

# Tuition Assurance Policy and Procedure

## 1. Introduction

The Australian Performing Arts Conservatory (APAC) Tuition Assurance Policy and Procedure sets out the purpose, scope, principles, policy statements, procedure and responsibilities relating to its approach to, and provision of, tuition assurance for its students. The document is designed to drive compliance with mandated higher education standards and other legislative requirements, and to support good practice.

### 1.1. Purpose

The purpose of this Policy and Procedure is to set out APAC's approach to, and provision of, tuition assurance for its students in circumstances where in which APAC discontinues, or is unable to continue offering, a course in which students are enrolled and for which they have paid tuition fees.

### 1.2. Scope

This Policy and Procedure applies to all APAC students, including students who have accepted and paid tuition for a place in a course.

### 1.3. Principles

The following principles underpin APAC's approach to, and provision of, tuition assurance:

- APAC will mitigate disadvantage to students who are unable to progress in a course of study due to unexpected or planned changes in APAC's capacity to continue delivering a course.
- APAC will have comprehensive, current, and confirmed arrangements with other providers for APAC students to transfer, with minimal disruption to their study, to replacement courses offered by those providers.
- The arrangements APAC has in place for tuition assurance will be clearly conveyed to students and prospective students on the APAC website, including through a Tuition Assurance Statement and outlined in the Letter of Offer.
- Comprehensive, clear, and timely information characterises APAC's approach in circumstances where APAC defaults on the delivery of a course.
- APAC will provide advice and support to students in circumstances where APAC defaults on the delivery of a course.
- APAC will meet all obligations it has to students under relevant legislation in the event of defaulting on the delivery of a course.

## 2. Policy Statements

### 2.1 Mitigating Risk to Students

Students enrolling in an APAC course have the reasonable expectation that they will be able to complete that course, provided that they continue to pay tuition fees as required and provided they progress successfully through all of the required components of the course. While unlikely, it's possible that APAC will default on the delivery of a course either because of unexpected or planned changes in APAC's capacity to continue delivering that course. Consequently, APAC must have protections in place that mitigate the associated risks to students. These are as follows:

#### 2.1.1 Replacement Courses

APAC makes arrangements with other higher education providers for APAC students to transfer to replacement courses offered by those providers in circumstances where APAC is unable to continue delivering a course. These arrangements have the following characteristics:

- They cover all of APAC's course and are underpinned by a formal Memorandum of Understanding (MoU) or similar document which is current.
- The transfer is achievable with minimal disruption to the student.
- The replacement course leads to the same or comparable academic award as the APAC course.
- The mode of delivery of the replacement course must be the same as, or very similar to, the mode of delivery of the replacement course.
- The location at which the replacement course is delivered must be reasonable in terms of accessibility, and cost of access, to the student.
- Transferring students will not be required to pay tuition fees to the receiving provider for the replacement components of the replacement course.
- Fees incurred for remaining units will not be significantly higher than the fees that the students would have paid APAC.
- Students will be able to attend the replacement course without unreasonable impacts on their prior commitments.

#### 2.1.2 Tuition Protection Service

The Tuition Protection Service (TPS) is an initiative of the Australian Government to assist students whose providers default on the delivery of the student's course of study. The TPS is a placement, refund and loan re-credit service for eligible students who are affected by a provider closing or otherwise defaulting on the delivery of a course.

The TPS provides information and assistance to ensure that students are able to either:

- complete their studies in another course or with another education provider; or
- receive a refund of, or a loan recredit for, unspent tuition fees.

TPS assistance and support extends to:

- international students on student visas;
- domestic Vocational Education and Training (VET) students accessing a VET Student Loan (VSL);
- domestic higher education students accessing the Higher Education Loans Program (HELP) (FEE-HELP or HECS-HELP);
- domestic higher education students who have paid their tuition fees up-front.

### **2.1.3 Additional Financial Guarantee**

As a further safeguard for students, APAC has a financial guarantee in place to enable repayment of unspent tuition fees where, for whatever reason, coverage is not provided by the TPS.

Specifically, APAC will have a legally binding guarantee provided by a legal entity that is a body corporate incorporated under, or in accordance with, a law of the Commonwealth of Australia or of any Australian State or Territory, and which has the financial and administrative resources to fulfil such a guarantee.

## **2.2 Communication with Students**

As soon as APAC becomes aware that a course will no longer be delivered, it will:

- notify impacted students by email within three business days of the default date clearly explaining the situation, clearly explaining available options and tuition assurance protections, and clearly indicating how students can secure further advice and access welfare and counselling support services; and
- as soon as is practicable, update its website to reflect that the course is no longer being delivered and directing impacted students and other stakeholders to an information page which clearly and honestly explains the situation, clearly explains available options and tuition assurance protections, and clearly indicates how students can secure further advice and access welfare and counselling support services.

## **2.3 Advice and Support for Students**

APAC has in place a contingency plan for providing easily accessible, personal and timely advice, as well as effective welfare and counselling support services, for students who are impacted if APAC defaults on the delivery of a course. This contingency plan may involve the use of appropriately qualified external agencies. Resource provision is made in the budgeting cycle to implement this plan if the need arises.

### **3. Procedure**

#### **3.1 Providing Replacement Courses**

APAC, through the Director of Higher Education, will:

- for each APAC course, seek to identify potential replacement courses offered by other providers, keeping in mind the characteristics specified in 2.1.1;
- ascertain the willingness of relevant other providers to accept students from APAC and establish the likely quantum of credit transfer that would be given by the other provider;
- where a replacement course arrangement is feasible, negotiate a Memorandum of Understanding, or similar document, that embeds and confirms the replacement course arrangement; and
- ensure that replacement course arrangements are monitored to confirm continuing feasibility and to refresh arrangements where required.

#### **3.2 Tuition Protection**

APAC contributes annually to the TPS, paying all required contributions in full and in a timely fashion as and when they fall due.

APAC secures and maintains the additional financial guarantee, checking regularly that the entity providing the guarantee continues to have the financial and administrative resources to fulfil such a guarantee.

#### **3.3 Communication, Support and Advice**

APAC has in place systems and information sets which enable timely communication and actions that can be taken by impacted students in the event of a provider default. These include:

- Current contact details for all students;
- Template letters that can be quickly updated and sent in the event of a provider default and which include information about APAC's intended actions, student options and access to welfare and counselling support;
- Clear assignments of responsibility to APAC staff who will act in the event of provider default; and
- A functioning system allowing students to access information about course progression, grades obtained, and tuition fees paid.

### 3.4 Reporting and Compliance

APAC ensures that all necessary reporting to regulatory and other government authorities, including the TPS, is done within mandated timeframes. The key reporting requirements and time frames are:

- i. within twenty-four (24) hours of defaulting, written notice must be given to the Higher Education Tuition Protection Director (the Director) and ESOS Agency (TEQSA or ASQA) of the circumstances of the default;
- ii. within three (3) business days of defaulting, written notice must be given to the TPS Director and ESOS Agency (TEQSA or ASQA) specifying information in relation to each student to whom the provider has defaulted including:
  - the student's full name and contact details;
  - the units of study and the course of study that the student was enrolled in at the time of the default;
  - the amount of the tuition fees for each unit of study that the student was enrolled in at the time of the default;
  - details about the payment of those tuition fees;
  - any other matters prescribed by the Higher Education Provider Guidelines (HEP) for affected HELP students; and
  - any other matters prescribed by the Tuition Protection (Up-front Payments Guidelines) 2020 for affected domestic up-front fee-paying students.
- iii. within twenty-four (24) hours of defaulting, written notice of the default must be given to the students to whom the provider has defaulted, complying with requirements of the HEP Guidelines for HELP students, and the Up-front Payments Guidelines for domestic up-front fee-paying students;
- iv. within three (3) business days of defaulting, lodge default notices in the Provider Registration and International student Management System (PRISMS);
- v. within fourteen (14) business days of defaulting, complete arrangements for affected students who have agreed in writing to accept a replacement course or re-credit the affected student's HELP balance or pay refunds due to affected student; and
- vi. within seven (7) business of completing the arrangements referred to in v., above, lodge notices in PRISMS regarding the discharge of obligations to affected international students.

## 4. Responsibilities

The following points set out the relevant responsibilities in relation to tuition assurance:

### 4.1 Board of Directors

The Board of Directors is responsible for:

- ensuring that there are in place credible and appropriate approaches to, and provision for, tuition of assurance for APAC students in the event of APAC defaulting on the delivery of a course;
- ensuring that approaches to, and provision for, tuition assurance meet all of the requirements set out in relevant legislation;
- ensuring that the required financial guarantee is in place; and
- ensuring that the contingency plan for the provision of advice, welfare and counselling support to students impacted by APAC defaulting on delivery of a course, is resourced in the budget cycle.

### 4.2 The Chief Executive Officer (CEO)

The Chief Executive Officer (CEO) is responsible for:

- ensuring that there is clear, comprehensive and current information accessible on the website regarding tuition assurance, including the Tuition Assurance Policy and Procedure and a Tuition Assurance Statement;
- developing the Statement of Tuition Assurance for the approval of the Board of Directors, and ensuring its publication on the website;
- developing and maintaining the contingency plan for the provision of advice, welfare and counselling support, to students impacted by APAC defaulting on delivery of a course;
- ensuring that the required financial guarantee is in place and that ongoing TPS contributions are made as they fall due;
- reporting regularly to the Board of Directors on matters to do with tuition assurance;
- monitoring legislative requirements for tuition assurance, and making recommendations to the Board of Directors where those requirements change in ways which necessitate changes to APAC's approach to, and provision for, tuition assurance; and
- in the event of APAC defaulting of the delivery of a course, ensuring that all legislatively required reporting to external agencies is done accurately and within mandated time frames.

### 4.3 The Director of Higher Education

The Director of Higher Education is responsible for:

- developing and maintaining course replacement arrangements with other providers; and
- ensuring that clear and accurate information regarding the details of replacement course arrangements is on hand for distribution to students in the event that APAC defaults on the delivery of a course.

### 4.4 Students

Students are responsible for:

- advising APAC of changes to their contact details as soon as possible;
- retaining records of course progression, including any statements of attainment and transcripts of results; and
- keeping receipts for any tuition fees paid and records of any student (HELP) loans received.

## 5. Relevant Documents

- APAC Business Continuity Plan
- APAC Letter of Offer and Acceptance of Offer and Student Agreement – Domestic
- APAC Letter of Offer and Acceptance of Offer and Student Agreement - International
- APAC Statement of Tuition Assurance
- Higher Education Standards Framework (Threshold Standards) 2021
- Education Services for Overseas Students (ESOS) Act 2000
- Education Services for Overseas Students (TPS Levies) Act 2012
- Higher Education Provider Guidelines 2012
- Higher Education Support Act 2003
- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- Tertiary Education Quality and Standards Agency Act 2011
- Tuition Protection Service, Service Charter, 2021
- Tuition Protection (Up-front Payments Guidelines) 2020

## 6. Definitions

- **Provider Default** means
  - an education provider being unable to commence delivery of a course on the agreed starting date, at the agreed location, and with the agreed accreditations; or
  - an education provider being unable to continue to deliver a course at the agreed location and with the agreed accreditations, after it has commenced and while there are students still enrolled in the course

## Version Control and Document Owner

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