

Standard 8: Overseas student visa requirements

Monitoring international students

- a) progress
- b) reporting; and
- c) course duration

– Operating Procedures

Overview

The *Education Services for Overseas Student Act 2000* (ESOS Act) requires Providers to be registered on the *Commonwealth Register of Institutions and Courses for Overseas Students* (CRICOS). A registered provider must have met, and continue to meet, the requirements of the ESOS Act and *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code). Registration is under the ESOS Agency as determined by the education sector and jurisdiction UNE operates in.

UNE is required to demonstrate compliance with the National Code 2018 at the point of CRICOS registration and throughout its CRICOS registration period. This 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.

Scope

Standard 8 sets out that registered providers must safeguard the integrity of Australia's migration laws by supporting overseas students to complete their course within the required duration and fulfil their visa requirements for course attendance and course progress. It sets flexible provisions to allow online learning while maintaining appropriate standards for overseas students to comply with student visa conditions.

1. UNE must monitor student⁽¹⁾ course progress and, where applicable, attendance for each course in which the student is enrolled.
2. The expected duration of study specified in the student's Confirmation of Enrolment (CoE) must not exceed the CRICOS registered duration.
3. UNE must monitor the progress of each student to ensure the student is in a position to complete the course within the expected duration specified on their CoE.
4. UNE must have and implement documented policies and processes to identify, notify and assist students at risk of not meeting course progress or attendance requirements where there is evidence from the student's assessment tasks, participation in tuition activities or other indicators of academic progress that the student is at risk of not meeting those requirements.
5. UNE must clearly outline and inform students before they commence the course of the requirements to achieve satisfactory course progress and, where applicable, attendance in each study period.

Procedure

Monitoring course attendance

ELICOS processes

For ELICOS (English Language studies) course attendance requirements see *Monitoring Student Attendance ELC* under Standard 8 of UNE ESOS obligations on the *Legislative Compliance – ESOS and National Code* web page.

Higher education providers are not required to monitor course attendance.

Monitoring course progress requirements

ELICOS processes

For ELICOS (English Language studies) course progress requirements see *Monitoring Student Course Progress-ELC* under Standard 8 of UNE ESOS obligations on the *Legislative Compliance – ESOS and National Code* web page.

Providers must implement a documented policy and process for monitoring and recording course progress for students specifying:

- Requirements for achieving satisfactory course progress, including policies that promote and uphold the academic integrity of the registered course, and processes to address misconduct and allegations of misconduct;
- Processes for recording and assessing course progress requirements;
- Processes to identify students at risk of unsatisfactory course progress;
- Details of a Provider's intervention strategy to assist students at risk of not meeting requirements to achieve satisfactory course progress; and
- Processes for determining the point at which the student has failed to meet satisfactory course progress.

These requirements are outlined in the following UNE Rules and procedures:

Course Progression Rule and Procedures

- How to identify students not attaining minimum course progress in each teaching period of enrolment (clause 9 Rule)
- At Risk strategies including Early Alert, Progression Alert and Show Cause (clauses 10-13 Rule)

Assessment Procedures

- Information to be provided to students about Unit assessment (clauses 19-21)
- Managing assessment processes (clauses 22-24)

Student Coursework Academic Misconduct Rule

- Definition of academic misconduct and plagiarism (clauses 8 and 9 Rule) and processes to address misconduct.

International student course progress is overseen by the Manager, International Services & Compliance.

Reporting unsatisfactory course progress or unsatisfactory course attendance

Where the registered provider has assessed the overseas student as not meeting course progress requirements, the provider must give the student a written notice as soon as practicable which:

- Notifies the student that the provider intends to report the student for unsatisfactory course progress;
- Informs the student of the reasons for the intention to report;
- Advises the student of their right to access the provider's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.

The provider must only report unsatisfactory course progress in PRISMS in accordance with section 19 (2) of the ESOS Act if:

- The internal and external complaints processes have been completed and the decision or recommendation supports the provider; or
- The student has chosen not to access the internal complaints and appeals process within the 20 working day period; or
- The student has chosen not to access the external complaints or appeals process; or
- The student withdraws from the internal or external appeals process by notifying the provider in writing.

These requirements are outlined in the following UNE Rules and procedures:

Course Progression Procedures

- notification of UNE's intention to report a student for unsatisfactory course progress (clause 34)

Academic Assessment Appeals Rule and Procedures

- notify students they have 20 working days to submit an appeal against a decision related to insufficient course progress (clause 39 Processes)
- information on access to the external complaints process with the NSW Ombudsman (clauses 44-46 Processes)

Allowable extensions of course duration

Providers must not extend the duration of a student's enrolment if the student is unable to complete the course within the expected duration, unless:

- There are compassionate or compelling circumstances, as assessed by the provider on the basis of demonstrable evidence, or
- the provider has implemented, or is in the process of implementing, an intervention strategy for the student when at risk of not meeting course progress requirements, or
- An approved deferral or suspension of the student's enrolment has occurred under Standard 9 (Deferring, suspending or cancelling the overseas student's enrolment).

These requirements are outlined in the following UNE Rules and procedures:

Course Progression Procedures

- Implementation of an intervention strategy (Clause 17 g-h)

Compassionate and compelling circumstances UNE Guidelines

- To be read and applied to student applications for an extension of course duration and/or appeals

Deferring, suspending or cancelling an overseas student enrolment

- To be read and applied when a student's enrolment is deferred, suspended or cancelled

Modes of delivery

ELICOS processes

For ELICOS (English Language studies) mode of study requirements, contact the Director of Studies for the *Program Outline and Information - English for Academic Purposes*.

Providers must not deliver a course exclusively by online^[2] or distance learning to a student.

Providers must not deliver more than one-third of the units (or equivalent) of a higher education or VET course by online or distance learning to a student.

Providers must ensure that in each compulsory study period for a course, the student is studying at least one unit that is not by distance or online learning, unless the student is completing the last unit of their course.

Providers must take all reasonable steps to support students who may be disadvantaged by:

- Additional costs or other requirements, including for students with special needs, from undertaking online or distance learning; and

- *Inability to access the resources and community offered by the education institution, or opportunities for engaging with other students while undertaking online or distance learning.*

For further information from the Department of Education and Training, refer to the National Code 2018 Factsheet *Standard 8: Overseas student visa requirements.*

Glossary

Student ^[1] :	An overseas/international student studying on a Student Visa in Australia.
Online learning ^[2] :	Study where the teacher and student primarily communicate through digital media, technology-based tools and IT networks and does not require the overseas student to attend scheduled classes or maintain contact hours. For the purposes of the ESOS framework, online learning does not include the provision of online lectures, tuition or other resources that supplement scheduled classes or contact hours. Distance learning is any learning that an overseas student undertakes off campus and does not require an overseas student on a student visa to physically attend regular tuition for the course on campus at the provider's registered location.
CoE:	Confirmation of Enrolment – evidence of a student's enrolment with a Provider
CRICOS:	The Commonwealth Register of Institutions and Courses for Overseas Students is the register prescribed under Section 10 of the ESOS Act
ESOS:	Education Services for Overseas Students Act 2000
Provider:	an institution in Australia that provides CRICOS registered courses to overseas students as defined by the ESOS Act
PRISMS:	Government database provides Providers with CoE facilities for compliance with ESOS – Provider Registration and International Student Management System

Administration

Document Type: Operating Procedures

Administrator: Director, UNE International

TRIM reference: D07/28422

Date approved: 6 June 2018

Due for review: 6 June 2020 or earlier if necessary

Responsible party for review: Manager International Services & Compliance

Approved by: Director, UNE International

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Related Documents:

UNE Assessment Procedures
 UNE Academic Assessment Appeals Procedures
 Compassionate & Compelling Circumstances Guidelines
 UNE Course Progression Rule and Processes
 UNE Student Coursework Academic Misconduct Procedures
 Deferring, Suspending or Cancelling the overseas student's Enrolment
 ESOS Act (Education Services for Overseas Students) legislative framework
 National Code 2018 (National Code of Practice for Providers of Education and Training to Overseas Students 2018) Regulations