



# Tuition Protection Service

## Higher Education Provider Default Obligations

### Within 24 hours of default you must:

- notify the TPS Director in writing
- notify affected students in writing

The notice to the TPS Director must include:

- the circumstances of default
- the number of students to whom the provider has defaulted on

The student notice must include:

- the name of the course of study and units of study that the student was enrolled in at the time of the default;
- the date of the default;
- a copy of the student's transcript for units already completed;
- evidence of any amounts of payments received; and
- a link to the TPS where the student can get further information about tuition protection. You can copy and paste this link to your notice website: [www.dese.gov.au/tps](http://www.dese.gov.au/tps)

You must send the notice in one of the following ways:

- to the student's personal email address as advised by the student;
- to the student's postal address as advised by the student; or
- to the student by another method agreed to by the student

**Within 3 days** of default you must provide the following information to the TPS Director:

- student's full name and contact details; including residential address, phone number and email address
- whether the student was studying part time- or full time
- the mode of delivery of each unit or course and if the student did not study online, the location (campus, suburb and postcode) where each unit or course was primarily delivered;
- the units of study and the course that the student was enrolled in at the time of the default;
- unit and course description outlines, including outlines for completed units;
- whether the student has withdrawn the course and the date of withdrawal;
- whether the student has deferred any units or the course, the date of the deferral and the date the student is expected to study;
- the unit of study status and unit completion date for each unit, including whether the status is withdrawn, ongoing, passed or failed;
- any work integrated learning and internship requirements for each unit;
- 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
- information about any scholarship arrangements or any payment arrangements made for the student by a third party for the student's tuition fees;
- (the total of other fees that are not tuition fees paid for the student for the unit or course received by the provider; and
- whether you intend to discharge its obligations to the student (i.e. whether you will provide a refund, repayment to Commonwealth or replacement course) and if so, how.
- If requested in writing by the Tuition Protection Director, you must give to the Director a copy of a student's record of results for the units of study that the student has completed.

**Within 14 days of default you must** either arrange for the student to be offered a suitable replacement unit or suitable replacement course and the student accepts the offer in writing; or you must pay the student a refund of any upfront payments for the affected unit(s).

If your student has paid their tuition fee using a HELP loan you must repay the Commonwealth an amount equal to any HELP assistance to which the student was entitled to for the unit.

Please note students can choose between continuing their studies at the replacement course you identify or receiving a refund (or loan re-credit if the student used HELP to pay tuition fees). If there is no suitable replacement course or unit you must pay the refund.

#### **Determining suitable replacement course**

In identifying whether this is suitable replacement course, you must have regard to the following matters:

- a) whether the replacement course leads to the same or a comparable qualification as the original course;
- b) what credits the student may receive for the units of study of the original course successfully completed by the student;
- c) whether the mode of delivery of the replacement course is the same as the mode of delivery of the original course;
- d) the location where the replacement course will be primarily delivered;
- e) whether the student:
  - i. will incur additional fees that are unreasonable; and
  - ii. will be able to attend the course without unreasonable impacts on the student's prior commitments;

#### **Determining a suitable replacement unit**

In identifying whether there is a suitable replacement unit, you must have regard to the following matters:

- a) whether the student will receive credit under the student's original course for the replacement unit;
- b) whether the mode of delivery of the replacement unit is the same as the mode of delivery of the affected unit;
- c) the location where the replacement unit will be primarily delivered;
- d) whether the student:
  - i. will incur additional fees that are unreasonable; and
  - ii. will be able to attend the replacement unit without unreasonable impacts on the student's prior commitments;

### **Notice to student with 14-day period**

If you identify there is a suitable replacement course or unit you must give a written notice to the student that includes the following:

- (a) statement that the student may decide to do one of the following:
  - enrol in a suitable replacement unit or suitable replacement course;
  - enrol in another unit of study or course;
  - elect to receive a refund or loan re-credit (as per which ever one applies to the students' case)
- (b) a description of each suitable replacement unit or suitable replacement course, including the qualification that the suitable replacement course leads to;
- (c) the contact details of the provider of each suitable replacement unit or suitable replacement course;
- (d) an explanation that, if tuition fees (or the student's contribution amount for HELP students) have been paid for the affected unit of the original course, tuition fees (or the student contribution amount) would not be payable for a suitable replacement unit or the replacement unit of a suitable replacement course;
- (e) an explanation that if the student chooses to enrol in another unit of study or course, there is no obligation on the provider of the other unit or course to offer a replacement unit without charge to the student;
- (f) an explanation of the matters the provider must have regard to when determining a replacement unit or course (see paragraphs above)

**Within 7 days after the 14-day period you must** notify the TPS director whether you have fulfilled your obligations.

The notice must include the following:

- Whether you have discharged your obligations to students (i.e. whether you provided a refund, repayment to Commonwealth or arranged a replacement course or unit)
- If you arranged a replacement course or unit:
  - Details of the student; and
  - Details of the replacement unit or replacement course;
  - Evidence of the student's acceptance of an offer
  - Evidence of the arrangements between the student and replacement provider, including any payment arrangements relating to tuition fees
- If you provided a refund to the student:
  - Details of the student and
  - Details of the amount of the refund: including evidence of refund to the student, including the date of refund.
- If you re-credited the student's HELP balance and paid an amount to the Commonwealth:
  - Details of the student; and
  - Details of the amount re-credited and the amount paid