SOUTHERN ACADEMY OF
HIGHER EDUCATION

Southern Academy of Higher Education (SAHE)

Tuition Protection Policy

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1. Policy Statement

The Tuition Protection Policy ('the Policy') is designed to help ensure that Southern Academy of Higher Education (('SAHE' or 'the Academy') provides Tuition Protection for the students in the event that the Academy ceases to provide a program of study in which a student is enrolled. The Policy outlines the procedures to regulate the payment of student's fees and charges. SAHE meets all default obligations under the relevant legislative framework and acts including the:

a. Higher Education Standards (HES) Framework (Threshold Standards) 2021 (TEQSA Act 2011);
b. Education Services for Overseas Students (ESOS) Act 2000;
c. National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018);
d. Higher Education Provider Guidelines 2012;
e. Higher Education Support Act 2003.

1.1 Definitions

For definitions, please refer to the 'Dictionary of Terms'.

2. Scope

This Policy applies to all SAHE programs and all students.

3. Context

3.1 SAHE is required by HES Framework to have the Policy and safeguards in place to protect the interests of students if SAHE is forced to stop operating, experiences financial difficulties, or is unable to deliver education.

3.2 SAHE must meet the tuition assurance requirements as set out in the Higher Education Provider Guidelines 2012 in compliance with the Higher Education Support Act 2003.

3.3 The Tuition assurance requirements have four parts:

a. General Requirements;
b. Program Assurance Requirements;
c. Students Contribution or Tuition Fee Repayment Requirements; and
d. Administrative and Other Requirements.

3.4 SAHE is required to participate in the Tuition Protection Service (TPS) to meet the tuition assurance requirements.

4. Policy Principles

SAHE aims to:

4.1 contribute annually to the TPS including any required levies and surcharge;

4.2 provide Tuition assurance for international students through the TPS;

4.3 provide Tuition assurance for FEE-HELP students through the TPS;

4.4 have the opportunity to place students who are referred to the TPS in a suitable alternative program;

4.5 enter into an agreement with another higher education institute to enrol students in a similar program leading to the same or a comparable qualification;

4.6 satisfy provider obligations when a provider defaults as outlined in the ESOS Act (refer to Section 6 Provider Default below for steps and responsibilities);

4.7 satisfy provider obligations when a student defaults as outlined in the ESOS Act (refer to Section 7 Student Default for steps and responsibilities);

4.8 ensure that the placement and refund processes for students are quick and streamlined and students are looked after following a default in a timely way.

5. Tuition Protection Service

5.1 The Australian Government has expanded the TPS and new tuition assurance arrangements were started on 1 January 2020. The TPS arrangements will continue as a dedicated service for international students. The TPS is expanded to provide Tuition assurance for domestic students at non-university higher education providers (NUHEPs) offering FEE-HELP:

a. The following provisions will apply to domestic FEE-HELP students in the event that SAHE becomes a NUHEP/FEE-HELP Provider, which is subject to further consideration and approval by Council.

5.2 If SAHE is forced to close its operations, the TPS will assist SAHE international and domestic FEE-HELP students to either complete their studies with another provider or have their unspent tuition fees refunded.

5.3 TPS arrangements do not extend to SAHE domestic full-fee-paying students.
If SAHE ceases to deliver a program and remains solvent, the financial obligation for supporting students lies with SAHE. SAHE Dean will ensure students are supported to move to a suitable replacement provider. If there is no suitable replacement provider, SAHE is liable to repay the unused tuition fees.

6. Provider Default – International Students

(Part 5, Division 1, Subdivision A of the ESOS Act)

Step 1 - Provider default occurs

Under section 46A of the ESOS Act a registered provider default, in relation to an overseas student or intending overseas student and a program at a location, if:

a. the provider fails to start providing the program to the student at the location on the agreed starting day; or
b. after the program starts but before it is completed, the program ceases to be provided to the student at the location; and the student has not withdrawn from the program before the default day.

Note: Section 46A sets out further rules prescribing when a provider defaults.

Step 2 - Notifying the Secretary, the TPS Director and the students

Under section 46B of the ESOS Act, SAHE must notify the TPS Director of the default within 3 business days of the default occurring. Under section 46B SAHE must also notify students in relation to whom we have defaulted.

The notices must be in writing and meet the requirements of section 46B.

Step 3 - Provider obligation period

Under section 46D of the ESOS Act, SAHE has 14 days after the day of the default (the provider obligation period) to satisfy Tuition Protection obligations to the students as set out in the section.

If SAHE fails to discharge the obligations to the students under section 46D, it is an offence under section 46E of the ESOS Act and serious penalties apply.

Step 4 - Notification of the outcome- discharge of obligations

Under section 46F of the ESOS Act, SAHE has 7 days after the end of the obligation period to give notice to the students and the TPS Director of the outcome of the discharge of the obligations. This notice must comply with the requirements of section 46F.

If SAHE does not meet the obligations, the affected students may be assisted by the TPS Director.

7. Student Default – International Students

(Part 5, Division 2, Subdivision B of the ESOS Act)

7.1 Under section 47B of the ESOS Act, a registered provider must enter into a written agreement with each overseas student or intending overseas student that:
   a. sets out the refund requirements that apply if the student defaults; and
   b. meets any requirements set out in the national code.

Failure to enter into an agreement that complies with section 47B is an offence under section 47F of the ESOS Act and serious penalties apply.

Step 1 - Student default occurs

Under section 47A of the ESOS Act, an overseas student or intending overseas student defaults, in relation to a program at a location, if:

a. the program starts at the location on the agreed starting day, but the student does not start the program on that day (and has not previously withdrawn); or
b. the student withdraws from the program at the location (either before or after the agreed starting day); or
c. the registered provider of the program refuses to provide, or continue providing, the program to the student at the location if:
   i. the student failed to pay an amount payable to the provider for the program;
   ii. the student breached a condition of his/her student visa;
   iii. misbehaviour by the student (Note: the student is entitled to natural justice under subsection 47A(3)).

Note: subsection 47A(2) - A student does not default for failing to start a program on the agreed starting day if he/she does not start that program because the provider defaults in relation to the program at the location under subparagraph 46A(1)(a)(i).

Step 2 - Notifying the Students and the TPS Director

To meet Tuition Protection Service (TPS) reporting obligations, providers only need to report whether they have provided a refund to a student in two cases of student default:

a. where a student's visa is refused, even if there is a compliant written agreement in place;
b. where there is no compliant written agreement in place.

Step 3 - Provider obligation period

If a student or intending student defaults SAHE must provide a refund in accordance with the requirements under either section 47D or 47E of the ESOS Act, depending on which section applies to the circumstances of the default situation.

SAHE must pay the refund within the period (the provider obligation period) of 4 weeks after the day specified in section 47D or 47E, depending on which section applies to the circumstances of the default situation.

Step 4 - Notification of the outcome - discharge of obligations

If SAHE fails to discharge our obligations under sections 47D or 47E, it is an offence under section 47G of the ESOS Act and serious penalties apply.

Under section 47H of the ESOS Act, SAHE has 7 days after the end of the obligation period to give notice to the students and the TPS Director of the outcome of the discharge of the obligations where the provider is required to provide a refund under 47E. (i.e., where there is no written agreement in place and in cases of visa refusal, whether there is a written agreement in place or not). This notice must comply with the requirements of section 47H.

8. Responsibilities

8.1 The Council

a. The Council is responsible for approving the Tuition Protection Policy and monitoring its implementation.

8.2 Dean

a. The Dean is responsible for ensuring that SAHE implements the measures as detailed in the Tuition Protection Policy.

Version	v1.1
Review	The Governing Council will review this Policy in accordance with the Southern Academy of Higher Education *Policy Documents Review Schedule*.
Approving Body	Governing Council
Approval and Effective Date	4 May 2023
Policy Custodian	Dean
Policy Contact	Dean
Related Document	Refund Policy Student Grievances Management Policy
Related Legislations	Higher Education Standards Framework (Threshold Standards) 2021 (TEQSA Act 2011) Education Services for Overseas Students Act 2000 (ESOS Act) National Code of Practice for Providers of Education and Training to Overseas Students 2018 Higher Education Provider Guidelines 2012 Higher Education Support Act 2003
Benchmarking Institutes	Alphacrucis University College Adelaide Institute of Higher Education