academic staff member responsible for the delivery, planning and development of a course at LEA, particularly subject curriculum, and works in conjunction with other senior academic staff.

**Teachout mode:** a period of time following the decision to discontinue a LEA course in which all students shall either complete the course or transition to another similar course.

**Tertiary Education Quality and Standards Agency (TEQSA):** Australia’s regulatory and quality agency for higher education. TEQSA’s primary aim is to ensure that students receive a high-quality education at any Australian higher education provider.

### Review Schedule

This policy shall be reviewed by the Academic Board every three years.

Version History			
Version number:	Approved by:	Approval Date:	Revision Notes:
1.0	Academic Board	17/12/2020	New policy
1.1	Academic Board	22/02/2023	TEQSA and CRICOS requirements incorporated