

# STUDENT DEBTOR SANCTIONS POLICY 2014

The Vice-Chancellor and Principal, as delegate of the Senate of the University of Sydney, adopts the following policy.

Dated: 8 July 2014

Last amended: 9 June 2015 (administrative amendments only)

6 June 2016 (administrative amendments only)

25 July 2017 (administrative amendments only)

24 March 2019 (administrative amendments only)

Signature:

Name: Prof Stephen Garton (acting Vice-Chancellor)

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### 1 Name of policy

This is the Student Debtor Sanctions Policy 2014.

### 2 Commencement

This policy commences on 7 July 2014.

### 3 Policy is binding

Except to the extent that a contrary intention is expressed, this policy binds the University, staff, students and affiliates.

## 4 Statement of intent

This policy:

- (a) specifies the circumstances in which the University will apply sanctions for unpaid student debts;
- (b) specifies the sanctions which may be applied, up to and including cancellation of enrolment; and
- (c) aims to reduce the University's exposure to unrecoverable debts.

## 5 Application

This policy:

- (a) applies to University staff, students and affiliates; and
- (b) applies to non-award students as if they were students.

## 6 Definitions

<b>award course</b>	means a formal program of study at the University that will see attainment of a recognised award.
<b>course</b>	means a program of study at the University, including non-award courses.
<b>debt</b>	means an amount owed by or on behalf of a student to the University, and includes the principal amount plus any applicable penalties such as administration, cancellation or late payment fees.
<b>debtor sanction</b>	means any of the sanctions listed in clause 8 of this policy.
<b>delegate</b>	means a person authorised by the Senate to act on behalf of the University in specified situations, as provided by the <a href="#">University of Sydney (Delegations of Authority – Administrative Functions) Rule 2016</a>
<b>embedded program</b>	means a course of study for multiple coursework award courses which allows unit of study credit points to count in each of the awards.
<b>library debt</b>	means an amount owed on account of library fines, fees or other charges.  <b>Note:</b> See <a href="#">University of Sydney (Library) Rule 2011</a> . Details of library fines and other charges are available on the Library website at: <a href="http://sydney.edu.au/library/">http://sydney.edu.au/library/</a>
<b>non-award student</b>	means a person who is currently undertaking a course at the University which is not an award course.

<b>student</b>	means either a person who is currently admitted to candidature in an award course at the University or a non-award student.
<b>student contribution amount</b>	means the amount owed by a student in a Commonwealth supported place as a contribution towards the cost of their education.
<b>student services and amenities fee</b>	means the fee charged by the University for provision of services and amenities of a non-academic nature.
<b>unit of study</b>	means a stand-alone component of a course.
<b>University fees and financial obligations</b>	means amounts owed by or on behalf of a student to the University including but not limited to: <ul style="list-style-type: none"><li>• tuition fees</li><li>• student contribution amounts</li><li>• overseas student health cover charges</li><li>• student loans</li><li>• stipend overpayments</li><li>• charges for administrative services provided by the University</li><li>• charges for internet use and printing</li><li>• library debts</li><li>• student services and amenities fee.</li></ul>

## **7 Application of debtor sanctions**

- (1) Debtor sanctions will be applied in accordance with this policy when a student:
  - (a) fails to pay or arrange payment of University fees and financial obligations within applicable deadlines; or
  - (b) fails to provide, within applicable deadlines, relevant supporting documentation required for the acquittal of University fees and financial obligations, including:
    - (i) an Australian Government Tax File Number or Certificate of Application for a Tax File Number; or
    - (ii) a valid Request for Commonwealth Support and HECS-HELP form.
- (2) The debtor sanctions specified in clause 8 will be applied progressively, in the manner and circumstances set out in the procedures associated with this policy.
- (3) In appropriate cases, a student may enter into formal arrangements for payment over time of a debt owed to the University. Such arrangements must be:
  - (a) approved by the Vice-Principal (Operations); and
  - (b) recorded in writing and signed by the student.
- (4) If a student fails to meet the terms of an agreed payment arrangement, the amount outstanding will be immediately payable, and the appropriate debtor sanctions will be applied as if the debt had remained unpaid as from the original due date.
- (5) In relation to Library debts, the Vice-Principal (Operations) in consultation with the Director of University Libraries may, by written determination, establish a minimum debt threshold below which debtor sanctions will not be applied.

- (6) In relation to other debts (but not tuition fees or student contribution amounts) the Vice-Principal (Operations) may, by written determination, establish a minimum debt threshold, below which debtor sanctions will not be applied.
- (7) No such minimum threshold may be set for debts owed for unpaid tuition fees or student contribution amounts.

## 8 Types of student debtor sanctions

Any or all of the following sanctions may be applied under clause 7.

- (1) **Suppression of student academic record.** Access to the student's academic record may be denied to the student and to anyone outside the University, in the absence of legal compulsion to provide it. This includes access to results, grades and evidence of awards.
- (2) **Denial of access to University student services.** The student may be permitted access to assistance or services provided by [Student Support Services](#) but, as far as technically possible may be denied access to:
  - (a) University eLearning facilities (including learning management systems such as Blackboard);
  - (b) personal timetable;
  - (c) online and on-campus University Library services;
  - (d) other internet services;
  - (e) laboratories; and
  - (f) study spaces.
- (3) **Prevention from re-enrolment.** The student may not be permitted to:
  - (a) re-enrol in a current course of study;
  - (b) select further units of study in a current course of study;
  - (c) recommence a course of study after a period of absence; or
  - (d) articulate between related courses in an embedded program.
- (4) **Prevention from graduation.** The student may not be permitted to graduate, regardless of their standing in terms of course completion or record of achievement.
- (5) **Prevention from receiving an offer for another course.** The student is not permitted to receive an offer for any further course offered by the University.
- (6) **Enrolment cancellation.** The student's current enrolment may be cancelled, with result that:
  - (a) a grade of "cancelled" is applied to all current units of study;
  - (b) a status of "cancelled" is recorded in relation to the course(s); and
  - (c) a cancellation fee is applied to the student's account at either of:
    - (i) the time of any reinstatement; or
    - (ii) the next occasion on which the student requests access to their academic record.

**Note:** Once recorded, a cancellation remains permanently on a student's transcript.

## 9 Notice to students

- (1) The Vice-Principal (Operations) will ensure that information about this policy, and the potential application of debtor sanctions, is made available to students:
  - (a) prior to commencement of studies; and
  - (b) during candidature.
- (2) The Director of University Libraries will ensure that information relating to library fines, fees and charges is available on the Library website.

**Note:** See: <http://sydney.edu.au/library/>.

- (3) The Vice-Principal (Operations) will ensure that reasonable steps are taken to provide a student with clear advance notice of pending student debtor sanction(s). Email to a student's University email account or any additional or alternate method of notification consistent with the procedures associated with this policy will be sufficient to constitute such reasonable steps.
- (4) The Vice-Principal (Operations) is responsible for ensuring that such notices comply with any applicable legislative or regulatory time limits.

**Note:** See *Education Services for Overseas Students (ESOS) Act 2000*.

## 10 Duration of student debtor sanctions

- (1) Except as provided in this clause, debtor sanctions once imposed will continue until:
  - (a) all debts are discharged; or
  - (b) satisfactory arrangements are made for the payment of outstanding debts.
- (2) Debts will be regarded as discharged if:
  - (a) paid in full, including any applicable penalties or cancellation fees;
  - (b) the debtor dies; or
  - (c) the debtor is declared bankrupt and the University is subsequently named as a creditor in the bankruptcy.
- (3) The Vice-Principal (Operations) may waive the application of a particular debtor sanction or sanctions in exceptional cases, when satisfied that it is appropriate to do so. Such a waiver does not constitute a waiver or writing off of the underlying debt.
- (4) The relevant delegate may write off a debt if satisfied that exceptional circumstances make pursuit or collection inappropriate.

## 11 Debt after graduation

- (1) Where a student has graduated but is found to owe money to the University, the Student Centre will issue an invoice to the student for the outstanding amount.
- (2) If the outstanding amount is not paid by close of business on the due date, the following sanctions will be applied:
  - (a) suppression of academic record; and
  - (b) prevention from receiving an offer for any other course.

## 12 Debt collection and legal proceedings

- (1) The Director, Financial Control and Treasury, after consultation with the Vice-Principal (Operations), may:
  - (a) refer a debt to a debt collection agency; or
  - (b) instruct the Office of General Counsel to commence legal proceedings for recovery of the debt.

## 13 Enrolment reinstatement after cancellation

- (1) A student whose enrolment has been cancelled under this policy may have their enrolment reinstated after payment or satisfactory arrangements for payment of the debt.
- (2) A student whose Commonwealth supported enrolment has been cancelled cannot be reinstated in the same course of study in the same semester but may (subject to obtaining any necessary faculty approvals) elect to:
  - (a) be admitted to non-award study in the same semester;
  - (b) apply for reinstatement in a subsequent semester to the same or alternative units of study in the same course; or
  - (c) apply for admission to an alternative course.

**Note:** See also: [Coursework Policy 2014](#); [University of Sydney \(Coursework\) Rule 2014](#); [University of Sydney \(Higher Degree by Research\) Rule 2011](#).

- (3) A fee-paying student whose enrolment has been cancelled may apply (subject to any necessary faculty approvals) to be:
  - (a) reinstated in the same course of study in the same semester;
  - (b) reinstated in a subsequent semester; or
  - (c) admitted to an alternative course.

**Note** See also: [Coursework Policy 2014](#); [University of Sydney \(Coursework\) Rule 2014](#); [University of Sydney \(Higher Degree by Research\) Rule 2011](#)

## 14 Review

A student subject to debtor sanctions may apply for review of any relevant decision in accordance with the [Resolution of Complaints Policy 2015](#).

## NOTES

### Student Debtor Sanctions Policy 2014

Date adopted: 8 July 2014

Date commenced: 7 July 2014

Date amended: 25 July 2017 (administrative amendments only)  
24 March 2019 (administrative amendments only)

Administrator: Vice-Principal (Operations)

Review date: 7 July 2019

Related documents:

*Education Services for Overseas Students Act 2000*

*Education Services for Overseas Students (TPS Levies) Act 2012*

*Higher Education Support Act 2003 – Section 36.40*

*Higher Education Support Act 2003 – Administration Guidelines 2012*

*University of Sydney (Coursework) Rule 2014*

*University of Sydney (Higher Degree by Research) Rule 2011*

*University of Sydney (Library) Rule 2011*

*Coursework Policy 2014*

*Resolution of Complaints Policy 2015*

*Student Debtor Sanctions Procedures*

*Student Fees Procedures – Accounts Receivable*

*Student Loans Procedures – Accounts Receivable*

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## AMENDMENT HISTORY

Provision	Amendment	Commencing
Internal hyperlinks and references	Various hyperlinks and references to other documents updated (administrative change only)	9 June 2015
14	Change references and links from <i>Student Grievances, Applications and Appeals for Review Policy</i> to <a href="#">Resolution of Complaints Policy 2015</a>	6 June 2016
6	Updating reference to <i>University of Sydney (Delegations of Authority – Administrative Functions) Rule 2016</i>	25 July 2017
7(3),(5),(6); 9(1),(3),(4); 10(3); 12(1).	Replace Deputy Vice-Chancellor (Registrar) with Vice-Principal (Operations)	24 March 2019
Notes	Replace Deputy Vice-Chancellor (Registrar) as administrator with Vice-Principal (Operations)	24 March 2019