

**National Code of Practice for
Registration Authorities and
Providers of Education and Training
to Overseas Students 2007
(National Code 2007)**

Benefits for Students

Include:

- A written agreement, including refund provisions
- Strengthened appeals and complaints processes
- Flexible workloads, including online and distance learning
- Intervention strategies to help if provider is concerned about a student's course progress
- Critical incident policy to assist in unforeseen and difficult situations

Benefits for Providers

Include:

- Ability to include online learning in courses offered to international students
- More autonomy in managing a student's enrolment, e.g. deferring, cancelling and suspending
- More flexibility to monitor and manage course loads and students' course progress
- Clearer requirements for managing the activities of agents
- Strengthening appeals and complaints processes to assist dispute resolution

Compliance Requirements

- Registered provider must demonstrate compliance with the ESOS Act and the National Code 2007 at all times
- This compliance requirement also applies to courses delivered in association with another provider where UNE is the registered provider. UNE is responsible for breaches of the ESOS Act and the National Code, whatever the nature of its contractual or other arrangements with an other provider

Audit Requirements

Independent external audit every five years

- Self accrediting registered providers e.g. Universities, must undertake an independent external audit every five years including a full inspection of premises
- Results of audit provided to designated authority
- This is in addition to normal DEST and AUQA audits.

Conformity

Annual Declaration of Conformity

- Self accrediting registered providers must provide an annual declaration of conformity to the designated authority, including a report with specific requirements

CRICOS Registration (1)

Registration on Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)

- A provider must be registered on CRICOS for each course offered to overseas students and for each state in which it is provided
- Only full-time courses may be registered on CRICOS and courses delivered entirely online or by distance learning cannot be registered

CRICOS Registration (2)

- Courses with a distance or online component can only be registered where the minimum requirements of Standard 9 are met: **In any one study period a student must study at least one unit that is not by distance or online learning and no more than 25% of the student's total course may be undertaken by distance or online learning.**

CRICOS Registration (3)

- Work-based training may only be included where it is compulsory and where appropriate supervision and assessment arrangements are in place
- Registered duration of a course cannot exceed the time required for completing the course on the basis of the normal amount of full-time study
- Changes to course durations must be approved by the designated authority

Standards for Registered Providers

- Standards for registered providers set out the obligations of registered providers in delivering education and training to overseas students
- These standards must be met at all times

Compliance with each Standard

- In order to demonstrate UNE's compliance, checklists have been prepared for each Standard
- Checklists include amendments to existing Operating Procedure, New Operating Procedure, New Guidelines, and amendments to University Rules and Policy

Standard One

Marketing Information and Practices

- Marketing of the provider's education and training services must be accurate, ethical and maintain the integrity and reputation of the industry
- No false or misleading claims permitted
- Marketing and promotional materials (including electronic forms) must include the registered provider's name and CRICOS provider number

Standard 1: Marketing Information and Practices

Document	Location	Action	Responsibility
Marketing Information and Practices <ul style="list-style-type: none"> •Marketing and promotional material produced by UNE and UNE's domestic partners •Promotions and marketing practices adopted by UNE and UNE's domestic partners 	VCD07/3705	New Operating Procedure	IM&P (Primary) IPM Team Leaders MaPA Domestic Partners
International Marketing Checklist	D07/30082	New Internal Compliance Requirement	IM&P
International Marketing Register - Electronic file of documents substantiating claims made and upholding comparisons and relationships mentioned in marketing materials by UNE and UNE's domestic partners	In production – test server at present	New Internal Compliance Requirement	IM&P

Standard Two

Student Engagement before Enrolment

- Ethical and responsible recruitment
- Prior to acceptance by the student, must provide accurate up-to-date specified information that enables students to make informed decisions
- Documented procedures in place to assess academic qualifications and English language proficiency

Standard 2: Student Engagement Before Enrolment

Required Action	Location	Action	Responsibility
Admission-Undergraduate Admission Rule •Explicit reference to admission of international students under the age of 18	Admission Rule	Amended UNE Rule	ABT&L (Primary) IM&P IPM Team Leaders Domestic Partners
Undergraduate Admission for International Students •Procedure for UNE on campus students in Armidale •Procedure for Domestic partner delivered programs	D07/27503	New Operating Procedure	IM&P (Primary) IPM Team Leaders Domestic Partners
Postgraduate Admission for International Students •Procedure for UNE on campus students in Armidale •Procedure for domestic delivered programs	D07/27503	New Operating Procedure	IM&P (Primary) IPM Team Leaders Domestic Partners
The ESOS framework—providing quality education and protecting your rights	http://aei.dest.gov.au/AEI/ESOS/QuickInfo/ESOS_FrameWork_pdf.pdf	New Internal Compliance Requirement	EL&IS IM&P
Policy on English Language Requirements for Admission	http://www.une.edu.au/rmo/policies/acad/englishlanguage.pdf	No change	Academic Board
Offer Pack - •Requirements for acceptance into a course, including the minimum level of English language proficiency, educational qualifications or work experience required and whether course credit may be applicable. course content and duration, qualification offered if applicable, modes of study and assessment methods. the campus locations and a general description of facilities, equipment, and learning and library resources available to students. details of any arrangements with another registered provider, person or business to provide the course or part of the course. indicative course-related fees including advice on the potential for fees to change during the student's course and applicable refund policies. grounds on which the student's enrolment may be varied, deferred, suspended or cancelled. advising students of the relevant information on living in Australia,		Amended Internal Compliance Requirement	IM&P Domestic Partners

Standard Three

Formalisation of Enrolment

- Written agreement between provider and student, including course, conditions of enrolment, course monies payable and refund conditions (including both student and provider default)
- Advise student of obligation to notify registered provider of a change of address whilst enrolled

Standard 3: Formalisation of Enrolment

Required Action	Location	Action	Responsibility
<p>Refund of Tuiton Fees for International Students (On-Campus in Armidale)</p> <ul style="list-style-type: none"> •The amounts that may or may not be repaid to the student •The process of how to claim a refund •Plain English version of what happens if a course is not delivered •A statement relating to the preservation of the students consumer rights. 	D07/28946	New Operating Procedure	IM&P/Student Admin & Services (Primary) IPM Team Leaders Domestic Partners
<p>Offer letter template which includes:</p> <ul style="list-style-type: none"> •Accurate identification of the student’s course •An itemised list of fees •Information on refunds •A privacy statement that informs the students about the shared use of their information, the type of information to be collected and which agencies will share that information. 		Amended Internal Compliance Requirement	IM&P Domestic Partners
<p>Admissions Log</p> <ul style="list-style-type: none"> •Record of assessment of student’s academic qualifications and English language proficiency. 		No change	IM&P

Standard Four (1)

Education Agents

- Education agents must have an appropriate knowledge and understanding of the Australian international education industry. Cannot use education agents who are dishonest and lack integrity
- Written agreements with agents: responsibilities of each party, need to comply with National Code, processes for monitoring activities of the agent including preventative and corrective action, specified termination conditions

Standard Four (2)

Education Agents

- Registered provider must ensure agents have and use up-to-date and accurate marketing information

Standard 4: Education Agents

Required Action	Location	Action	Responsibility
International Education Agents •Types or categories of agents •Applying to be an agent or educational advisor •Information up-dates for agents •On-going monitoring and performance of agents •Corrective and preventative action •Requirements for partner institutions delivering UNE course in Australia	D07/28826	Amended Operating Procedure	IM&P (Primary) IPM Team Leaders Domestic Partners
Agent's Agreement		Amended Internal Compliance Requirement. Legal Office Approval.	IM&P
Maintain Agent's Register and Website	http://www.une.edu.au/imp/agents/agents.php	Amended Internal Compliance Requirement	IM&P
Corrective Action Log and Agent File Note - Template	D07/30112	New Internal Compliance Requirement	IM&P Domestic Partners

Standard Five

Younger Students

- UNE will only accept international students under the age of 18 if they are being cared for in Australia by a parent or suitable relative
- This standard applies only to providers who choose to take on approval of care arrangements other than the above

Standard 5: Younger Students

Required Action	Location	Action	Responsibility
Under 18's – UNE Admission Rule 2.8.3 <i>International students under the age of 18 are ineligible for admission to UNE unless they are being cared for in Australia by a parent or suitable nominated relative.</i>	Recommendation at S.C.A.B	Amended UNE Rule	IM&P/Student Admin & Services (Primary) IPM Team Leaders Domestic Partners

Standard Six (1)

Student Support Services

- Support students to adjust to study and life in Australia
- Culturally and age-appropriate orientation program
- Study support services to assist students in meeting course requirements
- Welfare and accommodation services
- Designated members of staff as official point of contact

Standard Six (2)

Student Support Services

- Sufficient support personnel to meet needs of students
- Staff interacting with students need to be aware of their obligations under ESOS framework
- Critical incidents policy and procedures assist students in unforeseen and difficult circumstances

Standard 6: Student Support Services

Required Action	Location	Action	Responsibility
International Critical Incidents <ul style="list-style-type: none"> •Prevention •Response •Recovery •Review 	D07/28137	New Operating Procedure	EL&IS (Primary) IPM Team Leaders Domestic Partners
Critical Incident Database		Existing Internal Compliance Requirement	FMS
Student Support Services	D07/28149	New Operating Procedure	EL&IS (Primary) IPM Team Leaders Domestic Partners
Documented information for students on support staff and services	Hard copy only	Amended Internal Compliance Requirement	EL&IS (Primary) IPM Team Leaders Domestic Partners
International Orientation Register: <ul style="list-style-type: none"> •Student support services available to students in the transition to life and study in a new environment; •Legal services; •Emergency and health services; •Facilities and resources; •Complaints and appeals processes; and •Any student visa condition relating to course progress and/or attendance as appropriate. 		New Internal Compliance Requirement	EL&IS (Primary) IPM Team Leaders Domestic Partners
International Orientation Checklist <ul style="list-style-type: none"> •Document orientation given to students who arrive late 		New Internal Compliance Requirement	EL&IS (Primary) IPM Team Leaders Domestic Partners
Diary records of contact with students		Existing Internal Compliance Requirement	EL&IS (Primary) IPM Team Leaders Domestic Partners
Staff briefing on ESOS compliance and register of presentations maintained		Revised Internal Compliance Requirement	EL IS IM&P

ESOS: The New National Code (Effective 1 July 2007)

Standard Seven

Transfers between Registered Providers

- Transfers permitted after the first six months of the student's principal course
- Providers must not knowingly enrol transferring students in the first six months
- Registered providers must have and implement a documented student transfer request assessment policy
- Requirement to notify student to seek advice from DIAC if a letter of release is granted

Standard 7: Transfer Between Registered Providers

Required Action	Location	Action	Responsibility
International Student Transfer between Registered Providers •Transfer from UNE within the first six calendar months of study •Transfer to UNE within the first six calendar months of study •Transfer to and from a UNE domestic partner	D07/28183	New Operating Procedure	EL&IS (Primary) IPM Team Leaders Domestic Partners
Template: •Letter of release •Letter of refusal		New Internal Compliance Requirement	EL&IS (Primary) IPM Team Leaders Domestic Partners
Checklist to be filed with each request establishing that UNE did not knowingly enroll a student wishing to transfer from another registered provider's course prior to the student completing six months outside the guidelines. Following documents to be included in the checklist: 1.notification that the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered 2.letter of release from the original registered provider 3.evidence that the original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her principal course 4.written support by any government sponsor of a student stating that they consider the change to be in the student's best interest.	PRISMS	New Internal Compliance Requirement	EL&IS (Primary) Domestic Partners

Standard Eight

Complaints and Appeals

- Appropriate internal complaints and appeals processes
- Independent and external body available
- Complaints and appeals processes must be timely, accessible and inexpensive
- Internal complaints process must begin within 10 days

Standard 8: Complaints and Appeals

Required Action	Location	Action	Responsibility
Guidelines: Required Amendments to all Complaint and Appeals Policies and Procedures at UNE Involving Full-time International Students (Irrespective of Study Location in Australia)	D07/28421	New Guidelines	Acting DVC (AP&R) (Primary) EL&IS IPM Team Leaders Domestic Partners Faculties Admin Units Residences
Complaints and Appeals: Information for International Student <ul style="list-style-type: none"> •Academic Appeals •Administrative Appeals •Racial Discrimination •Sex-Based Harassment •Grievance Mediation •International Student Complaints or Appeals •External Complaints and Appeals 	D07/30423	New Internal Compliance Requirement	EL&IS

Standard Nine (1)

Completion within expected duration of study

- Through documented course progress policies and procedures, providers must monitor student enrolment loads to ensure completion within duration specified on Confirmation of Enrolment (CoE)
- Providers may only extend a student's duration of study in specified circumstances. Changes must be reported via PRISMS

Standard Nine (2)

Completion within expected duration of study

- In monitoring enrolment loads, providers must ensure:
 - that the student is studying at least one unit in any compulsory study period that is not by distance or online learning; and
 - that the student does not exceed 25% of the total course by distance and/or online learning

Standard 9: Completion Within the Expected Duration of Study

Required Action	Location	Action	Responsibility
<p>Duration: Study Load and Mode for International Students in Australia Irrespective of Study Location</p> <ul style="list-style-type: none"> •Ensure students are enrolled correctly and maintain a full-load. (noting unit enrolment type for their total course and for each unit in a compulsory study period) 	D07/28422	New Operating Procedure	EL&IS (Primary) Student Centre IPM Team Leaders Domestic Partners
<p>Guidelines: Compassionate and Compelling Circumstances for Full-Time International Students (Irrespective of Study Location in Australia) for:</p> <ul style="list-style-type: none"> •Inability to complete the course within the expected duration (Standard 9: Completion Within Expected Duration); •Failure to meet attendance requirements(Standard 11: Monitoring Attendance); •Assessment, approval/rejection and recording of a deferment of the commencement of study or suspension of study (Standard 13: Deferment, Suspension or Cancellation of Study During Enrolment); or •Other appeals lodged through the internal policies and procedures of UNE or its domestic partners (Standard 8: Complaints and Appeals). 	D07/29714	New Guidelines	EL&IS (Primary) Student Centre IPM Team Leaders Domestic Partners

Standard Ten (1)

Monitoring Course Progress

- Providers must have and implement documented course progress policies and procedures and provide these to staff and students
- Course progress is to be assessed at the end point of each study period (semester)
- Providers must have a documented intervention strategy, specifying procedures for identifying and assisting students at risk of not meeting course requirements

Standard Ten (2)

Monitoring Course Progress

- At a minimum, the intervention strategy must be activated when the student has failed 50% or more of the units in any one study period
- Students who do not meet satisfactory course progress requirements must be reported to DEST via PRISMS

Standard 10: Monitoring Course Progress

Required Action	Location	Action	Responsibility
Course Progress: General Rule 7	S.C.A.B	Amended Existing Rule	S.C.A.B (Primary) Student Centre IPM Team Leaders Domestic Partners EL&IS
<p>Early Intervention Strategy for International Students Studying in Australia (Irrespective of Study Location in Australia – excluding Higher Degrees by Research Students)</p> <ul style="list-style-type: none"> •Determining Satisfactory Progress •Contacting and Counselling Identified Students – Amber Risk Assessment •Contacting and Counselling Identified Students – Red Risk Assessment •Reporting of Students via PRISMS 	D07/28425	New Operating Procedure	Student Administration & Course Coordinators (Primary) Supervising Academics EL&IS IPM Team Leaders Domestic Partners

Standard Eleven

Monitoring Attendance

- Relates more to VET and ELICOS providers
- Monitoring of some attendance is desirable as part of activating the early intervention strategy

Standard 11: Monitoring Attendance

Required Action	Location	Action	Responsibility
Applies to ELICOS and VET sectors but could be used to invoke the Early Intervention Strategy.			Unit Coordinators Supervising Academics

Standard Twelve

Course Credit

- Registered providers must have documented procedures for granting and recording of course credit
- CoE to reflect net duration of course if credit is granted before student visa
- If credit granted after student visa, change of course duration must be reported via PRISMS
- Student to maintain full study load in order to complete course in net duration

Standard 12: Course Credit

Required Action	Location	Action	Responsibility
Policy on Advanced Standing	S.C.A.B	Amended Existing Policy	S.C.A.B (Primary) Student Centre IM&P IPM Team Leaders EL&IS
Advanced Standing Guidelines	S.C.A.B	Amended Existing Policy	EL&IS/Student Centre- Partnerships (Primary) IPM Team Leaders Domestic Partners
Credit and Admissions Register		Existing Internal Compliance Requirement	Student Centre (Primary)
Offer Letter: include the actual net course duration subject to credit being granted prior to the issuing of the student's visa.		Existing Internal Compliance Requirement	IM&P Domestic Partners
CoE: include the actual net course duration subject to credit being granted prior to the issuing of the student's visa.		Existing Internal Compliance Requirement	IM&P

Standard Thirteen (1)

Deferring, suspending or cancelling the student's enrolment

- Providers must have documented procedures in place
- Providers may only defer or temporarily suspend enrolment on the grounds of compassionate or compelling circumstances and misbehaviour
- Students to be notified that deferring, suspending or cancelling may affect their visa

Standard Thirteen (2)

- Provider must notify DEST via PRISMS where the student's enrolment is deferred, suspended or cancelled
- Provider must notify student of intention to suspend or cancel and that he/she has 20 working days to access the internal appeals and complaints process
- The provider must maintain the student's enrolment until the internal appeals process is resolved

Standard 13: Deferring, Suspending or Cancelling the Student's Enrolment

Required Action	Location	Action	Responsibility
<p>Deferring and Suspending International Student Enrolment (Irrespective of Study Location in Australia)</p> <ul style="list-style-type: none"> •Grounds for deferring or temporarily suspending the enrolment of UNE students irrespective of study location in Australia •Recommencing Studies after a period of Deferment or Suspension •Impact of Deferment Suspension or Cancellation of Enrolment on Student Visas •Deferring, Suspending and Cancelling Enrolment of Under 18 •Status during the Complaints and Appeals Process 	D07/28526	New Operating Procedure	EL&IS/Student Centre-Partnerships (Primary) IPM Team Leaders Domestic Partners
Log of applications for deferment or suspension of enrolment and their outcome	Via TRIM record	Existing Internal Compliance Requirement	EL&IS (Primary) Domestic Partners
Template of letter notifying students of the outcome of their application for deferment of the commencement of study or suspension of study.		Existing Internal Compliance Requirement	EL&IS (Primary) Domestic Partners

Standard Fourteen

Staff capability, education resources and premises

- Suitably qualified or experienced staff
- Resources to support delivery of courses to students
- Premises to support student achievement

Standard Fourteen (2)

- Existing course quality frameworks
- Must notify designated authority and students at least 20 days in advance of intention to relocate premises

Standard 14: Staff Capability, Educational Resources, and Premises

Required Action	Location	Action	Responsibility
Recruitment	http://www.une.edu.au/hrs/handbook/09/recruitment.htm	Existing Policy	Human Resources •Domestic Partners IMP Teams Leaders
Induction	Human Resources	New Policy	Human Resources Domestic Partners IPM Team Leaders
Performance Assessment	http://www.une.edu.au/hrs/handbook/15/perfman.htm	Existing Policy	Human Resources Domestic Partners IPM Team Leaders
Ongoing development of staff involved with the recruitment or delivery of education or client services to overseas students	http://www.une.edu.au/hrs/handbook/16/traindev.htm	Existing Policy	Human Resources Domestic Partners IPM Team Leaders

Standard Fifteen

Changes to Registered Provider's Ownership or Management

- Relates to RTO's and private ELICOS providers

Further information:

- An Implementation Plan (including staff briefings) has been prepared. A Training Register is also being kept.
- Email any queries to Sue Campbell (International Development & Compliance Officer)

scampb20@une.edu.au

Helpful Websites

(See handout for addresses)

DEST – Australian Education International

<http://aei.dest.gov.au/AEI/ESOS/NationalCodeOfPractice2007/default.htm>

Office of the Secretariat – Policies Page
English Language

IM&P is also constructing an 'FAQ' site – see updates on <http://www.une.edu.au/imp>