

# International Student Policy

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## INTRODUCTION

The University is a registered provider of Tertiary Education to international students committed to delivering quality education and training for students whilst maintaining the nationally consistent standards of the [National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students](#) (the National Code) registered under the [Education Services for Overseas Students Act 2000](#) (the ESOS Act) and compliant with all relevant national, state and territory legislation.

## STATEMENT OF AUTHORITY

The authority behind this policy is the [Charles Darwin University Act 2003](#) part 3, section 15.

## COMPLIANCE

This is a compliance requirement under the:

- [Education Services for Overseas Students Act 2000](#); and
- [National Code of Practice for Providers of Education and Training to Overseas Students](#)

## INTENT

The intent of this policy is to provide the framework for the implementation of the procedures consistent with and the obligations and standards of the [National Code](#) and compliant with CRICOS registration requirements, the [ESOS Act](#), and all relevant national legislation.

## RELEVANT DEFINITIONS

In the context of this document

**CoE** means Confirmation of Enrolment which is a document issued by the University to approved students from the PRISMS system, which must accompany the student's application for an Australian Student Visa;

**Course** means a program of study formally accredited/approved and which is approved for CRICOS registration;

**Course credit** means an exemption from enrolment in a particular unit(s) of a course as a result of previous study, experience, or recognition of a competency currently held. Course credit includes academic credit and recognition of prior learning;

**Course progress** means the measure of advancement within a course towards the completion of that course irrespective of whether course completion is identified through academic merit or skill based competencies;

**CRICOS** means the Commonwealth Register of Institutions and Courses for Overseas Students prescribed under section 10 of the [ESOS Act](#) through which registered providers may offer approved courses to student visa holders;

**Critical Incident** means a traumatic event, or the threat of such, within or outside Australia, which causes extreme stress, fear or injury. Non-life threatening events may qualify as critical incidents.

**DIBP** means the Australian Government Department of Immigration and Border Protection, responsible for the Student Visa program

**ESOS framework** comprises the [Education Services for Overseas Students Act 2000](#) (ESOS Act), the *Education Services for Overseas Students Regulations 2000* (the ESOS Regulations), the *Education Services for Overseas Students (Registration Charges) Act 1997* (the ESOS Charges Act) and the [National Code](#). The ESOS framework is supported by the [Migration Act 1958](#) and the [Migration Regulations 1994](#) and various state and territory legislation relevant to the education of international students;

**International Student** means a student who is a temporary resident (visa status) of Australia; a permanent resident (visa status) of New Zealand; or a resident or citizen of any other country;

**National Code** means the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas students. The National Code sits under the ESOS framework and provides standards for the conduct of registered providers and the registration of their courses.

**Online learning** means to study where the teacher and student communicate mainly through electronic technologies;

**OSHC** means Overseas Student Health Cover, which includes the compulsory minimum services required by international students for the entire duration of their study in Australia;

**Principal course of study** means the main course of study which and would normally refer to the final course to be undertaken by a student where a Student Visa has been issued for multiple and sequential courses of study;

**PRISMS** means the Provider Registration and International Student Management System used to process information given to the Secretary of DIBP by registered providers;

**Progression** means the University's academic progression procedures that formally assist students with academic progress;

**Recruitment agent** or Education Agent means a person/agency authorised and managed by the University to recruit students on its behalf in accordance with Standard 4 of the [National Code](#);

**Registered Provider** means a provider of education, such as Charles Darwin University, approved and registered on CRICOS as a provider for the course in the approved jurisdiction;

**Special circumstances** means (as defined under Standard 13 of the National Code) circumstances that are generally beyond the student's control and that have an impact upon the student's progress or wellbeing such as serious illness or injury; bereavement; or traumatic experience;

**Student** means an International Student who holds an Australian Student Visa, and is enrolled in a CRICOS registered course at Charles Darwin University;

**Student visa** means an authorisation permitting people who are not Australian citizens or permanent residents to come to Australia for the primary purpose of studying in Australia as defined by the [Migration Act 1958](#).

## **POLICY**

The University will abide by all Standards as set out in the National Code with particular attention to the following Standards:

### **Marketing information and practices (Standard 1)**

The University will ensure that the marketing of education and training services is professional, accurate and maintains the integrity and reputation of the industry.

All written marketing and other material for students, whether in hard copy or electronic form, will clearly identify the name and CRICOS number of the University.

The University will not market or actively recruit students to a course until it has received CRICOS registration.

### **Student engagement before enrolment (Standard 2)**

The University will recruit students in an ethical and responsible manner and provide information that enables students to make informed decisions about choosing to study with the University in Australia.

The University will ensure students' qualifications, experience, and English language proficiency are appropriate for the course for which enrolment is sought, by way of an assessment process.

### **Formalisation of enrolment (Standard 3)**

The University will implement a written Student Agreement that ensures the student understands and agrees to the services to be provided by the University. The Student Agreement will include:

- The course/s the student is to be enrolled and any conditions on his or her enrolment;
- The study periods of the course;
- The total fees payable (including tuition, OSHC, and materials fees where appropriate) and per study period, and the upfront tuition fee payment of no more than 50% of the total course fees;
- Information in relation to the refund of fees;
- Circumstances where the student's personal information may be shared with the Australian Government, designated authorities and/or the Tuition Protection Scheme, if applicable;
- An explanation of what will happen in the event of a course not being delivered;
- The requirement of the student to notify the University of a change of address while enrolled; and
- A statement about the student's rights under Australian consumer protection laws

### **Education or Recruitment agents (Standard 4)**

The University will take all reasonable measures to use education or recruitment agents that have an appropriate knowledge and understanding of the Australian international education industry and act with integrity and honesty.

The University will enter into a written agreement with the education agents approved to represent it in accordance with the requirements of Standard 4 and the University's Agent assessment process.

The University will maintain an accurate list of authorised recruitment agents, publish the list on its website and include the name of the agent on the COE where applicable.

### **Young students (Under 18) (Standard 5)**

The University will not accept students under the age of eighteen (18) years of age who are not being cared for in Australia by a parent or legal guardian.

### **Student support services (Standard 6)**

The University will provide appropriate support to assist students adjust to study and life in Australia, through the provision of:

- A culturally appropriate orientation program that includes information about student support services, legal services, emergency and health services, facilities and resources, complaints and appeals processes and student visa conditions;
- Access to welfare-related support services, to assist with the various issues that may arise during the course of study, including transition to life and study in a new environment, course progress (as per Standard 10) and attendance (as per Standard 11) and accommodation issues;
- A documented Critical Incident Policy and Procedure; and
- Staff member(s) designated as the official contact for students who are aware of the University's obligations under the ESOS Act and Regulations, and can assist and meet the needs of enrolled students.

### **Transfer between registered providers (Standard 7)**

The University will not knowingly enrol a student who is requesting a transfer from another registered provider's course prior to the student completing the first six (6) months of his or her principal course of study in accordance with the International Students – Transfer between Registered Providers Procedures.

### **Complaints and appeals (Standard 8)**

The University will have appropriate internal complaints handling and appeals processes in place including documented Student Complaint Procedures. The Complaints Manager from the Office of Leadership and Organisational Culture (OLOC) will independently and confidentially manage all University students' concerns, complaints, appeals and review procedures.

### **Completion within the expected duration of study (Standard 9)**

The University will monitor the enrolment load of each student at the beginning of each semester or teaching period to ensure they complete within the duration specified in their COE and do not exceed the allowable portion of online learning.

The University may only extend the duration of the student's study in circumstances compliant with Standard 9 and in accordance with the [International Students – Monitoring Course Progress and Attendance Procedures](#).

### **Monitoring course progress (Higher Education and VET) (Standard 10)**

The University will monitor record and assess the academic progress of each student in each unit of the course for which the student is enrolled in accordance with the [Higher Education Student Academic Progression Procedures](#), VET Student Course Progression Procedures and the [International Students – Monitoring Course Progress and Attendance Procedures](#).

### **Monitoring attendance (VET) (Standard 11)**

The University will implement the Department of Education – Department of Immigration and Border Protection approved course progress policy and procedure for its VET courses in accordance with the VET Student Course Progression Procedures and the [International Students – Monitoring Course Progress and Attendance Procedure](#).

#### **Course credit (Standard 12)**

The University will appropriately recognise and apply the relevant course credit rules, also known as advanced standing or exemption in accordance with the University’s general credit transfer rules available on the University’s website. Where the course credit will lead to a shortening of the student’s course, the University will ensure this is reflected in the student’s CoE and updated on PRISMS.

#### **Deferring, suspending or cancelling the student’s enrolment (Standard 13)**

The University will inform students of the permitted circumstances for deferment, suspension or cancellation of enrolment and the effect this may have on the student’s visa status.

The University will assess requests for deferment or suspension of enrolment by students taking into account the CRICOS requirement to complete studies within an expected duration and any extenuating circumstances in accordance with the requirements of Standard 13 and the International Students – Changes to Enrolment Procedures.

Students who want to take a break from study without recourse to extenuating circumstances must apply to the Director, Office of International Services for a cancellation of enrolment from all studies, which may affect the student’s visa and may require the student to leave Australia.

The University may temporarily suspend or cancel completely a student’s enrolment on the grounds of misconduct, if the student behaves in manner that breaches the [Code of Conduct, Academic and Scientific Misconduct Policy, Charles Darwin University \(Student Conduct\) By-Laws, Charles Darwin University \(Student Residences\) By-laws](#) and/or any other Governing Documents.

The University may cancel completely a student’s enrolment on the grounds of false information provided in an application or non-payment of fees in accordance with the [International Students – Changes to Enrolment Procedures](#).

#### **Staff capability, educational resources and premises (Standard 14)**

The University, in accordance with Standard 14 will ensure there is adequate capacity, resources and facilities to deliver registered courses.

The University will notify the Tertiary Education Quality Standards Agency (TEQSA) and students of any intention to relocate premises, including campus location or head office at least twenty (20) days prior to relocation.

The University will ensure staff members are suitably qualified and/or experienced to provide services to students.

#### **Changes to registered providers’ ownership or management (Standard 15)**

The University will proactively inform the designated authority in the event of prospective and/or actual senior management changes.

## ESSENTIAL SUPPORTING INFORMATION

### Internal

[Academic and Scientific Misconduct Policy](#)

[Charles Darwin University \(Student Conduct\) By-Laws](#)

[Charles Darwin University \(Student Residences\) By-Laws](#)

[Code of Conduct](#)

[Higher Education Student Academic Progression Procedures](#)

[International Students – Changes to Enrolment Procedures](#)

[International Students – Monitoring Course Progress and Attendance Procedures](#)

[International Students – Refund of Fees Procedures](#)

[International Students – Transfer between Registered Providers Procedures](#)

[Students - Academic Grievance Procedures](#)

[Students - Administrative Complaints Procedures](#)

[Students - Grievances with Staff or Other Students Procedures](#)

### External

[Education Services for Overseas Students Act 2000](#) (Commonwealth)

[Migration Act 1958](#) (Commonwealth)

[National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students](#) (Commonwealth)

## Document History and Version Control

<b>Last amendment:</b>	15 Dec 2017	<b>Next Review:</b>	Nov 2016
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1.00	05 Nov 2014	Vice-Chancellor	Creation of original document and upload to CDU website.
1.01	15 Dec 2017	Governance	Conversion to new Governance template sue to new University branding