

# International Educational Agents

<b>Document type:</b>	Operating Procedure
<b>Administering Entity:</b>	International Marketing and Pathways
<b>Records Management System Number:</b>	D09/120950
<b>Date approved:</b>	16 November 2009
<b>Approved by:</b>	Director, International Marketing and Pathways
<b>Indicative time for review:</b>	November 2011
<b>Responsibility for review:</b>	Director, International Marketing and Pathways

## Rationale and Scope

The revised National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code 2007) requires UNE to demonstrate its compliance with the National Code 2007 at the point of CRICOS registration and throughout its CRICOS registration period.

This compliance requirement also applies to students enrolled in courses delivered in association with another provider where UNE is the registered provider. UNE is responsible for breaches of the National Code, whatever the nature of its contractual or other arrangements with another provider.

Standard 4 of the National Code 2007 requires UNE to take all reasonable measures to use education agents that have an appropriate knowledge and understanding of the Australian international education industry and do not use education agents who are dishonest or lack integrity.

In order to comply with Standard 4, UNE must enter into a written agreement with each education agent it engages to formally represent it. The agreement must specify the responsibilities of the education agent and UNE and the need to comply with the requirements in the National Code. The agreement must include:

- Processes for monitoring the activities of the education agent, including where corrective action may be required; and
- Termination conditions, including providing for termination in the circumstances outlined below.

UNE must not accept students from an education agent or enter into an agreement with an education agent if it knows or reasonably suspects the education agent to be:

- Engaged in, or to have previously engaged in, dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 (Transfer Between Registered Providers);
- Facilitating the enrolment of a student who the education agent believes will not comply with the conditions of their student visa;
- Using the Provider Registration and International Students Management System (PRISMS) to create Confirmation of Enrolments for other than bona fide students; or
- Providing immigration or migration advice where not authorised to do so under the *Migration Act 1958*.

Where UNE has entered into an agreement with an education agent and subsequently becomes aware of, or reasonably suspects, the engagement of that education agent, or an employee or sub-contractor of that agent, of conduct outlined above, UNE must terminate the agreement with the education agent. This does not apply where an individual employee or sub-contractor of the education agent was responsible for the conduct outlined above and the agent has terminated the relationship with the individual employee or sub-contractor.

UNE must also ensure that its education agents have access to up-to-date and accurate marketing information as set out in UNE procedures, *Marketing Information Practices*.

UNE must take immediate corrective and preventative action upon the registered provider becoming aware of an education agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the integrity of the Australian education and training industry.

## Principle

1. The Director, International Marketing and Pathways (IM&P) has delegated authority to appoint education agent on behalf of the University and the English Language Centre (ELC).
2. Due care shall be exercised in the appointment of all agents and all agents must have a written agreement with UNE.
3. IM&P normally accepts applications via agents only if they are duly appointed by IM&P.
4. IM&P will appoint education agent businesses on a non-exclusive basis as "Primary" or "Referral". Primary agents are key representatives of the University and IM&P may participate (with Faculty assistance where appropriate) in their student interview programs. UNE will not normally participate in interview programs or jointly advertise with "Referral" agents.
5. All agents will be appointed initially as "Primary" agents. "Primary" agents may be converted to "Referral" agents based on performance or on IM&P being unable to conduct direct recruitment activity with the agent.
6. "Primary" agents will be appointed for a term of three years and "Referral" agents for two years.
7. From time to time, IM&P may appoint educational advisors to provide specific services related to the recruitment of international students. Advisors are not full-time educational agents or recruitment businesses and shall be appointed for a term of up to three years.
8. IM&P will keep appropriate records of all agents and shall investigate and document any complaints received regarding the behaviour of agents. IM&P will take immediate corrective action upon becoming aware of an agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices. Where appropriate, any agent or advisor agreement may be terminated without notice.
9. Where appropriate, IM&P will prepare an Annual Business Plan with agents, including the setting of targets and shall regularly monitor the performance and activities of all agents. Review of agents shall be held on an annual basis. "Primary" agents may be converted to "Referral" agents as a result of the performance monitoring process.
10. IM&P will take all reasonable measures to use agents that have an appropriate knowledge of the University and Australian international education and training.
11. IM&P will require all agents to adhere to the requirements of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students ("The National Code") and other legislation in so far as it related to the provision of services by agents.
12. IM&P will nominate a staff member for the purposes of contact and liaison with the agent, including issues relating to admissions, planning of promotional activities, advertising, training of agents and counsellors etc.

13. IM&P will take all reasonable steps to ensure that all advertising undertaken by UNE agents is approved prior to placement and is in accordance with legislative University and IM&P requirements.
14. IM&P will provide agents with accurate and up to date course and other information and materials to enable them to conduct their services.
15. IM&P will advise agents as soon as practicable of changes to the legal or regulatory conditions for Australian student visa requirements.
16. IM&P will publicise through its website an up to date list of appointed agents and educational advisors by country.
17. Where a UNE course is marketed and delivered by another provider under an arrangement, the Integrated Project Management Team Leader as per the *Roles of Project Teams: Integrated Project Management Procedures for Teaching Partnerships and International Projects* must ensure that the provider has an appropriate Agent's policy (and related procedures) in place covering the appointment, monitoring and performance of agents.
18. The Director, International Marketing and Pathways may obtain copies of the documentation referred to in clause 17, at their discretion, for review and auditing purposes.

## **Procedure**

### **1. Types or Categories of Agents**

IM&P may appoints two categories or classes of full-time educational agents. All new agents are initially appointed as "Primary" agents.

#### **1.1 'Primary' Agent**

A 'Primary' agent is a key representative of the University and is appointed for an initial term of three years.

IM&P supports the marketing and recruitment activities of a 'Primary' agent through participation in:

- High profile student exhibitions and interview programs in an advertised venue
- Student interviews in the agent's office
- Briefing of counsellors
- Email updates
- Briefings from Faculty and/or course experts
- Advertising in conjunction with the agent.

A 'Primary' agent is one that provides three or more student enrolments per year.

As part of the performance management process, a "Primary" agent may be converted to a 'Referral' agent.

#### **1.2 'Referral' Agent**

A 'Referral' agent is one who will refer students to UNE from time to time. UNE does not necessarily agree to advertise jointly with the agent or to conduct major country interview programs or to participate in exhibitions with the agent.

A 'Referral' agent is appointed for a term of two years and supplies a minimum of one student to the University per year.

IM&P supports the marketing and recruitment activities of a 'Referral' agent by:

- visits to the agent's office
- conducting interview programs for prospective students in the agent's office.

'Referral' agents may be converted to a 'Primary' agent based on performance.

### **1.3 'Educational Advisor'**

'Educational Advisors' may include:

- UNE alumni members
- Educational institutions or organisations
- Professional Associations
- Persons of high respect and community standing.

'Educational Advisors' do not operate full-time recruitment business but may provide specific recruitment services and/or recruit students through their networks or contacts.

'Educational Advisors' may be appointed for a term of up to three years

## **2. Applying to be an Agent or Educational Advisor**

IM&P may strategically approach agents and advisors directly and invite them to become an agent or advisor for the University. Otherwise, prospective agents must apply to become an authorised agent of the University. Prospective advisors must only be invited to apply.

UNE will only appoint reputable agents or advisors and will not use agents/advisers who are dishonest or lack integrity.

### **2.1 Application Process**

Prospective agents are required to download the following documents from IM&P's website [www.une.edu.au/imp](http://www.une.edu.au/imp)

- (a) Information for Prospective Agent
- (b) Agent Application Form

The Agent Application Form and supporting documentation may either be posted to:

Attention: Agent Application  
Director, International Marketing and Pathways  
The University of New England  
International Precinct  
Armidale  
NSW 2351  
AUSTRALIA

Or, emailed with attachments to: [imp@une.edu.au](mailto:imp@une.edu.au)

Each application normally takes approximately four weeks to assess and the decision of the Director, International Marketing and Pathways is final. The assessment process includes the Director, IM&P completing an assessment checklist as a control document. This checklist is then filed with each application. The assessment checklist is based on the National Code standards relating to education agents.

Prospective Educational Advisors must only be invited to apply by the Director of International Marketing and Pathways and may be required to attend for interview.

## **2.2 Agent and Advisor Agreements**

In the event of the application being successful, a Primary Agent Agreement or an Educational Advisor Agreement shall be prepared in duplicate for execution and exchange. In the event of the application being rejected, notification will be forwarded and the decision recorded on file.

Upon execution of the agreement

- the agent's or advisor's details will be entered on IM&P's Agent's Database
- the agent's or advisor's details will be recorded on IM&P's Website (Authorised Agents Listed by Country) [www.une.edu.au/imp/agents](http://www.une.edu.au/imp/agents)
- a hard copy of the agreement will be placed on file in IM&P
- the signed copy of the agreement (returned by the agent/advisor) will be forwarded to the University's Records Management Division for filing on TRIM
- the Agent's or Advisor's details will be entered into Callista by the Manager, International Recruitment and Admissions or their nominee
- the agent's or advisor's details will be added to the electronic Agents Distribution List to ensure they receive electronic newsletter and updates.

## **2.3 Certificate of Appointment**

Once the agreement has been executed, the agent or advisor will be sent a Certificate of Appointment as a duly appointed and authorised representative of the University for the purpose of recruiting international students.

All certificates will be signed by the Director, International Marketing and Pathways or their nominee and show:

- the agent's business name and country
- the period of appointment
- CRICOS Provider Codes for the University and the English Language Centre (ELC).

## **3. Information Updates for Agents**

All agents or advisors will receive an electronic copy of IM&P's periodic 'Student Recruitment Newsletter'. The purpose of this newsletter is to keep agents, scholarship bodies and others briefed on course changes, news at UNE, intending country visits by IM&P staff and University academics, changes to visa requirements, application processing requirements, enrolment dates etc.

Regular contact will be maintained by IM&P staff with agents to ensure that they are kept up to date with all relevant information in relation to the provision of services.

All agents and advisors will be encouraged to contact the Manager, International Recruitment and Admissions or their nominee regarding the status of student applications.

As part of keeping agents and advisors up to date, IM&P encourages and supports visits to UNE as much as possible. Such visits will include Armidale and surrounds, accommodation, campus and faculty tours, product knowledge briefings by faculty experts, briefings of IM&P procedures including Admissions, meetings with students, briefings on legislative and visa changes, services provided to international students etc.

## **4. Ongoing Monitoring and Performance of Agents**

The performance and activities of all agents will be monitored on an ongoing basis, using one or more of the following:

- Quality of applications and documentation submitted on behalf of students
- Face to face meetings with agents and their counsellors
- Regular reports from agents
- Meetings with students or reports from students
- Student and agent surveys

- Telephone or teleconference discussions/meetings
- Evaluation of student applications submitted by the agent
- Spot checks by UNE, for example, observing agents at work at education seminars, exhibitions and student fairs.

Reviews of all agents and advisors will also be conducted by the Director, International Marketing and Pathways on an annual basis. A completed Review Checklist is required as a control document and is to be filed with each agent's record. Reviews will include:

- Assessment of performance against target numbers in the Annual Business Plan
- Conformity with contractual requirements, in particular the National Code
- Quality of counselling and other information provided to students
- Assessment of UNE's performance in supporting the agent
- Recommended areas of improvement by agent and IM&P
- An evaluation of activity undertaken by UNE with the agent
- Recommendation of continuing status as a 'Primary' agent or conversion to 'Referral' status
- Drafting of the next Annual Business Plan with the agent and in accordance with IM&P's Country Plans
- Surveys of students recruited by particular agents
- Surveys of agents.

The Director, International Marketing and Pathways will forward a brief report to the agent/advisor with appropriate comments and actions, together with the Annual Business Plan for signing.

As part of the monitoring of agent's activities and to assist them to effectively carry out the performance of their services, IM&P will endeavour to visit the majority of 'Primary' agents to:

- Undertake product briefings, including course requirements for entry etc.
- Inspect the premises to ensure that an appropriate image is presented
- Meet with counsellors to assess their performance in advising students
- Review the display of UNE promotional materials
- Assess the agent's knowledge of and conformance with the "National Code" and other legislative requirements relating to the provision of their services.

## **5. Corrective and Preventative Action**

UNE will take immediate corrective and preventative action upon becoming aware of an agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices. Preventative action may include training sessions with the agent. Corrective action will be documented in the Corrective Action Log and may include a warning, targeted training or termination.

Ideas for Procedure for Preventative Action:

- E-training for agents
- E-newsletter providing up-dates
- Designated contact point for the agent to contact with any questions
- Arriving student questionnaire to identify any concerns/breaches/general problems (move on to corrective action)

Ideas for Procedure for Corrective Action:

- Problem identified
- Problem reported to Director IM&P
- Direct contact made with agent to advise of possible breach and seek their response to the allegations.
- Review of complaint by the Director of IM&P following input from agent and complainant. Three scenarios from outcome of review:
  1. Agent Cleared – Director IM&P writes to agent advising of result and thanking them for their valuable input

2. Minor breach by Agent – Agent reprimanded, advised that any further breach will result in termination of their agreements, reminded of their obligations, breach placed on their file
3. Major breach by Agent – Agent advised in writing that their contract will be terminated, Australian post (either High Commission or Consulate) advised of the breach, outcome placed on file.

## **6. Requirements for Partner Institutions Providing Courses or Programs on Behalf of UNE in Australia**

Where a UNE course is marketed and delivered by another provider under an arrangement with UNE, the provider must:

1. Ensure that it has a UNE-approved Agent's policy (and related procedures) regime in place covering the appointment, monitoring and performance of agents.
2. Use a UNE-approved agent agreement.
3. Provide IM&P with a list of its authorised agents on an annual basis.
4. Publish and regularly update a list of authorised agents for potential students on its website.
5. Seek approval for the content and format of all advertising and promotions (including printed copy and electronic) for UNE courses from the Brand Manager, Marketing and Public Affairs Division (MAPA) of the University.

## **ANNEXURES:**

- Information for Prospective Agent
- Agent Application Form
- Primary Agent Agreement
- Educational Advisor Agreement
- Agent File Note
- IM&P Agent Data Base
- Corrective Action Log
- IM&P's Authorised Agents Listed by Country [www.une.edu.au/imp/agents](http://www.une.edu.au/imp/agents)