



ESOS COMPLIANCE MANUAL

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A INTRODUCTION

This manual outlines steps to be followed by Monash University organisational units in order to comply with the legislative requirements of the ESOS Act 2000, the associated National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (National Code 2007), the Education Services for Overseas Students Act 2000 (Assurance Fund Contributions Act 2000), the Education Services for Overseas Students Act 2000 (Registration Charges) Act 1997 and the ESOS Regulations 2001.

What is the purpose of this manual?

Non-compliance with the ESOS Act can have serious consequences for the University. A breach of the obligations contained in the ESOS Act will expose the University (including the Chief Executive Officer) to penalty provisions. These provisions range from the imposition of fines, through suspension of courses to cancellation of registration to imprisonment. Non-compliance with the ESOS Act could lead to loss of reputation for the University, with a resulting impact on the operations of the University.

This manual sets out the rules, procedures and obligations of Monash staff concerning ESOS compliance. This manual is designed to provide information for both:

- new staff members unfamiliar with the requirements of the Act and Code
- existing staff members wanting to refresh their knowledge or wanting to check procedures in a particular area.

Why was the ESOS Act 2000 introduced?

The ESOS Act 2000 was introduced by the Government as a response to serious concerns about the effectiveness of the then existing ESOS Act to protect overseas students from institution collapses and fraudulent behaviour by individuals. The ESOS Act 2000 was passed in parallel with a major change to the Migration Act 1958 and the Migration Regulations 1994 which governs student visas.

The 2000 Act strengthened the accreditation and monitoring processes of both the State and Federal authorities, gave power to the Federal authorities (DEEWR) to act on its own accord when fraud etc is suspected and where the State authority has not acted. It also introduced a National Code of Practice for registration authorities and providers. The Code has the force of law and breaches of it can lead to prosecution.

The legislation aims at improving the accountability of providers through the provision of approved courses, services and facilities and to ensure students complete their course in the minimum time.

The ESOS Act requires of all education and training providers of courses offered to international students studying in Australia on a student visa to:

- Register on CRICOS

- Meet quality assurance standards
- Comply with tuition and financial assurance requirements
- Meet the obligations of registered providers
- Report students who do not comply with student visa conditions.

The obligations contained in ESOS are found in the following sources:

- [Education Services for Overseas Students Act 2000 \(ESOS Act 2000\)](#)
- [Education Services for Overseas Students Regulations 2001](#)
- [Education Services for Overseas Students Act 2000 \(Assurance Fund Contributions\) Act 2000](#)
- [The National Code 2007](#)

ESOS commitment

Monash University acknowledges that the ESOS Act 2000, the National Code of Practice 2007, the ESOS Regulations 2001 and the student related provisions of the Migration Act 1958 are directed towards protecting the interests of the international education sector in Australia. The act, regulations and code, in specifying the registration requirements and obligations of higher education providers in Australia, are designed to ensure students receive the tuition and education quality assurance for which they have paid.

Monash University is committed to achieving full compliance with the ESOS legislative requirements. An active compliance program supports this commitment across all faculties and work units of the University.

Student Administration is charged with the primary responsibility for coordinating and overseeing the ESOS compliance program. The University as a whole and faculties in particular are responsible for ensuring the program is appropriately applied and resourced. Compliance, and the related commitment to continuous improvement, extends to identification of anomalies in the legislation and reference of such anomalies to the department or to representative bodies, such as [Universities Australia](#), for clarification or amendment.

Student Administration strives to provide clear and consistent support and advice to the Monash community concerning its ESOS obligations and compliance mechanisms. Through legal and ethical action and consistent with available resources, it aims to achieve total ESOS compliance.

It should be understood that the ESOS Act places responsibility on the University not only for its own actions but also for the actions of third parties. Providers are responsible under the Act for the actions of agents and associates and this includes their “commercial arms” and “partners.”

Responsibilities

Staff

All staff have a responsibility to ensure that their activities on behalf of the University, and those of their colleagues, comply with the ESOS Act. All staff are required to:

- Comply with all relevant legislation
- Familiarise themselves with University policies concerning compliance with specific areas of legislation that affect their workplace and activities
- Report perceived breaches, risks, incidents and complaints
- Refer to the ESOS manual or consult with the ESOS Compliance Manager before they act if they are uncertain as to what is legally compliant behaviour in a given situation
- Implement the practices learned in training provided by the University on ESOS matters
- Make use of faculty/administrative unit ESOS compliance officers.

The role of the faculty/work unit ESOS compliance officers is to:

- Monitor ESOS compliance within the faculty and bring to the attention of the ESOS compliance manager any ESOS concerns, complaints or breaches
- Represent the faculty on the university-wide ESOS Advisory Group
- Keep a record of staff requiring training in their faculty and arrange for this training on a faculty basis or as part of university-wide training
- Co-ordinate the annual sign off of faculty ESOS compliance
- Ensure that the key ESOS compliance obligations of the faculty/work unit are being met
- Communicate any significant ESOS developments to relevant staff .

Legal compliance officer

The University ESOS Compliance Officer¹, with reference to Australian Standard AS3806 'Compliance Programs' and using it as a benchmark for developing the ESOS Compliance Program, is expected to establish, maintain and continuously improve the program. Key duties include:

- Promoting an ethical and positive compliance culture in relation to the law.
- Communicating to those in the University expected to comply with the law or a related University policy the existence and behavioural requirements of the law or policy.
- Identifying legal compliance risks for organisation-wide structures, systems and processes and facilitating the identification, assessment and management of risks at the level of cost centres.
- The provision of generic policies, procedures, education and training to guide the behaviour of staff, and where appropriate, students and others.
- Facilitating the development of specific and targeted policies, procedures, education and training at the cost centre level.
- Monitoring compliance with the law and related University policies and procedures throughout the organisation.

¹ Legal compliance officer for ESOS is the Director, Student Administration. Aspects of responsibility for ESOS compliance have been delegated to the Manager, ESOS and Visa Compliance based in Student Administration.

- Reporting on a biannual basis to Council via the Audit Committee on breaches, non-compliance risks and complaints and related actions undertaken or proposed.
- Reporting on an annual basis to Council via the Audit Committee on proposed improvements to the compliance program to more closely align it with best practice as defined by AS3806.

Monitoring and reporting

Student Administration through the university compliance reporting process, presents its ESOS Risk Register to the University Audit and Risk Management Office. This ESOS register identifies alleged breaches and risks of non-compliance and outlines plans to remedy breaches and prevent their recurrence. The register also sets out strategies and controls in place, or being developed, to better manage compliance risks..

Complaints

Any staff member with a complaint about the University's compliance with the ESOS Act should contact the ESOS Compliance Manager to register his/her complaint.

The manager will attempt to resolve the complaint through direct communication with the party involved – either immediately or by a staff member to whom the complaint is referred. The complaint may be referred to the appropriate academic or administrative area for resolution.

If a written complaint is lodged, it should include:

- Name and address of person lodging complaint
- Outline of the issue.

The complaint will be acknowledged within 48 hours of receipt. The acknowledgement will:

- Inform the complainant that an investigation will be conducted
- And that a response will be received no later than 28 days after the complaint has been received.

The ESOS compliance manager will:

- Refer the complaint if appropriate
- Ensure that investigation of the complaint is commenced
- Ensure that a response to the complaint is sent within 28 days of the complaint date.

Compliance certification

The compliance certification process is as follows:

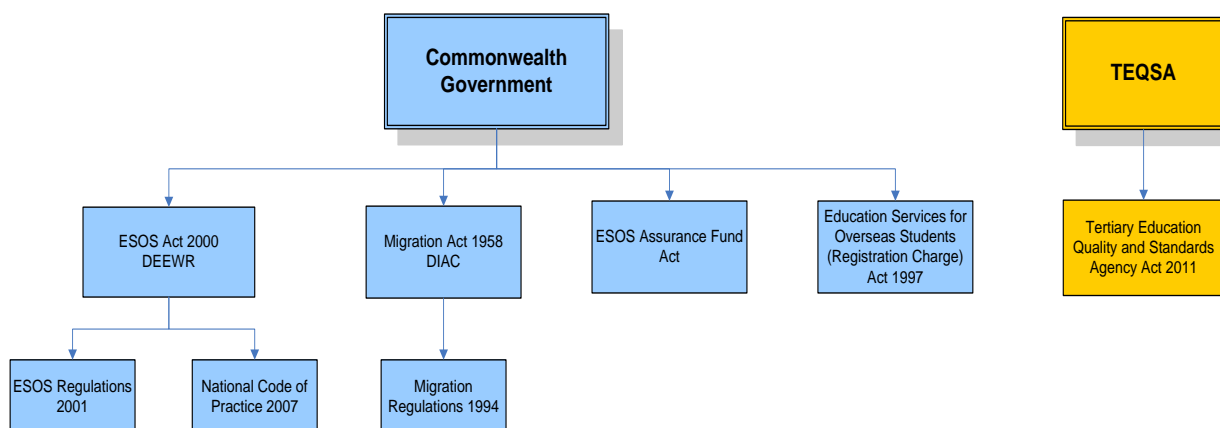
- ESOS certification for Monash annual report to Parliament in first fortnight of December
- Statement of annual compliance with ESOS Act 30 November for Audit and Risk Management

- Biannual Risk register to Audit and Risk Management in March and September
- Compliance checklist sent to relevant organisational units in May and September of each year.

B LEGISLATIVE FRAMEWORK

The [ESOS framework](#) is comprised of:

- The ESOS Act 2000
- ESOS Regulations 2001
- The Education Services for Overseas Students (Registration Charges) Act 1997
- National Code of Practice 2007



The ESOS Act is complemented by the [Migration Act 1958](#), [Migration Regulations 1994](#) and State and Territory Legislation. ESOS (FROM January 2012) is regulated by the Tertiary Education Quality and Standards Agency ([TEQSA](#)).

Government levels and departments responsible for administering ESOS

Responsibility for ESOS exists at the Federal level. Prior to January 2012, a shared responsibility framework existed between DEEWR and the State designated authorities. The Victorian Registration and Qualifications Authority (VRQA) was the designated authority at the Victorian State level.

DEEWR responsibility

The responsibilities of State and Commonwealth are set out in part B of the code and s.43 of the ESOS Act. With the introduction of TEQSA (which assumes responsibility for State authorities) it is expected that revisions to the act and code will be made to accommodate the changed responsibility.

DEEWR is responsible for administering the ESOS Act and its associated instruments. It is responsible for managing CRICOS and overseeing policy development. It monitors compliance with the ESOS Act and standards in the National Code focusing on visa integrity and consumer protection. It has primary responsibility for investigating and instigating compliance action for breaches of the Act and Code.

TEQSA responsibility

TESQA has defined its function as follows: “[It] is Australia’s regulatory and quality agency for higher education. TEQSA’s primary aim is to ensure that students receive a high quality education at any Australian higher education provider. See [TESQA](#).”

TEQSA is currently operating in a quality assurance capacity and will begin its regulatory functions in January 2012. Until this time the Government Accreditation Authorities (GAAs) in each state and territory will continue their role as regulation authorities. [Click here](#) for more information about the GAAs”.

The responsibilities of the VRQA included assessing applications for registration and re-registration on CRICOS and monitoring compliance with the National Code.

Legal effect of the National Code

Section 40 of the ESOS Act 2000 states that ‘the only legal effects of the national code are the effects that this Act expressly provides for’. The note to s.40 says the following:

This Act provides that compliance with the National Code is a prerequisite for registration (see section 9) and that sanctions under Division 1 of Part 6 may be imposed on a registered provider who breaches the national code.

The National Code 2007 (NC07), Part A, 7.3 affirms these statements.

C OBLIGATIONS OF REGISTERED PROVIDERS

The obligations of registered providers are set out in Part 3 of the ESOS Act. Division 1 sets out the general obligations and division 2 refunds of course money.

General obligations

- Not engage in misleading or deceptive conduct (s.15)
- Resident of Australia (s.16)
- Notify the Secretary of breaches by associates (s.17)
- Only registered providers may receive course money (s.18)
- Give information about an accepted student to the Secretary within 14 days of any specified change in the status of the student's enrolment or the course they are undertaking (s.19)
- Send a student a written notice if the student has breached a student visa condition, informing them that they are required to attend in person before an officer (within the meaning of the [Migration Act 1958](#)) at a specified place within 28 days (s.20)
- Keep records of each accepted student (s.21)
- Maintain a list of all the provider's agents and publish that list on the web site (s.21A)
- Belong to a tuition assurance scheme, unless exempted through the regulations (s.22)
- If liable to pay an annual registration charge, pay the charge by the last business day of February of the year (s.23)
- Pay an annual Fund contribution, unless exempted under the Act (s.24)
The providers that are exempt from the fit and proper person requirements of the Act (section 9(5)) are also exempt from making Fund contributions (section 24(2)).

Refund of course money

- Sections 27–32 of the Act outline the obligations of providers with regard to refunds of course money. Refunds may apply in the event of provider default or student default.
- Refund course fees within two weeks in the case of provider default (s.29) and within four weeks in the case of student default (s.28).

National Code obligations

Registered providers have an obligation to comply with the National Code. Self accrediting providers make an annual declaration of conformity with the National Code and once every five years are subject to an independent external audit report.

D SANCTIONS AND PENALTIES

Sanctions can be imposed under Division 1, Part 6 of the ESOS Act 2000

- The power to suspend or cancel registration for one or more courses, **(s.83 (3)(b)(c))**
- Or impose conditions **(s.83 (3)(a))** on registration
- Automatic suspension for loss of state approval **(s.89)**
- Automatic suspension for non-payment of annual Fund contribution or the special levy **(s.90)**
- For a provider who ceases to be approved for a course for a State, automatic cancellation of registration **(s.91)**.

Immigration Minister Suspension certificate powers

- S.97 empowers the Immigration Minister to issue a registered provider a suspension certificate,
- S.98 requires the minister to give a provider seven days to make a submission concerning the matter,
- S.100 specifies that the certificate will remain in effect for a period of six months but can be revoked at any time and
- S.101 creates an offence for a provider to offer, invite application or provide a course while the certificate is in effect.

Offences relating to production and attendance notices

- S. 113 makes provision for production notices
- S.116 for attendance notices
- S.120 creates an offence for failing to comply with a production or attendance notice
- Ss 121 and 122 create offences for giving false information or false documents in relation to such notices.
- Powers are also given to authorised department employees to retain and copy provider documents **(ss.124-128)**.

Monitoring warrants

- S.130 states that an authorised employee may enter premises for a monitoring purpose
- S.131 specifies the monitoring powers of authorised employees
- S.137 specifies that an authorised employee may apply to a magistrate or tribunal member for a monitoring warrant.

Offences

- Breach of notification requirements **(s.19)**
- Breach of record keeping requirements **(s.21)**
- Failing to identify the registered provider in written material **(s.107)**

- The provision with false or misleading information in complying with or purporting to comply with s.13, 19, 20 and subsection 26(1) or (3) **(s.108)**
- Intentional and reckless breach of condition of access to PRISMS **(S.109)**
- The provision or offer to provide a course to an overseas student, a course that is not genuine and in doing so facilitates a breach of one or more of a student's visa conditions **(s.110)**
- Failure to comply with a production notice issued pursuant to **s.113** or an attendance notice issued pursuant to **s.116**
- Giving false or misleading information or to provide a false or misleading document in the course of complying or purporting to comply with a production or attendance notice issued pursuant to s.113 and 116 of the Act

E CLASS OF STUDENTS PROTECTED BY ESOS

ESOS applies to student visa holders

The ESOS Act applies to all registered providers of education and training services to international students from overseas who come to Australia to study on a student visa (NC07).

Student visa means a visa described in the *Migration Regulations 1994* as a Student (Temporary) (Class TU) visa, other than such a visa for:

- (a) a person who satisfies the secondary criteria, but not the primary criteria, under those Regulations for the grant of the visa; or
- (b) an exchange student or AusAID student within the meaning of those Regulations; or
- (c) an overseas student who has been approved by the Minister for Defence to undertake a course of study or training under a scholarship scheme or training program approved by the Minister for Defence; or
- (d) an overseas student who has been approved under another scholarship scheme, or an exchange scheme, sponsored by the Commonwealth to undertake a course of study or training in Australia (**ESOS Regulations 2001, definitions**).

In summary, the ESOS Act applies to students holding a Student (Temporary) (Class TU) visa excepting students who satisfy the secondary criteria for these visa subclasses (dependants), AusAID students and Commonwealth sponsored scholarship holders.

That is, students who hold the following visas:

- 570 ELICOS Sector,
- 571 Schools Sector,
- 572 Vocational Education and Training Sector,
- 573 Higher Education Sector,
- 574 Postgraduate Research Sector,
- 575 Non-Award Sector.

Identification of ESOS students

Student visa holders with the exception of AusAID students require an electronic Confirmation of Enrolment Form (eCOE) in order to obtain a student visa. Monash identifies its ESOS students on Callista through the Student Indicator Lamp.

1. 'Citzn: N/A' means that the student has not yet completed an 'Enrolment Questionnaire' which is where the citizenship type information is drawn from.
2. 'Citzn:Aust' means that the student is an Australian Citizen.
3. 'Citzn:PR' means that the student holds an Australian Permanent Resident Visa.
4. 'Citzn: Hum' means that the student holds an Australian Permanent Humanitarian Resident Visa.

5. 'Citzn: INT' means that the student is an International student who is not on a Student visa (ie. they may be on a Temporary Visa, Bridging Visa, Spouse Visa etc).
6. 'Citzn:INT ESOS' means that the student is an International student who is on a Student visa and therefore must comply with the ESOS Act.
7. 'Citzn: PR ESOS' means that the student WAS an International student who was on a Student visa but they have recently (within the last 10 working days) submitted documentation to the University to indicate that they have obtained an Australian Permanent Resident Visa.

Therefore this student is the holder of an Australian Permanent Resident Visa and is to be considered a domestic student (Note: The 'ESOS' component of the Student Indicator Lamp for this individual student will be removed within 10 working days of the Enrolments Unit processing the students change of citizenship.)

Compliance requirements

In order that Monash University can correctly identify student visa holders so that it can meet its obligations under ESOS, visa details for non-student visa holders must be keyed into Callista. This will enable reports to be run which will correctly identify students subject to ESOS.

Faculty

- Must inform Client Services if a student comes to their attention who is holding a non student temporary visa and the visa details have not been recorded on Callista
- Send a copy of the student passport showing the personal details and visa page to International Recruitment Services pre enrolment or the ESOS reporting officer post enrolment.

Enrolments

- Update the visa section of the Callista Enrolments module with the visa details of students holding a non student visa.

International Recruitment Services

- Update the visa section of the Callista application module with the visa details of students holding a non student visa.

F OFFSHORE REQUIREMENTS

Overview

The ESOS Act regulates the delivery of courses in Australia for the holders of student visas. It does not apply to the delivery of courses offshore. Students though who commence study offshore and complete in Australia are subject to ESOS upon arrival in Australia on a student visa. Providers must satisfy the requirements of standards 1, 2, 3 and 4.

The ESOS evaluation report (May 2005) (5.4) noted the close inter-connection between onshore and offshore delivery. The twinning model, which began in the 1980s, has gained popularity with the provision of a growing number of programmes for students to commence their course offshore and complete it (or move into a more advanced one) onshore. Examples still occur of offshore partners and agents promising students articulation from offshore to onshore study but the students have been unable to gain onshore admission because their entry levels were found insufficient for the programme promised.

The National Code 2007 attempts to address some of these shortfalls noted by the ESOS Evaluation report.

Compliance requirements

Although the regulatory arm of ESOS does not extend to offshore delivery, it does extend to matters such as information provided to prospective onshore students and imposes a responsibility on providers for the actions of their agents and associates.

For courses delivered in Australia and marketed offshore, standard 1 and s.107 ESOS Act requires that the registered providers name and CRICOS code are clearly identified in written material. Section 107 states that if a person makes an offer to an overseas student or invites an application for a course (registered on CRICOS and to be delivered in Australia), then the written materials must identify the provider and provider number. Moreover 'if the letter of offer is for a course that is structured to lead to onshore study then it is advisable to include the provider CRICOS code' (DEEWR advice).

Standard 2 requires that before accepting a student for enrolment, prescribed information must be provided to the student. This information is normally provided by the provider (Monash) but in some instances agents have a delegated responsibility. Standard 4 sets out the responsibilities of providers in relation to their agents. Monash is responsible for ensuring that agents with whom it has an agreement have access to up-to-date marketing materials. Students who commence offshore with the intention of enrolling onshore will enter into a written agreement as provided by Monash (standard 3).

G TUITION ASSURANCE, FEES, REFUND AND COURSE MONEY

Overview

Tuition Assurance has been central to the two recent major ESOS reports commissioned by the Federal Government- the ESOS Evaluation (2005) and Baird report (2010). The importance of tuition assurance to Australia's international education industry was emphasised by both.

The ESOS Evaluation Report (7.8) outlined the three layers of consumer protection in relation to tuition assurance available in the ESOS Act. 'The first is a requirement on all providers to pay a student a refund of course money in the case of either a student or a provider default. If that remedy fails, the second layer provides for placement of a student in an alternative course through a Tuition Assurance Scheme (a ministerially approved scheme comprising member organisations that can offer comparable courses). If this remedy fails too, the third layer of consumer protection is the National Assurance Fund (the Fund), which organises alternative tuition or a refund to students'

More recently the [Baird Report](#) (2010) also addressed tuition assurance. It stated 'One of the principal objects of the ESOS Act is to provide financial and tuition assurance for courses for which international students have paid. ESOS does this by protecting course money received by a registered provider. Course money includes tuition fees, Overseas Student Health Cover (OSHC) premiums and any amount the student had to pay the provider to undertake the course. Australia already provides a level of tuition fee protection for international students that is both generous and comprehensive by world standards. In addition, students may have rights under state or territory consumer laws, fair trading laws and tenancy regulations. However, concerns have been raised about how students can obtain refunds of non-tuition course money paid to the provider in the event of a provider closure. This could include, for example, pre-paid accommodation for on-payment to an accommodation provider, text books, excursion fees, etc'.

In response to the Baird Report, the Commonwealth Government introduced legislation into Parliament in mid 2011 which was subsequently referred to a Senate Committee. The Bill - [Education Services for Overseas Students Legislation Amendment \(Tuition Protection Service and other measures\) Bill 2011](#)- proposes amendments to ESOS Reporting requirements including notifying the Secretary of DEEWR and TPS director within 24 hours of provider default.

Legislation

Course money

- Course money is defined as '(a) tuition fees; and (b) any amount received by the [provider](#) that the [provider](#) is to pay, on behalf of the student, to a private health insurer (within the meaning of the *Private Health Insurance Act 2007*); and (c) any other amount that the student had to pay the [provider](#), directly or indirectly, in order to undertake the [course](#) (s.7).

- Providers must include in the written agreement ‘an itemised list of course money payable by the student’ (NCO7,s.3).
- Where there is an arrangement between providers course money must be paid to the registered provider (s.18(1))
 - Any course money paid by students directly to any of the other providers is taken to have been paid directly to the registered provider (s.181A).

ESOS Assurance Fund

- The ESOS Act provides for the establishment of the ESOS Assurance Fund (s.45).
- The requirement to pay an annual fund contributions and exemptions from that requirement (s.24)
- The purpose of the fund is to ‘protect the interests of overseas students and intending overseas students of registered providers by ensuring that the students are provided with suitable alternative courses, or have their course money refunded, if the provider cannot provide the courses that the students have paid for’ (s.46)
- The act specifies money to go into the fund (s.47) and to go out of the fund (s.48)
- A special levy may be imposed should there be insufficient funds to meet liabilities (s.72)

Tuition Assurance Scheme

- Registered providers must at all times be a member of a Tuition Assurance Scheme (s. 22(1) (a)) unless exempted by the regulations (s.22 (3)).
- Exemptions are set out in the **ESOS regulations, 3.11**
 - a provider who under subsection 24 (2) of the Act is exempt from the requirement to pay annual Fund contributions (a)
 - a provider who has a bank guarantee (b)
 - a provider who is a body corporate and who has an indemnity agreement, in writing approved by the minister (c)
 - a provider who the minister believes on reasonable grounds should be exempted (d)
- If exempt there must be annual notification to DEEWR within 28 days of the end of the calendar year giving written notice of why exempt under s.22 and a copy of the bank guarantee or indemnity agreement mentioned in paragraph 3.11 (b) or (c). (**ESOS Regulations, 3.16**)

Refund

- Where there is provider default (27 (1)), fees must be refunded within 14 days (s.29 (3))
 - provider default default is when the course does not start on the agreed start date, ceases to be provided or is not provided in full (s.27(1))
- Where the student defaults (s.27(2)), fees must be refunded within 28 says (s.29 (4))
 - student default is when the student does not start on the agreed start date (s.27 2(a)) or withdraws from the course (s.27 2(b) or the course for the student is discontinued because of outstanding fees, breach of visa condition or misbehaviour by the student (s.272(c))

Fee information to be entered on the CRICOS register for each course

- the estimated total amount payable by a student for the course (h)(i) and

- if the course duration is 2 or more whole years — the estimated annual amount payable by a student for the course **(h)(ii)**.

Fee information to be entered on a student's electronic Confirmation of Enrolment form (eCOE)

- the amount of course money that the provider received for the student for the course before confirming the student's enrolment using PRISMS **(i)**
- an estimate of the total amount that the student is required to pay to the provider, directly or indirectly, to undertake the full course **(j)**
- whether premiums have been paid for health insurance for the student (for example, overseas student health cover) before the course starts **(k) ESOS Regulations (3.01)**.

Compliance requirements

Monash University is exempt from belonging to the ESOS Assurance Fund. However, Monash College Pty Ltd (MCPL) as a private provide is not exempt.

MCPL by virtue of its indemnity agreement with Monash University is exempt from belonging to TAS. This exemption in turn results in a 90% discount from the ESOS Assurance fund contribution. MCPL must ensure that it provides for annual notification of exemption as required by the ESOS Regulations.

Student Administration and Systems (Fees) is responsible for administering course refunds. Fees must be refunded within 28 days for student default and 14 days for provider default.

Overall, so that students fully understand their course money (fee) obligations, this has to be clearly set out in their written agreement. Both the written agreement and eCOE need to state the total amount payable by the student for the full course.

Compliance Obligations

Monash College Pty Ltd (MCPL)

- Pay annual contribution to ESOS Assurance Fund
- end annual notification (within 28 days of the end of the calendar year) to DEEWR of continued operation of indemnity agreement along with copy of agreement

Student Administration (Fees).

- In case of student default, refund occurs within 28 days of default. In case of provider default, refund occurs within 14 days of default

H ESOS REPORTING

Legislation

EDUCATION SERVICES FOR OVERSEAS STUDENTS ACT 2000 - SECT 19

Giving information about accepted students

(1) A registered provider must give the Secretary the following information within 14 days after the event specified below occurs:

- (a) the name and any other prescribed details of each person who becomes an accepted student of that provider;
- (b) for each person who becomes an accepted student—the name, starting day and expected duration of the course for which the student is accepted;
- (c) the prescribed information about an accepted student who does not begin his or her course when expected;
- (d) any termination of studies by an accepted student before the student's course is completed;
- (e) any change in the identity or duration of an accepted student's course;
- (f) any other prescribed matter relating to accepted students.

(2) A registered provider must give the Secretary particulars of any breach by an accepted student of a student visa condition relating to attendance or satisfactory academic performance as soon as practicable after the breach occurs.

(3) Information required under this section must be given in a form approved by the Secretary. The approved form may be electronic.

Note 1: The Minister may take action under Division 1 of Part 6 against a registered provider that has breached this section. A breach of this section is also an offence: see section 104.

Note 2: It is an offence to provide false or misleading information in complying or purporting to comply with this section: see section 108.

Unincorporated registered providers

(4) If the registered provider is an unincorporated body, then it is instead the principal executive officer of the provider who must give the Secretary the information as required under this section.

EDUCATION SERVICES FOR OVERSEAS STUDENTS ACT 2000 - SECT 20

Sending students notice of visa breaches

(1) A registered provider must send an accepted student of the provider a written notice if the student has breached a student visa condition relating to attendance or satisfactory academic performance.

Note 1: The Minister may take action under Division 1 of Part 6 against a registered provider that has breached this section. A breach of this section is also an offence: see section 104.

Note 2: It is an offence to provide false or misleading information in complying or purporting to comply with this section: see section 108.

(2) The registered provider must send the notice as soon as practicable after the breach.

(3) The notice must be in a form approved by the Secretary of the Immigration Minister's Department.

EDUCATION SERVICES FOR OVERSEAS STUDENTS ACT 2000 - SECT 20
(continued)

(4) The notice must:

- (a) contain particulars of the breach; and
- (b) state that the student is required to attend in person before an officer (within the meaning of the *Migration Act 1958*) at a specified place within 28 days after the day specified in the notice as the date of the notice, for the purpose of explaining the breach; and
- (c) state that the student must present photographic identification when so attending; and
- (d) set out the effect of sections 137J and 137K of that Act.

Unincorporated registered providers

(5) If the registered provider is an unincorporated body, then it is instead the principal executive officer of the provider who must send the notice as required under this section.

Compliance requirements

Sections 19 and 20 of the ESOS Act place two key obligations on providers. These are 1) to ensure all 'accepted' students are issued with a electronic Confirmation of Enrolment form (eCOE) within 14 days of being accepted for enrolment and to notify DEEWR of prescribed changes to a student's course also within 14 days of the event happening. 2) To notify DEEWR of breach of visa condition 8202 (visa condition relating to attendance and unsatisfactory academic progress). Section 20 imposes an obligation to advise students of any report for course progress or attendance (a section 20 notice).

Responsibility for issuing eCOE's and creating course variations is shared across Monash between International Recruitment Services (issue eCOE's for all commencing students), Campus Hubs (issue eCOE's for continuing students), Enrolments (ESOS Reporting Officer) and Monash College Pty Ltd. To ensure that there are agreed processes concerning issuing of eCOE's and student reporting, a [PRISMS manual](#) has been developed. The ESOS Reporting Officer has the prime reporting responsibility.

Compliance Obligations

Monash College Pty Ltd

- Advise ESOS reporting officer of any reports for unsatisfactory academic progress or attendance (MUELC only), discontinuation, failed to re enrol, suspensions, fee invalidation, early course completions
- Process reports for students taking intermission.

Enrolments

- Through the ESOS Reporting Officer notify DEEWR of any reports for discontinuation, intermissions, suspensions, unsatisfactory academic progress, fee invalidation, students granted permanent residency (students no longer ESOS), early course completions and students granted credit (longer or shorter course duration).

Health and Wellbeing Hub

- Notify DEEWR of returning students from suspensions or intermission
- Notify DEEWR of any student that have had their enrolment reinstated for payment of fees and extensions to students course duration.
- Notify DEEWR of welfare changes for Under 18 students.

International Recruitment Services (IRS)

- Report pre enrolment changes to a student's enrolment (deferment, non commencement)
- Issue eCOE's for new acceptances
- Issue the 'Confirmation of Appropriate Accommodation and Welfare' (CAAW) form for newly accepted Under 18 students

I CRICOS (COMMONWEALTH REGISTER OF INSTITUTIONS AND COURSES FOR OVERSEAS STUDENTS)

Legislation

National Code Part C

Overview

1. Part C of the National Code outlines registration of providers and courses on CRICOS. It provides a general description of the registration process under the ESOS legislative framework and specifies minimum requirements that apply to the registration process. This part needs to be read in conjunction with the ESOS Act, the ESOS Regulations, and Part D of the National Code, as they also set out requirements which need to be met for CRICOS registration.

2. Initial registration of providers and their courses on CRICOS involves two stages. The first stage is undertaken by the designated authority for that state or territory (1) and the second stage by DEEWR. A provider is not registered to offer or provide courses in a state to an overseas student until both stages of this process have been completed.

Registration on CRICOS

3. Providers can only be registered on CRICOS where they have been approved by the designated authority to provide courses of education or training to overseas students in that state. This approval can only be given where the provider to be registered has been found to comply with all the requirements for registration under the relevant state or territory legislation and section 9 of the ESOS Act. This includes complying with the requirements of the National Code.

4. Registration on CRICOS is for a particular course for a particular state. A provider wishing to provide courses in more than one state must seek registration for each course in each state where it will be delivered.

5. In the event that a change of ownership of the registered provider results in a change to the previous legal entity registered on CRICOS, the new entity must obtain its own CRICOS registration.

6. Application for registration

6.1 In addition to meeting the general requirements for registration set out in this part, providers must submit applications for registration and re-registration in a form to be determined by each designated authority that contains at least the following information:

a. details of the provider, including:

i. legal entity name and status of the provider (for example, company or individual)

ii. trading name of the provider and whether it is a registered trading name

iii. an Australian Business Number or Australian Company Number

iv. names, and residency status, as appropriate of the principal executive officer for unincorporated associations or directors, owners, partners, consortium providers, chief executives and managers (where there is no stated position of director, principal or chief executive)

v. contact details of the head office (street and postal address, email, telephone, facsimile, website), and

vi. contact details of the premises at which the education/training will be provided

b. proposed maximum number of overseas students having regard to the appropriateness of the resources and facilities for the delivery of the course

1 References to state in Part C and Part D also include the Australian Capital Territory and Northern Territory unless otherwise explicitly stated.

National Code Part C (cont)

c. locations, including address and contact details, for all sites where students are scheduled to attend classes for teaching purposes, course related information sessions and supervised study sessions. For work-based training sites where the location is unknown at the point of registration, the provider is required to maintain a documented policy specifying the criteria on which the selection and approval of such sites is based

d. a statement on:

i. whether the provider (including directors, owners, partners, chief executive or managers) has previously been a registered provider (and, if so, the name of the designated authority, dates of the registration, reasons for ending registration and whether any sanctions are outstanding), and

ii. whether the provider has previously been refused registration by DEEWR or any designated authority (and, if so, the name of the designated authority) and reasons for refusal

e. the courses that the provider is seeking to offer to overseas students in that state, including the proposed structure of the course, and

f. any other information as required under section 9 of the ESOS Act.

7. Course duration

7.1 The registration of a course on CRICOS must include the expected duration of the course. The registered duration cannot exceed the time required for completing the course on the basis of the normal amount of full-time study. Only courses which can be undertaken on a full-time basis can be registered on CRICOS. A course will not be registered on CRICOS unless it meets the relevant Australian Qualifications Framework requirements or those of any other appropriate quality or accreditation framework, if an appropriate framework exists.

7.2 For English Language Intensive Courses for Overseas Students (ELICOS), a course duration range may be specified on CRICOS as the study duration will vary according to each student's learning goals which will be reflected in the expected duration of study specified on the student's Confirmation of Enrolment (eCOE). ELICOS course remain subject to the requirement in paragraph 7.1 that only fulltime courses can be registered on CRICOS.

7.3 The designated authority must take into account the proposed course structure when determining the appropriate duration for registration on CRICOS (that is, the number of compulsory terms or semesters each academic year). The registered duration of the course must include approved holiday periods and any approved periods of work-based training. When the course duration is not specified by the accrediting authority, the designated authority will determine the course duration based on a minimum of 20 scheduled course contact hours per week.

7.4 Proposed changes to the registered duration of a course must be approved by the designated authority prior to the changes being made.

8. Work-based training

8.1 Work-based training must only be approved by a designated authority as part of a CRICOS registered course where:

- a. it must be undertaken to gain the qualification, and
- b. the registered provider has appropriate arrangements for the supervision and assessment of overseas students in place.

9. Mode and place of study

9.1 Courses delivered entirely by online or distance learning cannot be registered on CRICOS. Courses with a distance or online component can only be registered on CRICOS where the designated authority is satisfied that these courses meet the minimum requirements as specified in Standard 9.

10. Arrangements with other providers

10.1 Where more than one provider is to be involved in providing a registered course to overseas students (for example, where one develops the curriculum and awards the qualification, and another delivers the tuition), only one provider will be registered for that course. CRICOS registration for courses is not transferable between providers.

10.2 The designated authority needs to be advised in writing of all providers to be involved in providing a registered course, the role played by each provider in the delivery of the course and the single provider recommended to be registered for the course. The designated authority will assess the provider's suitability for registration in light of its connection with and responsibility for the course.

10.3 The registered provider is responsible under the ESOS Act for breaches of the Act or National Code, whatever the nature of its contractual or other arrangements with another provider for that course.

10.4 Proposed changes to arrangements with other providers must be approved by the designated authority prior to the changes being made.

11. Inspection of premises

11.1 As part of the registration approval process, the designated authority will conduct at least one inspection of the provider's premises to ensure that the provider meets Standard 14 (Staff capability, education resources and premises). For this purpose, the provider's premises include all locations where the provider operates as well as the locations of providers with whom the provider has an arrangement. When applicable, it may also include sites of work-based training.

11.2 The designated authority may choose to accept from a provider a statement that it satisfies all of the requirements of the National Code without an inspection, so long as the course is provided entirely by the provider (that is, not under an arrangement with another provider). The designated authority may also accept clear evidence that the facilities meet Standard 14, based on reports from persons authorised by the designated authority to provide the advice.

11.3 Further inspections will be conducted by the designated authority as appropriate during the period of CRICOS registration. These further inspections may include unscheduled visits when the designated authority deems such a visit is warranted.

11.4 An inspection will include interviews with management and staff of the provider. It may also include interviews with students and other clients of the provider and observations of teaching.

12. Maximum number of students

12.1 As part of the registration approval process, the designated authority will decide whether to approve the maximum number of students that a provider can enrol. In making this decision, the designated authority will consider the capacity of the provider in terms of its premises, approved arrangements with other providers, facilities, resources, equipment, materials and ratio of staff to student numbers.

ESOS Act

ESOS Act Penalties for breach of CRICOS registration requirements

- 2-year imprisonment for non-compliance with s.8 of the ESOS Act by offering or providing a non-registered course (s. s.8)

ESOS Act CRICOS registration requirements concerning provider

- The provider is a resident of Australia(s. 9(2)(a))
- Either paid annual fund contribution or exempt (s.9.2(b))
- Designated authority given Secretary a Certificate that provider complies with the National Code (s.9.2 (c))
- Unless provider administered by state education authority or receives funds from Commonwealth for recurrent expenditure provider is fit and proper to be registered (9.2(ca))
- Secretary has no reason to believe provider not complying or will not comply with Act or Code (s.9.2 (d))
- Provider not liable for an annual registration charge, reinstatement fee or late payment penalty that remains unpaid (s. 9.2(e))

Compliance requirements

The ESOS Act requires providers of courses to international students to register their institution and the courses they offer on CRICOS. Faculties cannot offer a place in a course that does not have CRICOS approval. The designated authority, the Victorian Registration and Qualifications Authority (VRQA) approve registration before a code is allocated and the details are recorded on the CRICOS register. Providers and their agents must not promote a course to overseas students unless it is registered on CRICOS.

Any provider of education and training that seeks to recruit, enrol or teach overseas students, or to advertise its ability to do so, must be registered on CRICOS, or must do so in accordance with an arrangement it has with a provider registered for the relevant course (in which case the registered provider is responsible for all obligations under the Act). The provider must be registered for each course it offers to overseas students, and for each State or Territory in which it offers the course (section 8 ESOS Act 2000).

Courses must be CRICOS registered before being offered (s.8)

Faculties and Monash College Pty Ltd must register their courses on CRICOS before offering them to international students. Penalties for breach are severe. In order to obtain registration, the [Course approval template](#) must be completed and forwarded to International Recruitment

Services. International Recruitment Services has a list of necessary [supporting information](#) to be provided.

Once a course is approved for CRICOS registration, IRS is responsible for contacting the relevant faculty to determine the correct course version for the course and entering the CRICOS code against that version in Callista.

Registration is for a particular course for a particular State

Under current regulatory arrangements, should a faculty wish to provide a course in another State it must gain CRICOS approval from that State before the course can be offered (clause 7.1)

Course duration registration

The duration of courses registered on CRICOS cannot exceed the time required for completing the course on the normal amount of full time study. Should a faculty wish to change the registered duration of a course it must obtain VRQA approval before the change takes place (clause 7.4).

Work based training

Work based training can be registered on CRICOS when it is both required to gain the qualification and appropriate arrangements for assessment and supervision are in place.

Course registration- mode and place of study

Part C (clause 9.1) specifies that 'courses delivered entirely by online or distance learning cannot be registered on CRICOS.' This means that 'courses must be structured' so that students can complete the course without doing more than 25% of their course by DE or online study' and 'without restricting subject choice to too narrow a pathway' DEEWR².

Therefore a courses compulsory component must allow the student to be able to do at least 75% of it via on-campus study

Monitor enrolment of students in CRICOS registered courses

In order to ensure no student holding a student visa is enrolled in a non CRICOS course, faculties and Monash College should run the CRICOS MRS reports (ie MRS/ESOS/CRICOS Course audit and the CRICOS student audit) regularly. These reports should be run at the beginning and mid semester. Because of the central importance of CRICOS to ESOS and International enrolments at Monash, it is recommended that each organisational unit identifies and includes in Position Descriptions a staff member who has CRICOS responsibility for that area.

Arrangements with other providers

If a provider enters into an arrangement with another provider to deliver a course only one provider can be registered on CRICOS. This information must be provided at time of registration. Should Monash College or Monash University wish to change an arrangement with another provider, approval must be gained from the VRQA before the change of arrangement is made. An example of arrangement is where one provider develops the curriculum and another provider delivers the tuition.

² DEEWR email 4 April 2007

Maximum number of students registered on CRICOS

At time of application for CRICOS registration the maximum number of students must be specified on CRICOS. If Monash University of MCPL wish to change the number of students it can enrol, it must seek the approval of VRQA for the change to capacity.

Promotional material and CRICOS codes

Prior to CRICOS approval, a course cannot be advertised or promoted (s.8(1)(d) unless it is done for the purpose of carrying out surveys or assessing demand for the course (8(3)(a)(i). In this situation the material must state that the course is subject to CRICOS approval and applications or fees cannot be accepted from applicants for places in courses not CRICOS approved (s.8(3)(c).

Where a course is simply awaiting ministerial approval the course description can be included in promotional material with the following statement boldly marked:

"Awaiting government CRICOS endorsement at the time of publication. Student visas cannot be issued without a CRICOS code. Please check on the status of the course before making an application."

As the Course guide is produced two years in advance, a course may still be in university approval processes at the time of publication. If this is the case the course can be listed (without a full description) and the following statement should be used:

"The faculty hopes to offer the following courses to International Students in 200x but must first gain university approval and government CRICOS endorsement. Check the faculty website for latest information on availability to International Students before making an application. International Student visas cannot be issued without a CRICOS code."

Compliance tips

- Actively monitor enrolment of students to ensure no student holding a student visa is enrolled in a non CRICOS registered course
- Maintain a record of audits and action arising conducted of CRICOS registered courses and student audits
- Maintain a record of audits and action arising conducted of student enrolment by online study.

Compliance obligations

Faculty and Monash College Pty Ltd

- Inform the International Recruitment Services CRICOS Administrator whenever a 'notifiable event' occurs. These being:

EVENT	ACTION
<i>Course No Longer Offered</i>	Courses need to be suspended on the CRICOS register if no longer offered to international students. No supporting documentation required although faculties should email the CRICOS Administrator advising of the discontinuation.

EVENT	ACTION
<i>Change of Duration:</i>	Faculties need apply for a new CRICOS code for courses that have amended durations. Supporting documentation must be supplied (promotional material with the new duration and/or Faculty Board Minutes approving amendment).
<i>Change of Title</i>	Faculties need to supply supporting documentation with the new title (promotional material or Faculty Board Minutes approving amendment).
<i>Change of Fee</i>	No supporting documentation required.
<i>Change to Structure</i>	Although not recorded on the CRICOS register, DEEWR needs to be notified. For information about change of structure, see Appendix []: Supporting documentation of new structure needs to be provided by Faculties (promotional material or Faculty Board Minutes approving amendment).
<i>Change of Campus</i>	Although not recorded on the CRICOS register, DEEWR needs to be notified.
<i>Change to Field of Study (BFOS) (where course is moved from one Faculty to another)</i>	Field of Study is recorded on the CRICOS register. No supporting documentation required. (Where 2 faculties involved and course ownership changes, faculty assuming ownership advises CRICOS Administrator including paperwork from relinquishing faculty agreeing to change).

- Follow course approval steps for submission of documentation to International Recruitment Services once a course has been approved for offering to International students

COURSE APPROVAL STEPS	NOTE
Access the CRICOS approval template referring to Broad Fields of Study and Level of Study: The template and application are available.	Where Faculty Board and DVC (Education) has approved a course for international students, a CRICOS code is required. Supporting documentation must be supplied (Faculty Board Submission). Details should include duration, title, structure, entry requirements, full-time, on-campus, fee and contact details.
Faculty staff complete the CRICOS Course Specific Form	
Once completed, the application should be returned to the CRICOS Administrator attaching: - Course proposal - Subject proposals	Once a CRICOS code has been allocated for the course the CRICOS code and the provider code should appear on all promotional material generated across the University for the course.

COURSE APPROVAL STEPS	NOTE
<ul style="list-style-type: none"> - Proposed Handbook entry (if available) - Evidence of approval through Faculty Board or the PhD and Scholarship Committee 	

- Update Callista once International Recruitment Services has informed the faculty contact that CRICOS approval has been obtained
- Run CRICOS reports (MRS/ESOS/CRICOS Course audit and CRICOS student audit) twice per semester
- Advise ESOS Compliance Manager if any student holding a student visa is enrolled in a non CRICOS course to discuss arrangements for immediate transfer of student to a CRICOS registered course
- Conduct an annual audit of CRICOS register to ensure all courses offered by MU and MCPL are correctly registered.

International Recruitment Services

- Run PRISMS ‘Course export’ report twice a semester to ensure action is taken on all courses due to expire (re-register or suspend)
- Forward documentation to Victoria Registration and Qualifications Authority (VRQA)
- Forward CRICOS applications to VRQA who will assign a CRICOS code once the Minister has given approval for the course.
- Inform faculty CRICOS contact that CRICOS approval has been obtained and of the course CRICOS code.

If a course amendment occurs

- Check documentation, advise faculty to update Callista, forward amendments to DEEWR and check CRICOS register to verify update has been actioned.

Monash Documentation

Policy

A documented policy specifying the criteria on which the selection and approval of or work-based training sites where the location is unknown at the point of registration (see 6.1.c) to be developed.

Procedures

- Faculty and MCPL CRICOS procedure including steps to be followed to obtain CRICOS registration, for notifying International Recruitment Services of ‘notifiable events’ and for updating Callista with newly registered courses
- Faculty and MCPL policy concerning documenting course changes where any compulsory unit changes from on campus to online (or mixed mode) or vica versa.

MRS Report

MRS reports in ESOS folder-CRICOS course audit, CRICOS student audit and ‘Online’ student audit (see also Standard 9).

J STANDARDS FOR REGISTERED PROVIDERS

Standard 1 – Marketing information and practices

Legislation

National Code of Practice Standard 1 – Marketing information and practices

Outcome of Standard 1

Registered providers ensure that marketing of their education and training services is professional, accurate and maintains the integrity and reputation of the industry.

1.1 The registered provider must ensure the marketing of its education and training services is undertaken in a professional manner and maintains the integrity and reputation of the industry and registered providers.

1.2 The registered provider must:

- a. clearly identify the registered provider's name and CRICOS number in written marketing and other material for students, including electronic form, and
- b. not give false or misleading information or advice in relation to:
 - i. claims of association between providers
 - ii. the employment outcomes associated with a course
 - iii. automatic acceptance into another course
 - iv. possible migration outcomes, or
 - v. any other claims relating to the registered provider, its course or outcomes associated with the course.

ESOS ACT

s. 107

The provider in written material (and electronic form) must identify the provider and provider code when making an offer to an overseas student or intending student to provide a course, inviting an overseas or intending student to undertake or apply for a course, or claiming ability or its willingness to provide a course to overseas students.

Universities Australia (AVCC) Code of Ethical Practice

Clause 10

The university has a clearly enunciated policy for the promotion, marketing and delivery of its education services.

Compliance requirements

Standard 1.1 Marketing services undertaken in a professional manner and with integrity

The marketing of courses for international students must be conducted in a professional manner and with integrity and accuracy. This means that marketing activities maintain the quality and reputation of the industry and marketing materials do not contain any false or misleading information.

Advancement, Faculties, Monash College Pty Ltd (MCPL) and Monash approved Agents have the responsibility to market courses on behalf of the University and MCPL to prospective international students. Overall responsibility for managing this area rests with [Marketing and Communications](#).

In order to assure the professionalism and integrity of international student marketing, the University marketing business practices should include references to: inclusion of provider name and CRICOS number at the front section of publications (where possible the inside front cover); recording of version number and date on stock (to assist with identifying outdated stock) and cross referencing between Monash University and Monash College Pty Ltd provider names and codes where publications refer to pathways between the two providers.

Standard 1.2 (a) Clearly identify provider name and CRICOS Code

Monash has an obligation to ensure that it clearly identifies the Monash name and CRICOS provider code in written marketing and other materials for students. Monash must ensure that the provider name (Monash University) and provider code (00008C) is displayed on written material for courses offered to international students it is promoting and conducting. For MUELC and Monash College courses the Monash College Pty Ltd (MCPL) provider name and code 01857J must be displayed.

To ensure that the provider CRICOS Code is clearly displayed, the requirements as set out in the Brand Guidelines should be followed. In addition, faculties should conduct an annual review of all international publications to ensure compliance with standard 1.2(a).

Per DEEWR ([explanatory guide](#)), publications (written and electronic) which must contain this information include:

- information about courses for overseas students including course outlines if they are used to market courses and recruit students,
- the homepage of a provider website,
- information about living in Australia if it is used as a tool to market to and recruit students,
- an advertisement for courses for international students in an Australian or foreign newspaper,
- provider handbooks if they have been issued before the student enrolls,
- a letter that makes an offer to potential students,
- information about the outcomes of courses if it is used to market to and recruit students,
- a letterhead which is used in letters making offers to students or promoting courses or other marketing purposes, and
- email footers that are attached to email sent to students and which make offers of enrolment or inform students of course.

Where any material contains a pull out/tear away section, the removable section should also comply.

DEEWR also provides the following advice in its explanatory guide about websites:

‘The home page of the provider should include the CRICOS number in a prominent position (ie, not

hidden away in tiny text in a corner). All pages relating to marketing, recruitment, services and information for overseas students should include the CRICOS registration details. While not required on every page of downloadable materials, the CRICOS number should appear somewhere on each document. Best practice would be to include the CRICOS number in the footer of the provider's website'.

Standard 1.2 (b) Not give false or misleading information

Information or advice to students relating to the registered provider, its course or outcomes associated with the course must not be false or misleading. This means that accurate information must be given to prospective students about the courses offered and where courses are located. No false comparisons should be made with other providers.

Standard 1.3 Not actively recruit students where conflicts with standard 7 obligations

Under standard 7 students can only transfer between registered providers within the first 6 calendar months of their principal (main) course where a [Release Letter](#) has been provided. Monash Student Recruitment staff dealing with prospective Monash students should engage in no active recruitment activity where it is apparent that a student is seeking to transfer within the first six months of the student's principal course.

Evidence of compliance

- Samples of promotional material used to market and recruit students.
- Letters or email used to send students course offers.
- Evidence of arrangements with other providers and the materials used to promote courses that are taught by them.
- A letter of release to demonstrate that the student has the provider's permission to move within the first six months.
- Where a student has applied for a letter of release, a letter in the student's file showing that a valid enrolment offer has been made.

Monash also recommends

- Inclusion of the CRICOS Code at the inside front cover of the publication in an appropriate font size
- Maintenance of a record of ESOS training that all Marketing staff have attended
- Building training into performance management
- Inclusion of Monash University and or MCPL provider codes in all onshore and offshore advertising for courses conducted in Australia, not just newspaper advertising.

Compliance obligations

Marketing and Communications

Ensure that

- the provider name (Monash University) and provider code (00008C) is displayed on all written materials for prospective international students undertaking courses provided by Monash University

- the provider name (Monash College Pty Ltd) and provider code (01857J) is displayed on all written materials for prospective international students undertaking courses provided by Monash College Pty Ltd
- no false or misleading information is given as per standard 1.2 (b)
- no students are enrolled from another provider in the first six months of their principal course or in any preliminary course in a package of courses unless the exceptions outlined in standard 7 apply
- comply with ESOS training requirements for Marketing staff as set out in the [ESOS Training Matrix](#)
- an annual review of all faculty international publications is conducted to ensure compliance with standard 1.2(a)

Monash College Pty Ltd (MCPL)

Ensure that

- the provider name (Monash College Pty Ltd) and provider code (01857J) is displayed on all written materials for prospective international students undertaking courses provided by Monash College Group
- no false or misleading information is given as per standard 1.2 (b)
- comply with ESOS training requirements for Marketing staff as set out in the [ESOS Training Matrix](#).
- business processes are clearly documented for the
 - a) timing and responsibilities for review and update of faculty publications
 - b) placement of CRICOS code in publications
 - c) advertising protocols
 - d) ESOS training requirements
 - e) Brand Identity guidelines
 - f) Intra-university engagement- attendance at Marketing meetings
- an annual audit of written materials is conducted to ensure ESOS compliance

Faculty

Ensure that:

- the provider name (Monash University) and provider code (00008C) is displayed on all written materials for prospective international students undertaking courses provided by Monash University
- no false or misleading information is given as per standard 1.2 (b)
- comply with ESOS training requirements for Marketing staff as set out in the [ESOS Training Matrix](#)
- business processes are clearly documented for the
 - a) timing and responsibilities for review and update of faculty publications
 - b) placement of CRICOS code in publications
 - c) advertising protocols
 - d) ESOS training requirements
 - e) Brand Identity guidelines

- f) Intra-university engagement- attendance at Marketing meetings.
- an annual audit of written materials is conducted to ensure ESOS compliance

International Recruitment Services

Ensure that:

- the provider name (Monash University) and provider code (00008C) is displayed on all written materials for prospective international students undertaking courses provided by Monash University
- the provider name (Monash College Pty Ltd) and provider code (01857J) is displayed on all written materials for prospective international students undertaking courses provided by Monash College Group
- that no false or misleading information is given as per standard 1.2 (b)
- no students are enrolled from another provider in the first 6 months of their principal course or in any preliminary course in a package of courses unless the exceptions outlined in standard 7 apply
- comply with ESOS training requirements for staff as set out in the [ESOS Training Matrix](#).

Monash Documentation

- Policies and Procedures
 - [Brand Identity Policy](#)
 - [Brand Identity Procedures](#)
 - [ESOS Training Matrix](#)
- Business Rules
 - Work instructions to ensure student has not transferred within first 6 calendar months unless in allowable circumstances eg check visa and PRISMS (pre existing eCOE).
- Guidelines
 - [Brand Guidelines](#)
 - See 'Compliance Requirements'

Standard 2 – Student engagement before enrolment

Legislation

National Code of Practice

Standard 2 – Student engagement before enrolment

Outcome of Standard 2

Registered providers recruit students in an ethical and responsible manner and provide information that enables students to make informed decisions about studying with the registered provider in Australia. Registered providers ensure students' qualifications, experience and English language proficiency are appropriate for the course for which enrolment is sought.

2.1 Prior to accepting a student, or an intending student, for enrolment in a course, the registered provider must provide, in print or through referral to an electronic copy, current and accurate information regarding the following:

- a. the 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
- b. the course content and duration, qualification offered if applicable, modes of study and assessment methods
- c. campus locations and a general description of facilities, equipment, and learning and library resources available to students
- d. details of any arrangements with another registered provider, person or business to provide the course or part of the course
- e. indicative course-related fees including advice on the potential for fees to change during the student's course and applicable refund policies
- f. information about the grounds by which the student's enrolment may be deferred, suspended or cancelled
- g. a description of the ESOS framework made available electronically by DEEWR, and
- h. relevant information on living in Australia, including:
 - i. indicative costs of living
 - ii. accommodation options, and
- iii. where relevant, schooling obligations and options for school-aged dependants of intending students, including that school fees may be incurred.

2.2 The registered provider must have documented procedures in place, and implement these procedures to assess whether the student's qualifications, experience and English language proficiency are appropriate for the course for which enrolment is sought.

ESOS Act

s.83 Minister may impose sanctions for non-compliance

The actions are: s.83 (3)

- (a) to impose one or more conditions on the registered provider's registration for any one or more courses for any one or more States (see section 86);
- b) to suspend the registered provider's registration for all courses for any one or more States (see section 95);
- (c) to cancel the registered provider's registration for all courses for any one or more States.

Compliance requirements

All recruitment of students for study in courses offered to international students by Monash University and Monash College Pty Ltd (MCPL) must be carried out in accordance with the obligations and specifications of the ESOS Act and National Code. In particular, students are provided with information which will enable them to make informed decisions about studying at Monash.

DEEWR advises in its [Explanatory Guide](#) that the information “should result in students’ study experiences in Australia matching the expectations established during the recruiting phase. Students need to know about the ESOS legislative framework, the security it affords them and how to avail themselves of its consumer protections should the need arise. The standard also aims to ensure students are only offered places in courses for which they have appropriate skills and experience.”

Standard 2.1 Information to be provided to student’s pre acceptance

Information to prospective international students at Monash is provided by the Office of Future Students (Student Recruitment and International Recruitment Services), Marketing and Communications, Faculties, Monash College Pty Ltd and the Monash Research Graduate School (MRGS). Monash must ensure that the required information is provided to students before accepting them for study. In turn, agents acting on behalf of Monash must have up-to-date course information and stock.

International Recruitment Services, Faculties and Monash College must ensure that the following information is provided prior to accepting a student for enrolment:

- The availability of course credit
- The modes of study through which the course may be offered. The grounds on which the student’s enrolment may be deferred, suspended (including intermitted) or cancelled. A reference to this information is available on the Monash [ESOS web site](#).
- A description of the ESOS Framework. This is set out in the DEEWR student rights and responsibilities document ([pdf 51 kb](#) or [rtf 319 kb](#))
- Indicative course related fees, including the potential for fees to change.
- Relevant information on [accommodation options](#).
- Schooling obligations and options for school aged-dependants, including that school fees may be incurred.

Standard 2.2 Documented procedures for the assessment of qualifications, experience and English language proficiency

Organisational Units that assess qualifications, experience and [English language proficiency](#)- International Recruitment Services, Faculties, MRGS and MCPL- must have documented procedures in place for making these assessments. Minimum entrance requirements are outlined in the UG/PG course guide and International application guides supplement and in the VTAC Guide.

Evidence of compliance

- Samples of the information provided to students prior to enrolment – including either printed copies of the information about the ESOS framework or a link to the relevant part of the DEEWR website
- A copy of documented procedures for assessing students' qualifications, experience and English language proficiency. All staff responsible for implementing the procedures should have easy access to the procedures documents.

In addition, the following is required:

- Faculty, MCPL, International Recruitment Services and MRGS maintain a record of ESOS training
- Evidence that performance management includes attendance at required ESOS training.

Compliance obligations

Office of Future Students (International Recruitment Services)

- Ensure that students have been provided with the information specified in standard 2.1 prior to accepting students
- Ensure that procedures are in place which have been implemented for the assessment of qualifications, experience and English language proficiency
- Ensure that work instructions are in place for checking and updating information to be provided to students and for providing that information to prospective students
- Provide information about English language requirements/bridging courses in offer letters as required
- Ensure that Recruitment Services staff engaged in recruitment activity are fully trained in the requirements of the ESOS Act
- Ensure that all new staff have attended SDU ESOS training in the first six months of the commencement of their role and completed the [ISANA on line training](#).

Office of Future Students (Student Recruitment)

- Ensure that staff engaged in recruitment activity are fully trained in the requirements of the ESOS Act
- Comply with ESOS training requirements for Student Recruitment staff as set out in the [ESOS Training Matrix](#)
- Ensure that all offshore agents have completed the [ISANA on line training](#).
- Ensure that all agents have up to date course information and stock.

Faculty

- Ensure that web sites contain accurate information about course content and duration, qualifications on offer, modes of study and assessment methods
- Ensure that staff engaged in recruitment activity are fully trained in the requirements of the ESOS Act as set out in the ESOS Training Matrix

Monash College Pty Ltd

- Ensure that web sites contain accurate information about course content and duration, qualifications on offer, modes of study and assessment methods

- Maintain a data base of course offerings which details the percentage of on line study for each CRICOS registered course
- Ensure that staff engaged in recruitment activity are fully trained in the requirements of the ESOS Act as set out in the ESOS Training Matrix

Monash Documentation

Policies and procedures

- [Admission to Coursework courses and Units of Study Policy](#)
- [Admission to Coursework Courses and Units of Study Procedures](#) (setting out English Language Entrance Requirements)
- International Recruitment Services, Faculty and MRGS procedures for assessing prospective student's qualifications, experience and English language proficiency (See Standard 2.2).

Business Rules

- International Recruitment Services work instructions for checking and updating accuracy of information to be provided to students.

Guidelines

- See 'Compliance Requirements.'

Other

- [Ask Monash](#), web sites and Offer letters
Link to DEEWR description of [ESOS framework](#)
- Course [entry requirements](#) including [English language requirements](#)
- [Course information](#)
- [Campus locations](#)
- [Course fees](#)
- Information about the grounds upon which enrolment may be [deferred, cancelled or suspended](#)
- [Living in Australia](#) and [living expenses](#)
- [Publications Committee](#)
- [Course transfer form](#) includes a reference to fee changes for students transferring courses internally.

Standard 3 – Formalisation of enrolment

Legislation

National Code of Practice

Standard 3- Formalisation of enrolment

Outcome of Standard 3

Written agreements between registered providers and students set out the services to be provided, fees payable and information in relation to refunds of course money.

3.1 The registered provider must enter into a written agreement with the student, signed or otherwise accepted by that student (or the student's parent or legal guardian if the student is under 18 years of age), concurrently with or prior to accepting course money from the student.

The agreement must:

- a. identify the course or courses in which the student is to be enrolled and any conditions on his or her enrolment
- b. provide an itemised list of course money payable by the student
- c. provide information in relation to refunds of course money
- d. set out the circumstances in which personal information about the student may be shared between the registered provider and the Australian Government and designated authorities and, if relevant, the Tuition Assurance Scheme and the ESOS Assurance Fund Manager.

This information includes personal and contact details, course enrolment details and changes, and the circumstance of any suspected breach by the student of a student visa condition, and

- e. advise the student of his or her obligation to notify the registered provider of a change of address while enrolled in the course.

3.2 The registered provider must include in the written agreement the following information, which is to be consistent with the requirements of the ESOS Act, in relation to refunds of course money in the case of student and provider default:

- a. amounts that may or may not be repaid to the student (including any course money collected by education agents on behalf of the registered provider)
- b. processes for claiming a refund
- c. a plain English explanation of what happens in the event of a course not being delivered, and
- d. a statement that "This agreement, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia's consumer protection laws".

Compliance requirements

1. Standard 3.1 Written agreement with students

In order for international students to understand their obligation and those of their education provider, a written agreement must be entered into with all students (or their parents or legal guardian if the student is under 18 years of age) who accept an offer. International Recruitment Services is responsible for administering the agreement.

Monash has a stand-alone agreement that it enters into with all its commencing students, This new agreement came into use in April 2011 and consolidates information previously found in the:

- 'How to accept your offer' booklet
- Student Offer Letter and Offer Statement
- Student Acceptance form

The written agreement must contain as a minimum the information specified in standard 3.1, ie it must identify:

- the course to be provided
- course money payable
- refunds in the event of a course not being delivered
- the circumstances where personal information about the student may be shared³, and
- the obligation by the student to notify the provider of change of address while enrolled.

Students who are already enrolled at Monash and are transferring courses must be given an addendum to their written agreement which is to be signed by the student and placed on central file.

2. Standard 3.2 Written agreement must contain information concerning refund of course money

The information concerning refund of course money is outlined in standard 3.2. Information that must be provided in the agreement includes:

- amounts to be repaid to a student
- the process for claiming a refund
- a statement of what happens in the event of a course not being delivered, and
- a statement that the agreement does not remove the right of a student to take action under Australia's consumer protection laws.

3. Compliance evidence

- Copies of the current written agreement template (and historical versions if the agreement template has changed over time)
- Signed (or printouts of 'otherwise accepted') written agreements on student files.
- A copy of the provider's refund policy, if separate from the written agreement.

³ **Q** If a provider has obtained information from a student for the purposes of compliance with ESOS and Migration legislation, can that information be used for other purposes?

A No. Under the Privacy Act 1988, information collected from individuals for one purpose may not be shared for purposes other than that for which it was collected without permission from the individuals affected. For the Plain English Guidelines to the Information Privacy Principles, please see: <http://www.privacy.gov.au/publications/index.html#G> under Guidelines – Information Privacy Principles (there are three guideline documents).

Compliance obligations

International Recruitment Services

- Ensure that the written agreement with students contains the information outlined in standards 3.1 and 3.2.
- Ensure that each agreement with students is scanned to or placed on central filing.

Monash College Pty Ltd

- Ensure that the written agreement with students contains the information outlined in standards 3.1 and 3.2.
- Ensure that each agreement with students is placed on file.

Monash Documentation

Policies and Procedures

- [Refund policy](#)
- Monash process about [how a student can claim a refund](#).
- Monash procedure as to how a student can keep their [address](#) details up-to-date.

Pro forma statements:

- Statement (used in agreement) as to circumstances in which personal information about the student may be shared with others. (See Standard 3.1d).
- Statement (used in agreement) to advise the student of his or her obligation to notify the registered provider of a [change of address](#) while enrolled in the course. (See Standard 3.1e)
- Refund process statement (used in agreement) outlining what would happen in case of [student and provider default](#), ie. a process about how a student can claim a refund (See Standard 3.2a-c).

Business Rules

- Work instructions to ensure no course money accepted from a student unless written agreement entered into with student concurrently with or prior to accepting course money from the student.

Guidelines

- As outlined in ‘Compliance Requirements’.

Standard 4 – Education agents

Legislation

National Code of Practice

Standard 4- Education agents

Outcome of Standard 4

Registered providers 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.

4.1 The registered provider 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 the registered provider and the need to comply with the requirements in the National Code. The agreement must also include:

a. processes for monitoring the activities of the education agent, including where corrective action may be required, and b. termination conditions, including providing for termination in the circumstances outlined in Standard 4.4.

4.2 The registered provider must ensure that its education agents have access to up-to-date and accurate marketing information as set out in Standard 1 (Marketing information and practices).

4.3 The registered provider 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:

a. engaged in, or to have previously been 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).

b. facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her student visa

c. using Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment for other than bona fide a student, or

d. providing immigration advice where not authorised under the *Migration Act 1958* to do so.

4.4 Where the registered provider has entered into an agreement with an education agent and subsequently becomes aware of, or reasonably suspects, the engagement by that education agent, or an employee or sub-contractor of that agent, of the conduct set out in Standard 4.3, the registered provider must terminate the agreement with the education agent. This paragraph does not apply where an individual employee or sub-contractor of the education agent was responsible for the conduct set out in Standard 4.3 and the education agent has terminated the relationship with that individual employee or sub-contractor.

4.5 The registered provider 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 Australian education and training.

Compliance requirements

The scope of the ESOS Act is very broad – the Act applies to providers, their agents and associates. Agents must be informed of the ‘reach’ of the Act and the implications for all parties should a breach occur.

For many prospective Monash students, education agents are the first point of contact with education in Australia. As DEEWR has noted ‘their activities and ethics are important to Australia’s reputation as a desirable destination for students and registered providers have an interest in ensuring education agents act ethically and appropriately’.

1. Standard 4.1 Written agreement with each education agent it engages to formally represent it

Standard 4 requires a written agreement to be entered into with every agent that represents it and specifies what needs to be included in these agreements. The agreement must include the process for monitoring agents (4.1(a)) and the inclusion of terminating conditions (4.1(b)).

Student Recruitment within the Office of Future Students (OFS) has responsibility for managing these agreements and for monitoring the activity of agents. In order to monitor the activities of agents, DEEWR advises in its [explanatory guide](#) that one or more of the following activities should be undertaken:

- Regular face-to-face meetings with agents onshore or offshore
- Telephone/teleconference/email meetings or communication
- Regular reports from agents
- Surveys of students recruited by particular agents
- Surveys of parents of the students recruited by particular agents
- Performance benchmarks included in agreements
- Spot checks by providers, eg to observe agents at work at education fairs
- Surveys of agents.

To assist with the monitoring process, Monash also has provision for [feedback](#) to be given about Monash agents.

In order for the management and monitoring of agents to be effective, Monash must have a documented business process for the coordination and management of all agent activity and agreements for all campuses. The documented business processes should outline:

- a) the type of reports available to monitor expiry of agreements
- b) when these reports are run
- c) the processes for managing agents including agents located in South Africa and Malaysia

The agent agreement must clearly and easily identify the locations in which agents are authorised to operate on behalf of Monash University and the agreement with each licenced education agent must be kept on central file.

In addition to the above, the selection of agents should follow the following guidelines (as set out in the [Baird report](#)). Monash should only use agents who:

- a) belong to a professional association where one exists;
- b) have completed an appropriate training course (at a minimum the principal agent in an agency); and
- c) comply with their home country requirements

2. Standard 4.2 Agents have access to up-to date and accurate marketing information

In order for agents to be able to provide students with accurate information, it is critical that agents have access to this information.

Monash provides agents with up-to-date information by:

- Providing annual agent training both onshore and offshore
- Distribution to agents of ‘Monash Adviser’
- Provision of agent training manual
- Allocation of each agent with a ‘primary contact’ who ensures information is kept up-to-date.

In addition, the OFS supports agents through its *Agent Relationship Management* system which is part of the Customer Relationship Management System (CRM). Through this portal, agents are provided with access to updated information, prompt response to agent queries, faster agent ordering of resources, etc.

Records of offshore visits and a list of those who attend training sessions are kept by OFS. In addition recruiters are trained to access the “Agent Training Guidelines” which prompts them to check for currency of marketing materials before undertaking agent visits. It is essential that a stock is maintained of current promotional materials. Faculties should list all their current brochures on the faculty web site, with a link to download the pdf and have in place a clear process for ordering brochures.

3. Standard 4.3 Provider not to enter agreement or accept students in prescribed circumstances

A business practice is required to ensure compliance with standard 4.3. This process must outline:

- protocols for visiting agents
- regular face-to-face meetings with agents onshore or at offshore locations, telephone/email contact, and ‘Agent Feedback’ via a website created to communicate complaints/issues or positive feedback
- business practices for managing new agent appointments to ensure only quality agents are appointed to represent Monash
- steps taken to terminate formal arrangements with an agent regarded as breaching the agreement.

4. Standard 4.4 Agreement must be terminated in prescribed circumstances (standard 4.4)

Procedures must be in place for terminating agent agreements including a standard letter, a period of notice (60 day notice currently in place) ‘without cause’ and provision for immediate termination where required. These requirements are set out in the agent agreement.

5. Standard 4.5 Corrective action to be taken in prescribed circumstances

A business process for taking this corrective is action must also be in place. This is the responsibility of the Office of Future Students.

6. Compliance evidence

The following evidence of compliance should be available;

- Evidence of immediate corrective and preventative action (eg record of telephone conversation, email) taken when the registered provider becomes aware that the education agent has become negligent, careless or incompetent or has engaged in false, misleading or unethical advertising and recruitment practices
- Evidence that education agents have undertaken ESOS training
- Examples of agent contracts
- Evidence of monitoring activity
- Record of visits to offshore agents, currency of agent information and steps taken to update information as required
- Requirement that all Monash agents complete the ISANA ESOS training package and provide a copy of the training certificate as evidence of the training.

Compliance Obligations – responsible parties

Student Recruitment

- Ensure that procedures are implemented for monitoring and reviewing the practices of the agents, for termination of agreements with agents where termination conditions are activated
- Ensure that the contract between Monash and the agent includes the elements stated in standard 4.1 and incorporates best practice principles
- Ensure that Monash no longer accept students from an agent if they suspect an agent has been acting dishonestly, misusing PRISMS or engaged in false or misleading recruitment practices
- Maintain an accurate register of [Monash licenced agents](#) and review and update this list at least twice per year.

Monash Documentation

Policies and Procedures

- [Brand Identity Policy](#) and [Brand Identity Procedures](#)
- [Monash Brand Guidelines](#)

Business Rules

- Student Recruitment procedures for:
 - monitoring education agents; taking corrective and preventative action in regards to education agents who have been negligent, careless, or incompetent; Termination conditions and procedures to be developed in event of termination (See Standard 4.1a).
 - providing agents with accurate and up-to-date information

- termination of agent contracts
- ensuring students not accepted from an agent who has been acting dishonestly
- taking corrective action upon becoming aware of an agent being negligent, careless or incompetent.

Guidelines

- As outlined in ‘Compliance Requirements’.

Other documentation

- Agent contract
- Agent [database](#)

Standard 5 – Younger students

Legislation

National Code of Practice Standard 5- Younger students

Outcome of Standard 5

Where students under the age of 18 are not being cared for in Australia by a parent or suitable nominated relative, registered providers ensure the arrangements made to protect the personal safety and social well-being of those students are appropriate.

5.1 Where the registered provider has taken on responsibility under the Migration Regulations for approving the accommodation, support and general welfare arrangements for a student who has not turned 18, the registered provider must:

- a. nominate the dates for which the registered provider accepts responsibility for approving the student's accommodation, support and general welfare arrangements using the specified PRISMS pro forma letter
- b. advise DIAC in writing of the approval using the specified PRISMS pro forma letter
- c. have documented procedures for checking the suitability of the student's accommodation, support and general welfare arrangements, and
- d. advise DIAC as soon as possible in the event that the under 18 year old student has changed his or her living arrangements or the registered provider no longer approves of the arrangements for the student using the specified PRISMS pro forma letter.

5.2 Where Standard 5.1 applies and the student is under 18 with a student visa that covers multiple courses, the registered provider with whom the student is currently enrolled is responsible for approving arrangements for the student's accommodation, support and general welfare during that nominated period.

5.3 Where Standard 5.1 applies and the registered provider terminates, suspends or cancels the enrolment of the student, the registered provider must continue to check the suitability of arrangements for that student until:

- a. the student is accepted by another registered provider and that registered provider takes over responsibility for approving the student's accommodation, support and general welfare arrangements
- b. the student leaves Australia
- c. other suitable arrangements are made that satisfy the Migration Regulations, or
- d. the registered provider reports under Standard 5.1.d that it can no longer approve of the arrangements for the student.

Compliance Requirements

The purpose of standard 5 is to ensure that where providers have responsibility for approving the accommodation and welfare arrangements for students under the age of 18, that these arrangements are appropriate. Visa requirements stipulate that a parent, a nominated suitable relative or the education provider must take responsibility for the welfare of younger international students while in Australia. If a parent or suitable relative is not in Australia, the education provider must assume responsibility.

1. Standard 5.1 Obligations of providers where taken on responsibility for approving accommodation and welfare arrangements

Standard 5.1(a) specifies that the dates (start and end dates) for which the registered provider accepts responsibility for the welfare of younger students must be given to the Department of Immigration and Citizenship (DIAC) using the approved pro forma (standard (5.1(b))). The default end date is the period of the eCOE plus seven days.

International Recruitment Services (IRS) is responsible for initial approval of welfare arrangements and issues the first Confirmation of Appropriate Accommodation and Welfare form (CAAW). For new students, responsibility for welfare should commence two weeks prior to enrolment unless an alternative date has been given by the student.

IRS must have written business practices in place which:

- a) specify the date of commencement of welfare arrangements for students progressing from Monash College or MUFY to Monash University as well as students newly commencing at Monash;
- b) outline checking and approval of arrangements for students with pre approved arrangements at MUFY. CAAWs should be reviewed and re-issued as appropriate prior to commencement at Monash;
- c) confirm that Family Friends have been issued with a Working with Children (WWC) card in addition to providing evidence of application for a card;
- d) identify how exceptional circumstance applications are dealt with;
- e) set out required documents before a CAAW is issued.

Standard 5.1(c) specifies that there must be documented procedures for checking the suitability of a student's support, accommodation and welfare arrangements. These procedures are set out in 'Monash Documentation'. Once a student enrolls at Monash, Health and Wellbeing for Monash University and MCPL for MUELC, Monash College and MUFY assume responsibility for checking the suitability of arrangements. These procedures, following DEEWR, must "outline the end to end process involving the recommendation, assessment and approval of an accommodation and welfare arrangement. This should include a review process and if necessary, the termination of the arrangement". In addition, procedures for contacting parents or legal guardians must be in place.

As Monash approves Caregivers to act as 'guardians' for its students, it must have a contract with each approved Caregiver setting out relevant obligations. In addition it must conduct an annual review of its approved Caregivers and receive regular reports from them.

Monash also approves Family Friends to act as Caregivers for its students. The business process for approving a nominated Family Friend includes conducting a pre approval interview, receiving a Statutory Declaration and sighting evidence of a Working with Children card. In addition, Family Friends need to be monitored during the year.

Finally, procedures must be in place (5.1(d)) for advising DIAC of any change of arrangements. Health and Wellbeing Campus Hubs have the responsibility for approving these changes and for advising DIAC.

2. Standard 5.2 Responsibility where period of visa covers multiple courses

Special arrangements must be in place where a student is undertaking multiple courses during the period of the visa. Examples are MUELC students enrolling in Monash College and then Monash University or Monash College students also planning enrolment in a degree course at Monash. Standard 5.2 prescribes that the provider with whom 'the student is currently enrolled' has the responsibility for approving the arrangements during the 'nomination period'.

3. Standard 5.3 Responsibility for checking the suitability of arrangements where a student's enrolment is terminated, suspended or cancelled

If a student's enrolment is terminated, suspended or cancelled, Monash has continued responsibility for checking the suitability of arrangements. A process must be in place for advising the Caregiver of the student change of status. The responsibility to continue checking arrangements is outlined in the agreement with Caregivers which specifies that Monash will notify the approved Caregiver who will maintain responsibility for checking arrangements until the student departs Australia or new arrangements are approved with a new provider.

Evidence of compliance

- Evidence of arrangement with other providers where package of courses is being undertaken
- Records of reports being run of student's accommodation and checks being made against approved arrangements
- Records of decisions being made concerning change of approval requests
- Records of communication with Caregivers
- Record of annual review and outcome of Caregiver Arrangements.

Compliance Obligations – responsible parties

International Recruitment Services

- Approve accommodation and welfare arrangement and issue CAAW for under 18 students commencing their study at MC and MU according to [established procedure](#)
- Have a written business process in place for approving welfare arrangements for newly commencing students under age 18

Health and Wellbeing Hub

- Run Monash Reporting System (MRS) 'Students by Age' report at least twice per semester to monitor student address and requests for change of arrangements
- Approve change of arrangement requests from continuing (ie post enrolment) Under 18 students according to Hub work instructions and [established procedure](#)

- Contact each newly enrolling international student under the age of 18 twice per semester advising them of support available and procedures for changing arrangements and seeking feedback about arrangements
- Contact Caregiver when any issues of concern arise and participate in annual review of Caregivers
- Monitor Family Friends through a phone call, email or personal visit if required at least once per semester.

Monash College Pty Ltd (MCPL)

- Run the MC Under 18 report at least twice per trimester to monitor student address and requests for change of arrangements
- Approve change of arrangement requests from continuing Under 18 students according to [established procedure](#).
- Contact each newly enrolling international student under the age of 18 each trimester and advise them of support available and procedures for changing arrangements
- Contact Caregivers should there be any issues of concern.

Homestay Accommodation Services (HAS)

- For students registered with Homestay Accommodation Services (HAS), contact Homestay family within first week of arrival to check on student settling in.
- Undertake pre approval interviews and inspection visits of prospective Family Friends
- Participate in annual Caregiver reviews

Enrolments Unit (ESOS)

- Co-ordinate annual review of Caregivers
- Co-ordinate overall policy and procedural framework for Under 18 students
- Download PRISMS CAAW information onto shared drive fortnightly.

Monash Documentation

Policies and Procedures

- [ESOS Student Under Age 18 policy - accommodation, support and general welfare arrangements](#)
- [ESOS Student Under Age 18 procedures- approval of accommodation, support and general welfare arrangements](#)
- Monash procedure to follow a student's support, welfare and accommodation arrangements in the event of Monash terminating, suspending or cancelling a student's enrolment until another provider takes over responsibility or the student leaves Australia, or other suitable arrangements are made (5.3) [to be developed].

Business Rules

- International Recruitment Services business practice for checking the suitability of a student's support, welfare and accommodation arrangements before approving the arrangements and for advising DIAC) via PRISMS 5.1(b))
- Business practice for contacting parents or legal guardians 5.1(c).
- Monash business practice (HWD/MCPL) to advise DIAC of change of arrangements (5.1(d))

- Business practice for continuing to check the suitability of arrangements for students whose enrolment has been suspended or cancelled

Guidelines

- As outlined in ‘Compliance Requirements’

Other

- Caregiver agreement
- Documents
 - [Application to be a recommended care giver](#)
 - [Guide for students who are under 18](#)
 - Monash approved [Care-givers](#)
 - PRISMS pro forma documents Confirmation of Appropriate Accommodation and Welfare (CAAW) letter
 - Checklist for conducting interviews with Family Friends
- MRS Reports (ESOS folder)
 - [Students by Age](#).

Standard 6 – Student support services

Legislation

National Code of Practice

Standard 6 – Student support services

Outcome of Standard 6

Registered providers support students to adjust to study and life in Australia, to achieve their learning goals and to achieve satisfactory progress towards meeting the learning outcomes of the course.

6.1 The registered provider must assist students to adjust to study and life in Australia, including through the provision of an age and culturally appropriate orientation programme that includes information about:

- a. student support services available to students in the transition to life and study in a new environment
- b. legal services
- c. emergency and health services
- d. facilities and resources
- e. complaints and appeals processes, and
- f. any student visa condition relating to course progress and/or attendance as appropriate.

6.2 The registered provider must provide the opportunity for students to participate in services or provide access to services designed to assist students in meeting course requirements and maintaining their attendance.

6.3 The registered provider must provide the opportunity for students to access welfare-related support services to assist with issues that may arise during their study, including course progress and attendance requirements and accommodation issues. These services must be provided at no additional cost to the student. If the registered provider refers the student to external support services, the registered provider must not charge for the referral.

6.4 The registered provider must have a documented critical incident policy together with procedures that covers the action to be taken in the event of a critical incident, required follow up to the incident, and records of the incident and action taken.

6.5 The registered provider must designate a member of staff or members of staff to be the official point of contact for students. The student contact officer or officers must have access to up-to date details of the registered provider's support services.

6.6 The registered provider must have sufficient student support personnel to meet the needs of the students enrolled with the registered provider.

Compliance Requirements

Standard 6 outlines specific responsibilities concerning student support services. Support services and orientation programs must be available to all students to help them to adjust to study in Australia and understand the cultural and educational environment they are entering.

1. Standard 6.1 Age and culturally appropriate orientation program

The orientation provided to students must, at a minimum, contain the prescribed elements as outlined in standard 6.1. That is, information must be provided concerning student support services, 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.

Orientation does not need to be provided in a prescribed way. It can for example be delivered electronically or in document form depending on the circumstances. Provision however must be made for late arrivals. At a minimum, late arrival students should be provided with a copy of the orientation program, referred to web site information and provided with the opportunity to clarify or ask questions about any information provided.

2. Standard 6.2 Assistance and access to services to assist students meet course requirements and maintain attendance

Services must be available for students to meet course requirements or maintain attendance. As higher education institutions are not required to keep attendance records or report non attendance (see standard 11.1) the focus for Monash University needs to be the provision of academic support services. Examples given by DEEWR include 'a study skills centre, supervised study groups and tutorial support assistance'. Monash College provides workshops, conversation classes, study groups, one-on-one sessions, mathematics support and special programs. Monash University services include a [Learning Skills Unit](#) based at the [Library](#) on each campus. Assistance is provided with written and oral expression, skills in reading, listening to lectures, note taking and approaches to study. An online resource is also available through [Language and Learning Online](#).

3. Standard 6.3 Opportunity for students to access welfare-related support services

These services must be provided at no additional cost to the student. Staff advising international students should have a good understanding of services including Counselling, Chaplaincy, Financial advice and Loans and Accommodation services so that appropriate referrals can be made. Other welfare related support services are Medical Services, Religious Services and designated spaces and Child Care (Includes Vacation Care Programs).

4. Standard 6.4 Documented critical incident policy and procedure

A documented critical incident policy needs to be in place (see Monash Documentation,) If a student is involved in an accident, is seriously injured or involved in another traumatic event, clear protocols for the management of the incident need to be in place. These protocols are set out in the [Procedures and guidelines for critical incidents involving international students](#).

Student support staff need to be advised of the existence of this policy and understand the relevant protocols.

5. Standard 6.5 Official point of contact

Standard 6.5 requires that a member or members of staff must be designated as the official points of contact for students. These contacts are available at the relevant links for: [Monash University](#) and [Monash College](#).

6. Standard 6.6 Sufficient student support personnel

Student support personnel need to be sufficient to meet the needs of students. DEEWR have recommended in their [explanatory guide for standard 6](#) that ‘when deciding what would be considered an appropriate level of support personnel, providers may take into consideration the number of overseas students enrolled, the types of courses being offered and the likely needs of students’.

7. Standard 6.7 Awareness of obligations under the ESOS framework

Staff interacting with international students must be trained in ESOS. A record of annual training undertaken by student support staff needs to be kept and staff at a minimum must attend an annual refresher provided by Monash.

8. Evidence of compliance

- Policy and/or procedure that supports relevant staff understanding of the ESOS Act and their obligations under it
- Evidence that student support services are not limited to academic issues
- Free and easily accessible information directing students to any available support services
- Evidence that staff are aware of and understand the Critical Incident Policy
- Incorporated within staff handbooks and induction training, information regarding the ESOS responsibilities of the provider and of staff who interact with international students
- Copies of Orientation programs for all campuses that demonstrate provision of minimum requirements as outlined in standard 6.1
- Records that all new staff complete the online ISANA training and the SDU ESOS training
- Records of attendance at SDU ESOS training and completion of ISANA training for new staff.

Compliance Obligations – responsible parties

Health and Wellbeing Hub

- In conjunction with relevant organisational units within the University, to provide an ‘age and culturally appropriate orientation program’ for all incoming students that satisfies standard 6.1 and outlines the rules, expectations, facilities and services and assistance available to facilitate a smooth transition into life in Australia
- Ensure the University Critical Incident Policy is understood by campus Hub staff

- To provide opportunity for students to access welfare related services and services designed to assist students in meeting course requirements and maintaining their attendance.
- Liaise with Faculties, Study Abroad, Transition & Retention Programs, Health and Wellbeing and Orientation Committee concerning provision of Orientation program
- Ensure that all new Campus Hub staff have attended SDU ESOS training in the first six months of the commencement of their role and completed the ISANA online tutorial within the first month of commencement of their role.

Transition & Retention Programs

- In conjunction with relevant organisational units within the University, to provide an ‘age and culturally appropriate orientation program’ for all incoming students that satisfies standard 6.1 and outlines the rules, expectations, facilities and services and assistance available to facilitate a smooth transition into life in Australia
- Liaise with Health and Wellbeing, Faculties, Orientation Committee and Monash Abroad concerning provision of Orientation program

Faculties

- In conjunction with relevant organisational units within the University, to provide an ‘age and culturally appropriate orientation program’ for all incoming students that satisfies standard 6.1 and outlines the rules, expectations, facilities and services and assistance available to facilitate a smooth transition into life in Australia
- To provide opportunity for students to access welfare related services and services designed to assist students to meet course requirements and maintain their attendance (if applicable)
- Liaise with Health and Wellbeing Hub, Transition & Retention Programs, Orientation Committee and Monash Abroad concerning provision of Orientation program
- Ensure that all new faculty staff have attended SDU ESOS training in the first six months of the commencement of their role and completed the ISANA online tutorial within the first month of commencement of their role.

Monash Research Graduate School (MRGS)

- In conjunction with relevant organisational units within the University, to provide an ‘age and culturally appropriate orientation program’ for all incoming students that satisfies standard 6.1 and outlines the rules, expectations, facilities and services and assistance available to facilitate a smooth transition into life in Australia
- To provide opportunity for students to access welfare related services and services designed to assist students to meet course requirements and maintain their attendance (if applicable)
- Liaise with Health and Wellbeing, Transition & Retention Programs, Orientation Committee and Monash Abroad concerning provision of Orientation program
- Ensure that all new MRGS staff have attended SDU ESOS training in the first six months of the commencement of their role and completed the ISANA online tutorial within the first month of commencement of their role.

Monash College Pty Ltd (MCPL)

- Provide an age and culturally appropriate orientation program for all incoming students that satisfies standard 6.3 and outlines the rules, expectations, facilities and services and assistance available to facilitate a smooth transition into life in Australia
- Ensure that a Critical Incident Policy is in place and understood by MCPL staff
- Provide opportunity for students to access welfare related services and services designed to assist students in meeting course requirements and maintaining their attendance
- Ensure that all new MCPL staff have attended SDU ESOS training in the first six months of the commencement of their role and completed the ISANA online tutorial within the first month of commencement of their role.

Monash Abroad

- Provide an age and culturally appropriate orientation program for all incoming students that satisfies standard 6.1 and outlines the rules, expectations, facilities and services and assistance available to facilitate a smooth transition into life in Australia
- Liaise with Campus Hubs, Transition & Retention Programs and faculties concerning provision of Orientation program
- Ensure that all new Monash Abroad staff have attended SDU ESOS training in the first six months of the commencement of their role and completed the ISANA online tutorial within the first month of commencement of their role.

Facilities and Services

- Ensure the University Critical Incident policy meets ESOS requirements.

Human Resources

- Ensure that induction material for new Monash staff contains ESOS information and is updated annually.

Monash University Library (MUL)

- Liaise with Health and Wellbeing Hub, Orientation Committee and Faculties concerning provision of an ‘age and culturally appropriate orientation program’ for all incoming students that satisfies standard 6.1 and outlines the rules, expectations, facilities and services and assistance available to facilitate a smooth transition into life in Australia.
- Ensure the University Critical Incident Policy is understood by Library staff who provide information or advice for students.
- Provide opportunities for students to access Library services designed to assist students in meeting course requirements and maintaining their attendance (standard 6.2).
- Ensure that Library staff who provide information research and learning skills services attend SDU ESOS level 1 training and that Library staff who provide information or advice for students complete the ISANA online tutorial.

Monash Documentation

Policies and Procedures

- [Crisis Management Policy](#)

- [Crisis Management Procedures](#)
- [Procedures and guidelines for critical incidents involving international students](#)

Business rules

- For reviewing and improving the orientation package each year to ensure its accuracy and that it will meet the needs and expectations of international students.

Guidelines

- As outlined in 'Compliance Requirements'.

Other Documentation

- Sufficient student support personnel to meet the needs of the students.

Standard 7 – Transfer between registered providers

Legislation

National Code of Practice

Standard 7 – Transfer between registered providers

Outcome of Standard 7

Registered providers assess requests from students for a transfer between registered providers within the first six months of the commencement date of the principal course of study in accordance with their documented procedures.

7.1 The receiving registered provider must not knowingly enrol the student wishing to transfer from another registered provider's course within the first six months of the commencement date of that student's principal course of study except where:

- a. the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered
- b. the original registered provider has provided a written letter of release
- c. 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, or
- d. any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.

7.2 The registered provider must have and implement its documented student transfer request assessment policy and procedure, which is available to staff and students. The policy must specify

- a. the circumstances in which a transfer will be granted
- b. the circumstances the registered provider considers as providing reasonable grounds for refusing the student's request, including when a transfer can be considered detrimental to the student, and
- c. a reasonable timeframe for assessing and replying to the student's transfer request having regard to the restricted period.

7.3 The registered provider must grant a letter of release only where the student has:

- a. provided a letter from another registered provider confirming that a valid enrolment offer has been made, and
- b. where the student is under 18;
 - i. the registered provider has written confirmation that the student's parent or legal guardian supports the transfer, and
 - ii. where the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment offer also confirms that the registered provider will accept that responsibility for approving the student's accommodation, support and general welfare arrangements as per Standard 5 (Younger students).

7.4 A letter of release, if granted, must be issued at no cost to the student and must advise the student of the need to contact DIAC to seek advice on whether a new student visa is required.

7.5 Where the registered provider does not grant a letter of release, the student must be provided with written reasons for refusing the request and must be informed of his or her right to appeal the registered provider's decision in accordance with Standard 8 (Complaints and appeals).

7.6 The registered provider must maintain records of all requests from students for a letter of release and the assessment of, and decision regarding, the request on the student's file.

Compliance Requirements

Standard 7 requires providers to assess applications for transfer within the first six (calendar) months of the student's principal⁴ course. This means that any student wishing to transfer at any time prior to the completion of the first six months of their principal course (including enrolment in a preliminary course or courses) must apply for and obtain a [Release Letter](#).

Prior to the introduction of the National Code 2007, transfer requests were a DIAC responsibility. Students had to apply for a new student visa if they sought to transfer from one provider to another within the first 12 months of the student's principal course. Now, it is a provider responsibility to assess and decide on transfer requests.

Incoming students

1. Standard 7.1 Not knowingly enrol a student in the first 6 months of their primary course

This standard specifies the circumstances when a student can transfer from one registered provider to another in the first six months of their principal course. The circumstances are limited but the key exception concerns the provision of a letter of release.

Students applying to study at Monash who are enrolled with another provider must not be issued with an electronic Confirmation of Enrolment Form (eCOE) at Monash unless the student provides a copy of their release letter from their existing provider to Monash (International Recruitment Services). Both the application for admission form and PRISMS must be checked to determine whether the student is in the first six months of their principal course.

Outgoing students

2. Standard 7.2 Documented student transfer request assessment policy and procedure

For existing Monash students seeking to transfer within the first six calendar months of their principal course, Monash must assess the application according to its [International Student Transfer between Registered Providers policy and procedure](#). A release letter can only be granted if the student seeking transfer provides evidence of an Offer at the new provider.

3. Standard 7.3 Students under 18

Additional requirements apply to students under the age of 18. Monash must seek written approval for the transfer from the student's parents or legal guardian and where the student is not staying with a parent or suitable relative in Australia, evidence must be provided by the student that the new provider accepts responsibility for approving the student's accommodation and welfare arrangements.

⁴ "The principal course of study refers to the main course of study to be undertaken by an overseas student where a student visa has been issued for multiple courses of study. The principal course of study would normally be the final course of study where an overseas student arrives in Australia with a student visa that covers multiple courses", National Code 2007, definitions

4. Standard 7.4 Letter of release must be issued at no cost to the student

The letter of release must be issued at no cost to the student. Monash affirms this in its [Application for Release Letter form](#).

Once a release letter is approved the student must submit an application to discontinue. The [Application for Release letter- International students](#) advises students that it is their 'responsibility to formally discontinue from your Monash course if you wish to accept an offer at another institution'

5. Standard 7.5 Where a release letter is not provided, written reasons for the refusal must be provided and the student informed of their appeal rights

If a release letter is not provided, the reasons for the refusal must be set out in the relevant notification to the student. Students also must be advised in the refusal letter of their appeal rights. The University Student Ombudsman, as set out in the [International Student Transfer between Registered Providers procedures](#) is responsible for assessing these appeals.

6. Standard 7.6 Maintain records of transfer requests

The record of transfer request records is to be kept on central student filing. Client Services is responsible for placing these records of application and decision on TRIM.

7. Evidence of compliance

- Copies of requests from students for a letter of release, eg a provider's request for release form
- Copies of the assessment of the request, eg the provider's decision written on the request form
- Copies of letter informing the student of the decision and including reasons if the student is refused
- Example of appeal documentation consistent with the provider's appeal processes outlined in standard 8
- For students under age 18, example of approval with written confirmation that the student's parent or legal guardian supports the transfer and
- Evidence of a valid enrolment offer confirming that the registered provider will accept that responsibility for approving the student's accommodation, support and general welfare arrangements as per standard 5.

In addition, examples of compliance could include:

- Marketing procedure referencing recruiting staff responsibility in relation to standard 7
- Transfer request policy and procedure including check for receiving transferring students
- Sample of valid enrolment offer letter

Compliance Obligations – responsible parties

International Recruitment Services

- If students are transferring from another provider, check PRISMS (and Monash documentation, eg Application form) to determine whether student is in the first six months of their principal course and sight release letter before issuing a eCOE (enrolling)⁵ the student
- Assess transfer request applications for pre-enrolment students according to the Monash transfer request policy and procedure
- Issue a release letter or refusal of release only after checking the student status on Callista and sighting an offer letter from the receiving provider and if the student is under age 18 follow the requirements outlined concerning standard 7.3
- File a copy of the release letter decision on central student file.

Client Services (Student Service Centre's)

- Assess transfer request applications for students according to the Monash transfer request policy and procedure
- Issue a release letter or refusal of release according to the Monash policy and after consultation with the relevant faculty
- Place a copy of the release letter application and decision on TRIM.

Monash Documentation

Policy and Procedures

- [The International Student Transfer between Registered Providers policy and procedures](#) serve as Monash University's documented student transfer request assessment policy and procedure that is:
 - made available to students and staff,
 - and specifies circumstances for granting or refusal of transfer request and timeframes for assessment and reply.

Business Rules

Guidelines

- As outlined in 'Compliance Requirements'.

Other

Letter

- Pro forma [Release approval](#) and Release refusal letter

Forms

- [Application for Release letter - International Students](#)
- Undergraduate application form
- Postgraduate application form.

⁵ Enrolment in the National Code (Definitions and Acronyms) is defined as 'Where the student has been issued with a COE to confirm acceptance by the registered provider and is occupying a place in the CRICOS registered course for which the student was accepted and is progressing towards the completion of the course requirements. The period of enrolment includes scheduled breaks between study periods'.

Standard 8 – Complaints and appeals

Legislation

National Code of Practice

Standard 8 – Complaints and appeals

Outcome of Standard 8

Registered providers' complaints and appeals processes are independent, easily and immediately accessible and inexpensive for the parties involved.

8.1 The registered provider must have an appropriate internal complaints handling and appeals process that satisfies the following requirements, or can use its existing internal complaints and appeals processes as long as it meets these requirements:

- a. a process is in place for lodging a formal complaint or appeal if the matter cannot be resolved informally, which requires a written record of the complaint or appeal to be kept
- b. each complainant or appellant has an opportunity to formally present his or her case at minimal or no cost to him or herself
- c. each party may be accompanied and assisted by a support person at any relevant meetings
- d. the complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome, and
- e. the process commences within 10 working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.

8.2 The registered provider must have arrangements in place for a person or body independent of and external to the registered provider to hear complaints or appeals arising from the registered provider's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal.

8.3 If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, the registered provider must advise the student of his or her right to access the external appeals process at minimal or no cost.

8.4 If the student chooses to access the registered provider's complaints and appeals processes as per this standard, the registered provider must maintain the student's enrolment while the complaints and appeals process is ongoing.

8.5 If the internal or any external complaint handling or appeal process results in a decision that supports the student, the registered provider must immediately implement any decision and/or corrective and preventative actions required and advise the student of the outcome.

Compliance requirements

Standard 8 sets the minimum requirements for a complaints and appeal handling process. Arrangements must be in place for lodging a formal complaint if a matter cannot be resolved informally, for commencing the process within 10 days of lodging the complaint or appeal and for an independent and external authority to hear the complaint or appeal arising from the provider's process. The student must be advised of the existence of the Monash complaints

and appeals process and his/her enrolment must be maintained if the student chooses to access this procedure.

Standard 8.1 Appropriate internal complaints handling and appeals process

The [Monash complaints and appeals process](#)⁶ outlines the transition of a complaint⁷ to grievance⁸ and the steps to be undertaken (by both the complainant and Monash) to resolve the matter. In summary, the first step is to attempt to resolve a complaint informally. If a complaint is not resolved informally, then the student may submit a written request for resolution of the matter to the relevant organisational unit grievance officer, at which point it is then considered a grievance. The grievance officer will attempt to resolve through investigation and conciliation and may call a conciliation meeting(s) with the parties involved. If the student considers the matter remains unresolved, he/she may appeal in writing to the University Student Ombudsman who will investigate and review the matter and make a recommendation to the Deputy Vice-Chancellor (Education).

For Monash students, the appeal procedures relating to [exclusion for unsatisfactory progress](#), [health](#), [discipline](#) and complaints of [discrimination and sexual harassment](#) are dealt with under separate procedures from the university grievance procedures. The appeal avenues outlined in these procedures are the final internal avenue of appeal.

Standard 8.1 requires that Monash has in place procedures for recording each formal complaint, investigating each complaint within 10 days of lodgement, providing to the complainant a written statement of the outcome and reasons for the decision, maintaining the student's enrolment while the grievance is being considered and implementing the decision made concerning the grievance.

Standard 8.2 External body to hear complaints and appeals

The final stage of the complaints and appeals process is that if a student is still dissatisfied with the way the grievance has been handled by [or the decision of] the University Student Ombudsman or Deputy Vice-Chancellor (Education) concerning the grievance, then the student may submit the grievance to the [Ombudsman Victoria](#). As an institution created by state parliament legislation, Monash University must refer to the Ombudsman Victoria as the independent external body to hear complaints and appeals arising from its processes required by standard 8.2. The Ombudsman has authority to recommend a decision be re-examined or to take a course of action such as offering an apology or changing a policy or procedure. It cannot change the Monash decision.

Monash College has nominated [Consumer Affairs Victoria](#) and the Ombudsman Victoria to act as the relevant independent external bodies.

⁶ Academic and Administrative Complaints and Grievance Policy, Complaints and Grievance of Coursework students procedure, HDR candidature: Academic and Administrative Complaints procedures

⁷ A student *complaint* means an expression of dissatisfaction from a student with a process, decision or service offered or provided by the University.

⁸ A student *grievance* means a written notice given by a student after an unresolved complaint which initiates the Complaints and Grievances of Coursework Students Procedures.

Standard 8.3 Informing student of right to access external process

Monash is obliged to inform the student that he/she has the right to access the external appeals process at minimal or no cost. Monash must inform students of the external appeal process when it notifies them in writing of the outcome of the internal appeal process.

Standard 8.4 Maintain student's enrolment while the student accesses the appeal processes

Monash under this standard is obliged to maintain a student's enrolment while the student accesses the internal complaints and appeals process, ie. not discontinue, intermit or make inactive the student's enrolment in Callista. The [DEEWR explanation \(Explanatory Guide\)](#) states as follows: "Until the complaints and appeals process is completed, the provider must maintain the enrolment of the student. To 'maintain the student's enrolment' means the provider does not notify DEEWR of any change to the student's enrolment status through the Provider Registration and International Student Management System (PRISMS)".

The provider must maintain the student's enrolment throughout the internal appeals process for all types of complaints or appeals. However, whether the provider must maintain the enrolment throughout an external appeals process depends on the type of appeal. If the appeal is against the provider's decision to report the student for unsatisfactory course progress (see [Standard 10](#)) or unsatisfactory attendance (see [Standard 11](#)), Monash must maintain the student's enrolment (ie. not report the student for unsatisfactory progress or attendance) until the external complaints process is complete and has supported the provider's decision to report. See the [explanatory guide](#) for [standard 8.4](#).

The provider must wait for the outcome of the external process in this case, as reporting a student for unsatisfactory progress or attendance has serious consequences for the student's visa – it may result in automatic cancellation. If the appeal is against the provider's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment (see [Standard 13](#)), Monash only needs to await the outcome of the internal appeals process (supporting the provider) before notifying DEEWR through PRISMS of the change to the student's enrolment.

Standard 8.5 Where decision supports the student, registered provider must immediately implement decision

Monash must implement immediately any required action of the independent, external authority (Ombudsman Victoria).

Evidence of compliance

- A documented complaint handling and appeals policy freely accessible to students.
- Full records of all complaints and appeals and their outcomes.
- Records of corrective and preventative action. Corrective action may include restoring a student's academic record after an appeal has resulted in a decision in the student's favour. Preventative action may include introducing a policy that provides more timely feedback to students.
- Evidence of an internal appeals handling process and appeals process that satisfies the requirements listed at 8.1.

- Evidence that the provider has made the student aware of the provider's obligation to maintain the student's enrolment while the appeal is ongoing.
- A statement of findings in relation to each complaint or appeal that demonstrates the reasons behind the decisions made at each stage of the appeal. Evidence that the statement is issued to the student and a copy retained on the student's file.
- Advice given to students of the independent bodies available to them. Evidence of where a student has accessed an independent body and the outcome of the appeal.

Compliance obligations – responsible parties

Health and Wellbeing Hub

- Provide information about Monash complaints and appeals process at Orientation
- Have available clear and accurate documentation about the formal complaints and appeals policy and processes
- Investigate and conduct complaints process in accordance with Monash requirements.

Faculties

- Have available clear and accurate documentation about the complaints and appeals policy and processes
- Investigate and conduct complaints process in accordance with faculty and Monash requirements.

Monash College Pty Ltd (MCPL)

- Provide information about MCPL complaints and appeals process at Orientation
- Provide clear and accurate documentation about a formal complaints and appeals policy and processes that is available to international students
- Provide clear and accurate documentation about a formal complaints and appeals policy and processes that is outlined at Orientation and available on the website
- Investigate and conduct complaints process in accordance with MC requirements.

Monash documentation

Policies and Procedures

- [Academic and Administrative Complaints and Grievance Policy](#)
- [Complaints and Grievances of Coursework Students Procedures](#)

Academic Progress Committee

- [Statute 6.2- Exclusion for unsatisfactory progress](#)
- [Exclusion for unsatisfactory progress regulations](#)

Guidelines

- As outlined in 'Compliance Requirements'.

Standard 9 – Completion within the expected duration of study

Legislation

National Code of Practice

Standard 9 – Completion within the expected duration of study

Outcome of Standard 9

Registered providers monitor the workload of students to ensure they complete the course within the duration specified in their CoE and do not exceed the allowable portion of online or distance learning. Registered providers only enable students to extend the expected duration of study for the course through the issuing of a new COE in limited circumstances.

9.1 The registered provider must have and implement documented policies and procedures for monitoring the progress of each student to ensure that at all times the student is in a position to complete the course within the expected duration as specified on the student's CoE. In monitoring this enrolment load, the registered provider 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.

9.2 The registered provider may only extend the duration of the student's study where it is clear that the student will not complete the course within the expected duration, as specified on the student's CoE, as the result of:

- a. compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student was unable to attend classes or where the registered provider was unable to offer a pre-requisite unit)
- b. the registered provider implementing its intervention strategy for students who were at risk of not meeting satisfactory course progress, or
- d. an approved deferment or suspension of study has been granted under Standard 13 (Deferring, Suspending or Cancelling the Students enrolment).

9.3 Where there is a variation in the student's load which may affect the student's expected duration of study in accordance with 9.2, the registered provider is to record this variation and the reasons for it on the student file. The registered provider must correctly report the student via PRISMS and/or issue a new CoE when the student can only account for the variation/s by extending his or her expected duration of study.

9.4 The registered provider may allow the student to undertake no more than 25 per cent of the student's total course by distance and/or online learning. However, the registered provider must not enrol the student exclusively in distance or online learning units in any compulsory study period.

9.5 Except in the circumstances specified in 9.2, the expected duration of study specified in the student's CoE must not exceed the CRICOS registered course duration.

Compliance Requirements

The purpose of this standard is to ensure that students enrol so that they are able to complete their course within the duration specified in the eCOE. Part C, paragraph 7.1 of the National Code, which deals with CRICOS registration issues, requires that courses are registered on CRICOS 'on the basis of the normal amount of full-time study.' The current practice is for the duration of most coursework courses at Monash University to be registered on the basis

of a 52-week year. The standard registration and therefore completion time for an undergraduate degree is 156 weeks (three years). For PhDs, courses are registered to be completed in 208 weeks (four years).

The course duration specified on a student's eCOE is based on the registered course CRICOS duration adjusted for any credit awarded to the student. Courses in turn are registered on CRICOS according to the Monash business practice: 'The duration of all full-time courses registered by Monash on CRICOS will be calculated on the basis that a student is enrolled for a minimum of 24 credit points per semester. Where the course structure requires that a student enrol in more than 24 credit points for one or more semester of a course, that overload requirement will be taken into account in determining the registered duration of the full-time course.'

In order for students to complete their courses within the duration specified on the eCOE, Monash requires that for coursework students, the standard enrolment is 24 credit points per semester. Faculties and Monash College must monitor the expected duration of students by running the 'Duration' report in the Monash Reporting System (MRS) in the ESOS folder (ie. Report Menu/ESOS/Duration).

1. Standard 9.1 Documented policies and procedures for monitoring progress

Providers are required to monitor a student's course progress according to documented policies and procedures to 'ensure that at all times the student is in a position to complete the course within the expected duration' (standard 9.1). Organisational units responsible for monitoring course progress should run the Duration report (MRS/ESOS) early in the first week of classes. This will enable students to be contacted and enrolment corrected if necessary by the end of week 2 of classes.

2. Standard 9.2 Extending the duration of a student's course of study

Circumstances permitting course extension

Standard 9.2 specifies the circumstances in which the duration of a student's study can be extended (by issuing a new eCOE) beyond the period specified on the current eCOE. These circumstances are:

- a) compassionate or compelling circumstances
- b) implementation of the provider Intervention Strategy
- c) approved deferment or suspension of study

In order for coursework students to complete their course within the duration specified on their eCOE, it is Monash policy that students enrol in 24 credit points per semester unless a variation to this enrolment load has been approved.

Faculties are responsible for receiving and approving [Underload](#) applications from students and for receiving and approving course extension applications (applications for a new eCOE). Campus Hubs issue the new eCOE based on sign off from faculties that the standard 9.2 grounds have been met and advice has been given about the expected course end date. The standard course end date to be entered onto a eCOE for students completing mid year is 30 June. See [Monash PRISMS User Manual](#).

a) Compassionate or compelling circumstances

Monash defines ‘compassionate or compelling’ in this context as personal circumstances which are involuntary and outside of the student’s control such as medical, family, ‘well being’ or enrolment reasons. These circumstances present a student with limited or no choice but to vary their enrolment or intermit for a period.

Personal circumstances can include situations where a student has a serious illness or medical condition or where a student is affected by a grave family situation such as a bereavement or crisis in their home country. An enrolment situation includes an underload arising from course progress rules/prerequisite requirement which prevents an enrolment in a full-time load of units, and unit failure where some units have been failed but not a sufficient number to activate the Intervention Strategy.

As a general rule, faculties should interpret ‘compassionate or compelling’ broadly and deem the grounds for refusing a eCOE application as not being ‘compassionate or compelling’ only where clear evidence is available to support such a decision.

For students who have been excluded and are appealing the exclusion and their visa will soon expire, a new eCOE can be issued. This ensures no pre-empting of the appeal decision and upholds compliance with standard 8.4 which requires providers to maintain the student’s enrolment while the appeal process is ongoing. The eCOE should be extended for a period of six months.

b) Implementation of provider Intervention Strategy

The intervention strategy is implemented through the issue of warning letters, the activation of the mid-year intervention strategy for students who commence in semester two and approved Underload through the APC process and/or student application for and approval of Underload.

Underload approval

Approval to Underload on the grounds specified in standard 9.2 can be given either by direct Monash action or following application by the student.

1. Direct Monash action: This involves a Monash decision independent of student application, eg Academic Progress Committee (APC) placing a student on an enrolment condition to enrol in a reduced load.
2. Application by student: This arises when a student applies to reduce their study load on the grounds of ‘compassionate or compelling circumstances’. Students are required to complete and submit to faculty with supporting documentation the [Underload Application Form - International Students](#).

Underload approval is not required for final semester or final year students completing within their eCOE period or for students enrolled in summer or winter units whose enrolment load for the calendar year including semester one or two equates to 48 credit points.

Underload approval arrangements

If an underload variation to a student's enrolment is approved, the variation must be recorded on Callista in ESOS Notes, and the Underload application form – international students and any associated documentation scanned to central filing. The recording of the variation in Callista ESOS notes enables easy identification of approved variations when enrolment reports are run. The Underload application form sets out the circumstances in which an Underload can be approved and the supporting documentation required with an application. Financial reasons alone are not grounds for Underload. Nor are pregnancy, child birth or child care arrangements. If these circumstances however impact on a student's well being and appropriate supporting documentation is provided, then an Underload can be approved.

Once a faculty makes a decision on an Underload application, the student should be notified in writing by letter or email of the outcome of the application. A copy of the faculty notification should be scanned to central filing.

c) Approved deferment or suspension of study

Approved deferment or suspension of study is the third of the grounds upon which a course can be extended in Australia for a student visa holder. If a student defers course commencement or is suspended from study or intermits and a student requires a eCOE to complete their course, a new eCOE can be issued and enrolment in the course of study in Australia extended.

Monitoring course duration

In order to establish that students can complete on time, faculties are required to actively monitor a student's progress. They do that through running the Duration report (MRS/ESOS).

Duration Report in Callista

Faculties are responsible for running the '[Duration](#)' report (MRS/ESOS). This report should be run at least twice per semester: early in the first two weeks of classes and at census dates.

First week of classes

Students who have been identified in the Duration Report as not being on track to complete within the expected duration of study as specified in their eCOE should be contacted within the first week of classes, so that advice about their enrolment status can be given and changes to their enrolment made. Students should be advised that should they not respond to the request to vary their enrolment but later apply for a new eCOE to extend their course duration in Australia, there may be grounds for refusing the application. The proforma letter for warning students available on the [staff-only ESOS website](#) should be used by Faculties.

If a student does not respond to the faculty warning, a note should be made in ESOS Notes in Callista. Further, an email should be sent to the student advising them of the consequences of under enrolling. If a student subsequently seeks a course extension, the faculty should take into account previous communication with the student as well as any new information a student may provide to the faculty as grounds for an extension before making a decision.

At the beginning of semester students should be advised to enrol in 24 credit points. For continuing students when they enrol online, if they do not enrol in 24 credit points a warning on WES is displayed as follows:

“Under government regulations, international students on a student visa should be enrolled in a full time load per semester. By enrolling in less than 24 credit points per semester, you could be in breach of your visa regulations. If you are a Monash College student enrolling in one trimester at a time, please disregard this message and click YES. Contact your faculty or Monash College for further advice”.

Census dates

At census dates, the Duration report should be run again and any students identified in the report as not due to complete within the eCOE time period should be informed of their situation and advised to investigate opportunities for enrolling in additional units in a future non standard semester or, if applicable, apply to underload.

DEEWR guidelines

DEEWR provides useful guidance on monitoring course duration. The [explanatory guide for standard 9](#) states the following:

“When a provider finds a student is not going to complete within the expected duration, the provider needs to decide how to respond. Essentially, the provider has three options:

- encourage the student to ‘catch up’ by taking extra units;*
- take steps which will enable the provider to issue a new eCOE for the student; or*
- if the student has deliberately enrolled in a reduced load, despite the provider’s advice to the contrary, take appropriate action.*

As the intention of Standard 9 is that students genuinely try to complete their courses within the expected duration, the provider should encourage the student to pick up extra units during the course. These extra units could be picked up during compulsory periods or during non-compulsory study periods where the provider offers these. However, for students who have failed some units, ‘overloading’ (taking more than a standard load in a compulsory study period) is not recommended.

If picking up extra units throughout the course is not appropriate, other actions should be considered. Different responses may be appropriate for different circumstances. The action taken does not necessarily have to involve in-depth counselling or extra study assistance.”

In essence, active and early monitoring and regular communication with students leads to a smooth and ESOS compliant ECOE approval process.

Student application for a eCOE (course extension in Australia)

Application process

All students can apply for a course extension eCOE through the Web Enrolment System (WES). Students are required to indicate the reason for applying for the new eCOE and faculties then make the decision on National Code grounds (standard 9.2). The reason for the decision is listed and can be viewed in Callista. Where the extension is not approved, students must be advised of this in writing, with the reason for the decision. The decision record should be placed on TRIM (or faculty file where TRIM is not currently in use).

Research students

MRGS will not become aware that a student will be unable to complete their course within the time specified on the eCOE until a student applies for an extension of candidature. As for coursework students, approval must be based on the exceptions stated in standard 9.2.

Evidence required for refusing a eCOE application

An application for a eCOE should only be refused when evidence is available (letters, email, file notes of phone calls) that a student has ignored repeated requests to discuss their enrolment load with the faculty or has ignored advice to vary their enrolment load. If the faculty has attempted without success to contact a student on three or more occasions, there would be prima facie grounds (at time of eCOE application) to refuse a course extension request in Australia. Records of communication with the student should be placed on faculty file or if appropriate, TRIM.

Before a final decision is made, the faculty would need a final review of whether 'compassionate or compelling grounds' exist. This record of decision should be placed on TRIM or faculty file if TRIM not in use.

Standard 9.3 Recording variations in student enrolment load

This standard requires that variations in a student's enrolment load affecting the student's expected duration and 'the reasons for it' must be kept on 'the student's file'. This means that whenever a student is approved to Underload or whenever a faculty places a student on a reduced load through the APC process, the documentation relating to the variation must be either placed on the student's faculty file or placed on TRIM. Documentation to be filed includes the Application to Underload form and attachments and the record of communication of the Underload or APC decision. TRIM is the preferred vehicle for storing variation requests. In addition and regardless of a faculty's internal filing system or use of TRIM, the enrolment variation and reason must be recorded in ESOS Notes in Callista.

Standard 9.3 also requires that 'when the student can only account for the variation/s by extending his or her expected duration of study' the student must be correctly reported via PRISMS and/or a new eCOE issued. In these circumstances, the Campus Hub has the responsibility for issuing the new eCOE.

3. Standard 9.4 Maximum course enrolment by distance and or online

Students can enrol in no more than 25% of their course by Distance Education (DE) or online learning. The MRS/ESOS reports 'Student Course Enrolment - Percentage by DE/Online study and Student compulsory study period enrolment by DE/online study' should be run by faculties or MCPL in the first week of classes. This provides time for corrective action to be taken.

The monitoring of DE/Online study involves three groups of students and template letters have been developed for each group:

- Students who are at risk of enrolling in more than the permissible DE/Online enrolment

- Students who have exceeded the maximum permissible DE/Online enrolment
- Students who are enrolled in only DE/Online units.

It is important to keep in mind that even though there is no restriction on students enrolling in DE or Online study during non compulsory study periods (eg Summer) this period of enrolment is included in the overall calculation of percentage by DE/Online study. See [explanatory guide](#).

4. Standard 9.5 The expected course duration specified on the eCOE must not exceed the registered duration unless standard 9.2 applies

This standard places the onus on providers to issue eCOE's in accordance with the registered duration specified on CRICOS. The only exception to this is if a course extension is approved on standard 9.2 grounds.

Compliance Obligations – responsible parties

Faculty

- Ensure that the 'full-time enrolment/load' policy is implemented
- Monitor expected completion of student by running the [Duration report](#) in the first week of classes each semester and at census date and contacting students who will not complete on time
- Ensure that students enrol in no more than 25 per cent of the total course in which they are enrolled by distance education or online study
- Monitor enrolment by DE/online by running the MRS/ESOS reports [[Student Course Enrolment - Percentage by DE/Online study](#) and [Student compulsory study period enrolment by DE/online study](#)] to ensure students are not enrolled exclusively in distance or online learning units in any compulsory study period
- Assess applications and make decisions for a reduced load in accord with Monash 'Monitoring a Student's Workload' procedure
- Assess applications for Deferment or Intermission in accordance with relevant Monash procedures
- Make decisions concerning Suspending students from study in accordance with statute 4.1
- Record variations to a student's enrolment load approvals on central filing

MRGS

- Ensure that the 'full-time enrolment/load' policy is implemented
- Assess applications for Deferment or Intermission in accordance with relevant Monash procedures
- Make decisions concerning Suspending students from study in accordance with [Statute 4.1-Discipline](#)
- Record variations to a student's enrolment load approvals on central filing
- Monitor expected completion of student by running [Duration report](#) in MRS/ESOS at the beginning of each semester.

Monash College Pty Ltd (MCPL)

- Ensure that the 'full time enrolment/load' policy is implemented

- Ensure that students enrol in no more than 25 per cent of the total course in which they are enrolled by distance education or online study
- Monitor enrolment by DE/on line by running the MRS/ESOS report [Student Course Enrolment - Percentage by DE/Online study](#) and [Student compulsory study period enrolment by DE/online study](#) to ensure students are not enrolled exclusively in distance or online learning units in any compulsory study period
- Assess applications and make decisions for a reduced load in accord with MCPL procedures
- Assess applications for Deferment or Intermission in accordance with relevant MCPL procedures
- Make decisions concerning Suspending students from study in accordance with MCPL procedure
- Variations to a student's enrolment load are recorded on MCPL central filing
- Monitor expected completion of student by running [Duration report](#) at the beginning of each trimester.

Health and Wellbeing Hub

- If the reason for the decision on Course extension is not indicated on the email from Faculty or the hard copy application form, check ESOS Notes and/or student's file or confirm with faculty before issuing a new eCOE.

Monash documentation

Policies and Procedures

- [Course Structure Policy](#)
- Procedure for approving deferment or suspension of study (See standard 13) or for applying Statute 4.1-Discipline.

Business Rules

- A business practice for updating a student's file and reporting the student via PRISMS and/or issuing a new eCOE when the circumstances outlined in 9.2 apply.
- A business practice for reporting students when approved to extend duration of study under standard 9.2.

Guidelines

- As stated in Compliance requirements

Other

Reports

- MRS report to check that no more than 25% of the student's total course by distance and/or online learning
[ask.monash](#)
- FAQ's for students explaining enrolment policy for ESOS students

Standard 10 – Monitoring course progress

Legislation

National Code of Practice

Standard 10 – Monitoring course progress

Outcome of Standard 10

Registered providers systematically monitor students' course progress. Registered providers are proactive in notifying and counselling students who are at risk of failing to meet course progress requirements. Registered providers report students, under section 19 of the ESOS Act, who have breached the course progress requirements.

10.1 The registered provider must monitor record and assess the course progress of each student for each unit of the course for which the student is enrolled in accordance with the registered provider's documented course progress policies and procedures.

10.2 The registered provider must have and implement appropriate documented course progress policies and procedures for each course, which must be provided to staff and students, that specify the:

- a. requirements for achieving satisfactory course progress
- b. process for assessing satisfactory course progress
- c. procedure for intervention for students at risk of failing to achieve satisfactory course progress
- d. process for determining the point at which the student has failed to meet satisfactory course progress, and
- e. procedure for notifying students that they have failed to meet satisfactory course progress requirements.

10.3 The registered provider must assess the course progress of the student in accordance with the registered provider's course progress policies and procedures at the end point of every study period.

10.4 The registered provider must have a documented intervention strategy, which must be made available to staff and students, that specifies the procedures for identifying and assisting students at risk of not meeting the course progress requirements. The strategy must specify:

- a. procedures for contacting and counselling identified students
- b. strategies to assist identified students to achieve satisfactory course progress, and
- c. the process by which the intervention strategy is activated.

10.5 The registered provider must implement the intervention strategy for any student who is at risk of not meeting satisfactory course progress requirements. At a minimum, the intervention strategy must be activated where the student has failed or is deemed not yet competent in 50% or more of the units attempted in any study period.

10.6 Where the registered provider has assessed the student as not achieving satisfactory course progress, the registered provider must notify the student in writing of its intention to report the student for not achieving satisfactory course progress. The written notice must inform the student that he or she is able to access the registered provider's complaints and appeals process as per Standard 8 (Complaints and appeals) and that the student has 20 working days in which to do so.

Legislation (cont)

10.7 Where the student has chosen not to access the complaints and appeals processes within the 20 working day period, withdraws from the process, or the process is completed and results in a decision supporting the registered provider, the registered provider must notify the Secretary of DEEWR through PRISMS of the student not achieving satisfactory course progress as soon as practicable

Compliance Requirements

Standard 10 requires providers to be ‘systematic’ in monitoring course progress and be ‘proactive in contacting and counseling students’ who are at risk of failing to meet course requirements. Students are to be reported according s.19 of the ESOS Act.

1. Standard 10.1 Monitor, record and assess course progress of each student for each course

Progress must be ‘monitored, recorded and assessed’ for each unit of study according to the provider’s course procedures and policies.

Coursework students

Monash practices require the following: student progression must be monitored after the results for each semester are finalised. Students who fail 50% or more of their study load in any semester are to be sent an early warning letter. Students who fail 50% or more of their enrolment over semester 1 and 2 are asked to ‘Show Cause’ why they should not be excluded. Details of the status and correspondence sent to students must be recorded in Callista. These practices are set out in the course progress policies and procedures set out in section 2 below.

Higher Degree Research (HDR) students

For HDR students, course progress is monitored, recorded and assessed in the following way:

- students must meet with Supervisors regularly who conduct informal monitoring on an ongoing basis. Information about the code of practice for the supervision of doctoral and research master’s candidates is set out in chapter 5 of the [Handbook for Doctoral and MPhil Degrees](#)

Formally, progress is monitored through the candidature milestones which are

- confirmation of candidature where probationary candidature applies
- mid candidature review after 21-27 months for doctoral students
- the pre-submission seminar in the last 6 months of enrolment for doctoral students

In addition, the HDR Annual Questionnaire provides an opportunity for HDR students to identify any issues that may be affecting their candidature.

This monitoring process is set out in the [Handbook for Doctoral and MPhil Degrees](#).

2. Standard 10.2 Documented course progress policies and procedures

Standard 10.2 requires that documented course progress policies and procedures are available for each course which specifies prescribed information.

Coursework students

For coursework students, course progress policies and procedures are set out in the following sources:

- [Faculty specific APC rules](#)
- [Faculty Academic Progress Committee Procedures](#)
- [Statute 6.2 Exclusion for Unsatisfactory Progress or Inability to Progress](#)
- [Exclusion for unsatisfactory progress or inability to progress regulations](#)

Higher Degree Research (HDR) students

For Doctoral and MPhil students, the course progress policies and procedures are set out in the [Handbook for Doctoral and MPhil Degrees](#).

3. Standard 10.3 Course progress must be monitored in accordance with the registered provider's course policies and procedures at the end of each study period.

Coursework students

For Monash University ESOS purposes, study period is defined as a semester of study⁹. For Monash College it is a trimester of study. In order to comply with this standard, academic progress reports must be run at the end of each study period and warning letters sent to students whose progress is unsatisfactory.

Higher Degree Research (HDR) students

HDR students do not have discrete study periods in the sense that coursework students have. The course progress policies and procedures set out an annual monitoring regime which includes candidature milestones as follows:

- confirmation of candidature where probationary candidature applies
- mid candidature review after 21-27 months for doctoral students
- the pre-submission seminar in the last 6 months of enrolment for doctoral students

4. Standard 10.4 Documented Intervention strategy

Coursework students

The Monash [Intervention Strategy](#), in accordance with DEEWR requirements, sets out 'procedures for identifying and assisting students at risk of not meeting course requirements at the end point of each study period [and for] contacting students, counselling students; arrangements to assist students to satisfactorily complete their course; and information about how and when the intervention strategy is activated'. In addition 'Evidence [must be kept] in the student's file of the counselling and assistance given under the intervention policy'.

⁹ The National Code defines study period as 'A discrete period of study within a course, namely term, semester, trimester, short course of similar or lesser duration, or as otherwise defined by the registered provider as long as that period does not exceed six months'

The Monash Intervention Strategy Procedures provide for early warning letters to be sent to students who are not progressing satisfactorily at the end of each semester and for a mid-year intervention to be activated for mid-year commencers. Any intervention strategy letters sent to students must be scanned to central file (faculty file or placed on TRIM).

Higher Degree Research students

The intervention strategy for HDR students is found in the following sources:

- [*Candidature Progress Management - Confirmation & Non-Confirmation Procedures - PhD and MPhil*](#)
- [*Candidature Progress Management - Termination Procedures*](#)

In addition, a strategy for Doctoral and MPhil students undertaking coursework as a mandatory part of their degree is being developed. Also, from January 2012 onwards, it will be mandatory for faculties to nominate at least two supervisors for each HDR student.

5. Standard 10.5 Implementation of intervention strategy

Standard 10.5 outlines that the strategy must be implemented for students at risk of not meeting course requirements and when it must be implemented – at a minimum when the student has failed or been deemed not competent in 50% or more of units attempted in any study period.

Coursework students

Faculties must implement the strategy by sending warning letters to students who have failed 50% or more of the enrolled units at the end of each compulsory semester. Copies of warning letters should be stored in faculty files, but preferably on TRIM. The correspondence record should be noted in Callista.

Higher Degree Research students

- While this standard is geared towards coursework students, HDR students at risk of not meeting course requirements must be provided with support. For HDR students, the strategy as outlined in the [*Candidature Progress Management - Confirmation & Non-Confirmation Procedures - PhD and MPhil*](#) and the [*Candidature Progress Management - Termination Procedures*](#).

6. Standard 10.6 Appeal rights

This standard requires that once a student's academic progress has been assessed as unsatisfactory, the student must be notified of the provider's intention to report and the student must be given 20 working days to access the complaints and appeals process.

Coursework students

At Monash, when the decision of the Academic Progress Committee (APC) is communicated, information about appeal rights must be provided at the same time. The [template APC letters](#) must be used as they incorporate information about appeal rights. Care must be taken when counting the 20 working days to ensure the full 20 working days to lodge the appeal is given.

The following must be noted:

- Reference to ‘working day’ in the national code means any day other than a weekend or public holiday.
- DEEWR advises that ‘providers should not begin counting the 20 days from the date of the notice or decision to report the student, unless they can demonstrate delivery the same day as the date on the letter / notice’; this means that the 20 working days to appeal must be counted from the deemed date of delivery which is based on Australia Post standards. Specifically, start counting the 20 working days to lodge an appeal from day after deemed delivery date.
- The written notice is to be held on student file - this means placed on TRIM or if TRIM is not being used by a Faculty, placed on the student file.

For the purpose of standard 10.6, the relevant complaints and appeals process are the appeal provisions (Clause 7.1) of [Statute 6.2 - Exclusion for unsatisfactory progress](#). See also the [Exclusion for unsatisfactory progress regulations](#).

Higher Degree Research students

For HDR students, the Candidature Progress Management - Confirmation & Non-Confirmation Procedures (PhD and MPhil), the [Candidature Progress Management - Termination Procedures](#) and the Candidature Progress Management - Confirmation & Non-Confirmation Procedures (Faculty Research Masters) must be followed, including providing students with information about the complaints process and providing students with 20 working days to appeal.

Record of appeal

If a student appeals against the assessment of unsatisfactory progress, evidence must be kept on file of an appeal in accordance with standard 8. Evidence also must be kept of the report to DEEWR via PRISMS (Section 20 notice). These records should be placed on TRIM.

7. Standard 10.7 Student Reporting

Providers must report students at the conclusion of this process ‘as soon as practicable’. The reporting occurs once any appeal processes have been finalised, including external appeal. For Monash, ESOS reporting is based on the record of exclusion in Callista. An academic exclusion should be keyed in Callista, ie the Callista Decision Status should be 'APPLIED' resulting in Course Disc + Academic Encumbrance at the conclusion of the 20 working days to appeal if the student has not lodged an appeal, or the date of the Dean’s or Exclusion Appeals Committee (EAC) decision.

8. Compliance evidence

- documented policy and procedure for monitoring, recording and assessing course progress
- a documented intervention strategy for students at risk of not making satisfactory course progress
- evidence of assessing students’ course progress at the end of each study period
- documented evidence in students’ files of the intervention measures implemented for them
- evidence in students’ files of written notice informing the students that the provider intends to report them for not making satisfactory progress and advising them that

they are able to access the provider's complaints and appeals process within 20 working days

- evidence of an appeal in accordance with Standard 8, if a student appeals and
- evidence in the student's file (for example, copy of a Section 20 notice) of final reporting to DEEWR via PRISMS.

Compliance Obligations – responsible parties

Faculty

- Have a course progress policy and procedure applicable for each course of study
- Assess students' course progress at the end of each semester

Monash College Pty Ltd (MCPL)

- Have a course progress policy and procedure applicable for each course of study
- Assess students' course progress at the end of each trimester

MRGS

- Have a course progress policy and procedure applicable for each course of study
- Have a documented Intervention Strategy
- Assess students' course progress at the end of each study period.

Monash Documentation

Policies and Procedures

- [Faculty course progress policies and procedures](#)
- [Statute 6.2](#)
- [Exclusion for unsatisfactory progress regulations](#)
- Academic Progress [Intervention Strategy](#) Procedures
- The [Candidature Progress Management - Termination Procedures](#)
- Candidature Progress Management - Confirmation & Non-Confirmation Procedures (PhD and MPhil)
- Candidature Progress Management - Confirmation & Non-Confirmation Procedures (Faculty Research Masters) [Handbook for Doctoral and MPhil Degrees](#)

APC letters

- [Pro forma letters](#)

Business Rules

- Enrolments Unit work instructions for reporting students for unsatisfactory academic progress including procedure for 1) tracking those students deemed to not meet course progress and who have not chosen to access the complaints and appeals process, withdrawn from that process or where the decision supports the provider and 2) consequently reporting those students to DEEWR via PRISMS as soon as practicable.

Guidelines

- As stated in 'Compliance Requirements'

Standard 11 – Monitoring attendance

Legislation

National Code of Practice

Standard 11- Monitoring attendance

Outcome of Standard 11

Registered providers systematically monitor students' compliance with student visa conditions relating to attendance. Registered providers are proactive in notifying and counselling students who are at risk of failing to meet attendance requirements. Registered providers report students, under section 19 of the ESOS Act, who have breached the attendance requirements.

11.1 The registered provider must record the attendance of each student for the scheduled course contact hours for each CRICOS registered course in which the student is enrolled which is:

- a. an accredited vocational and technical education course (unless Standard 11.2 applies)
- b. an accredited school course
- c. an accredited or non-award ELICOS course, or
- d. another non-award course.

11.2 Where the registered provider implements a DEEWR and DIAC approved course progress policy and procedures for its vocational and technical education courses, Standard 11 does not apply.

11.3 For the courses identified in 11.1, the registered provider must have and implement appropriate documented attendance policies and procedures for each course which must be provided to staff and students that specify the:

- a. requirements for achieving satisfactory attendance, which at a minimum, requires overseas students to attend at least 80 per cent of the scheduled course contact hours
- b. manner in which attendance and absences are recorded and calculated
- c. process for assessing satisfactory attendance
- d. process for determining the point at which the student has failed to meet satisfactory attendance, and
- e. procedure for notifying students that they have failed to meet satisfactory attendance requirements.

11.4 For the courses identified in 11.1, the registered provider's attendance policies and procedures must identify the process for contacting and counselling students who have been absent for more than five consecutive days without approval or where the student is at risk of not attending for at least 80 per cent of the scheduled course contact hours for the course in which he or she is enrolled (i.e. before the student's attendance drops below 80 per cent).

Legislation (cont)

Standard 11 Monitoring attendance (continued)

11.5 For the courses identified in 11.1, the registered provider must regularly assess the attendance of the student in accordance with the registered provider's attendance policies and procedures.

11.6 Where the registered provider has assessed the student as not achieving satisfactory attendance for the courses identified in 11.1, the registered provider must notify the student in writing of its intention to report the student for not achieving satisfactory attendance. The written notice must inform the student that he or she is able to access the registered provider's complaints and appeals process as per Standard 8 (Complaints and appeals) and that the student has 20 working days in which to do so.

11.7 Where the student has chosen not to access the complaints and appeals processes within the 20 working day period, withdraws from the process, or the process is completed and results in a decision supporting the registered provider, the registered provider must notify the Secretary of DEEWR through PRISMS that the student is not achieving satisfactory attendance as soon as practicable.

11.8 For the vocational and technical education and non-award courses identified in 11.1.a and 11.1.d, the registered provider may only decide not to report the student for breaching the 80 per cent attendance requirement where:

- a. that decision is consistent with its documented attendance policies and procedures, and
- b. the student records clearly indicate that the student is maintaining satisfactory course progress, and
- c. the registered provider confirms that the student is attending at least 70 per cent of the scheduled course contact hours for the course in which he or she is enrolled.

11.9 For the ELICOS and school courses identified in 11.1, the registered provider may only decide not to report a student for breaching the 80 per cent attendance requirement where:

- a. the student produces documentary evidence clearly demonstrating that compassionate or compelling circumstances (eg illness where a medical certificate states that the student is unable to attend classes) apply, and
- b. that decision is consistent with its documented attendance policies and procedures, and
- c. the registered provider confirms that the student is attending at least 70 per cent of the scheduled contact hours for the course in which he or she is enrolled

Compliance Requirements

1. Standard 11.1 Attendance record keeping requirement

As accredited higher education providers, Monash University and Monash College are not required to keep attendance records. MUELC and MUFY however are required to keep attendance records as they are accredited non-award providers of ELICOS courses and another non-award course respectively.

2. Standard 11.2 Implementation of a DEEWR and DIAC approved course progress policy

For providers who are registered as vocational and technical education providers, this standard provides the option of implementing a DEEWR approved course progress policy. As Monash College is not a registered vocational and technical education provider, MUELC is a provider of English language courses and MUFY is a provider of a non-award course, this standard does not apply.

3. Standard 11.3 Implement appropriate documented attendance policies and procedures

MUELC and MUFY must have documented attendance policies and procedures that meet the requirements of standard 11. These policies and procedures must identify the process for contacting and counselling students (11.4) for regular attendance monitoring (11.5), for notifying identified students of the opportunity to access the complaints process (11.6), for reporting students (11.7) and for circumstances where students need not be reported if their attendance percentage is above 70% (11.8).

4. Standard 11.4 Process for contacting and counselling students who have been absent for more than five consecutive days

The MUELC and MUFY policy and procedure must ensure that the process for contacting and counselling students who have been absent for more than five consecutive days is set out.

5. Standard 11.5 Regular assessment of attendance of the student in accordance with the registered provider's attendance policies and procedures

The MUELC and MUFY attendance assessment policy and procedure must include provision for regular assessment of student's attendance.

6. Standard 11.6 Advice to student re intention to report and that complaints and appeals process can be accessed

Where students have been assessed as not meeting the attendance obligation they must be advised in writing of the intention to report and that they have 20 working days to access the 'complaints and appeals' process.

7. Standard 11.7 Reporting obligation

This standard specifies the point at which students must be reported for breach of the attendance obligation. The obligation arises where the student has not accessed the complaints and appeals process, withdraws from it or the process is completed with a decision supporting the registered provider.

8. Standard 11.8 Reporting option for vocational and technical education and non-award courses identified in 11.1.a and 11.1.d

For providers of these courses, providers can choose not to report if a student is attending at least 70% of required time. This standard is not applicable to MUELC. However, MUFY is a non-award course identified in 11.1.d. This standard provides an option for MUFY not to

report where a student has attended at least 70% of classes and student records indicate that the student is maintaining satisfactory course progress.

9. Standard 11.9 Reporting option for ELICOS and school courses identified in 11.1

This standard provides an option for MUELC not to report where a student has attended at least 70% of classes and the student has produced compelling and compassionate reasons for breaching the 80% requirement.

10. Compliance evidence

For accredited and non-award ELICOS courses, and accredited schools courses:

- Providers record attendance and require a minimum attendance of 80%, but may decide not to report a student for breaching 80% if there is documentary evidence demonstrating that compassionate or compelling circumstances apply, the decision is consistent with the provider's documented attendance policies and procedures, and the student is attending at least 70% of the course contact hours for which he or she is enrolled.

To demonstrate compliance:

- Appropriate documented procedures for monitoring attendance against the 80% and 70% standards.
- Evidence of counselling and warning letters in student files.
- Where a student has breached attendance, a copy of the breach letter with the information that the student has a right to access the provider's complaints and appeals process within 20 days.
- Where a student has accessed the provider's complaints and appeals process, evidence of the outcome of the process on the student's file.
- If a student has been reported through PRISMS, a copy of the section 20 notice on the student's file.

For accredited and non-award courses including MUFY

- Providers record attendance and require a minimum attendance of 80%, but may decide not to report a student for breaching 80% if the student records clearly indicate that the student is maintaining satisfactory course progress, the decision is consistent with the provider's documented attendance policies and procedures, and the student is attending at least 70% of the course contact hours for which he or she is enrolled.

To demonstrate compliance:

- Appropriate documented procedures for monitoring attendance against the 80% and 70% standards.
- Evidence of counselling and warning letters in student files.
- Where a student has breached attendance, a copy of the breach letter with the information that the student has a right to access the provider's complaints and appeals process within 20 days.
- Where a student has accessed the provider's complaints and appeals process, evidence of the outcome of the process on the student's file.
- If a student has been reported through PRISMS, a copy of the section 20 notice on the student's file.

Compliance Obligations – responsible parties

MUELC

- Have documented attendance policies and procedures in place
- Maintain a record of scheduled contact hours for each course
- Report students whose attendance falls below 80% of the scheduled contact hours for the course and who are unable to meet this requirement for the remainder of the course unless their attendance percentage is at least 70%.

MUFY

- Have documented attendance policies and procedures in place
- Maintain a record of scheduled contact hours for each course
- Report students whose attendance falls below 80% of the scheduled contact hours for the course and who are unable to meet this requirement for the remainder of the course unless their attendance percentage is at least 70%.

Monash Documentation

Policies and procedures

- Monash College:
 - [Attendance Policy](#)
- MUELC:
 - [Attendance monitoring policy](#) (restricted access)
 - [Attendance monitoring procedure](#) (restricted access)
- MUFY:
 - [Attendance Policy](#)
 - [Attendance Procedure](#)

Guidelines

- As stated in ‘ Compliance Requirements’

Standard 12 – Course credit

Legislation

National Code of Practice Standard 12 – Course credit

Outcome of Standard 12

Registered providers appropriately recognise course credit within the ESOS framework.

12.1 Where the registered provider grants course credit, the registered provider must:

- a. have documented procedures for the granting and recording of course credit, and
- b. provide a record of the course credit to the student, which must be signed or otherwise accepted by the student, and place it on the student's file.

12.2 If the registered provider grants the student course credit which leads to a shortening of the student's course, the registered provider must:

- a. if the course credit is granted before the student visa grant, indicate the actual net course duration (as reduced by course credit) in the confirmation of enrolment issued for that student for that course, or
- b. if the course credit is granted after the student visa grant, report the change of course duration via PRISMS under section 19 of the ESOS Act

Compliance Requirements

1. Standard 12.1 Documented procedures

Monash must have documented procedures in place for the assessment and recording of credit. These procedures are set out in 'Monash Documentation' and include the [Credit Policy \(including Recognition of Prior Learning\)](#) and [Credit transfer procedures](#).

2. Standard 12.2 (a) Course Credit Pre visa

For students who are offered credit prior to visa issue, when they accept the Monash offer through signing and returning the International Student Course Agreement, they also sign acceptance of the credit offer. This acceptance document must be sent to central filing by International Recruitment Services (IRS) or filed electronically on TRIM. The actual net course duration, reduced by credit, must be indicated on the eCOE issued by IRS for the course.

3. Standard 12.2 (b) Course Credit Post visa

For students who receive credit after visa grant and at enrolment or post-enrolment, the student signature on the record of credit may be collected in one of two ways: either a letter is sent to the student for the student to return with the signature on the credit record, or an email is sent to the student's Monash email account outlining the credit record which, when replied to by the student, constitutes the student signature and is then filed centrally. The DEEWR '[Administrative Information for Providers: Student Support](#)' (AIP) makes specific provision for electronic communication with students – see section 59 "A provider may

communicate electronically with its students if the provider complies with the requirements of the [Electronic Transactions Act 1999](#) (ETA), the [Higher Education Support Act 2003](#) (HESA) and Chapter 5 of the Administration Guidelines.”

Collection of the student acceptance of credit and filing of the acceptance is a Faculty responsibility.

Compliance Obligations – responsible parties

Faculty

- If credit granted pre-enrolment, advise International Recruitment Services (IRS) pre-offer so expected duration can be recorded in eCOE
- Advise IRS if course duration changes pre-enrolment following grant of credit so new eCOE can be issued
- Advise ESOS Reporting Officer if course duration changes post-enrolment following grant of credit so a new eCOE can be issued.
- For credit granted post enrolment, obtain signature of student on record of credit by emailing or sending a letter to student and scanning letter or student response to email and initial email to central filing or TRIM for filing.

Monash College Pty Ltd (MCPL)

- If credit granted pre-enrolment, advise International Recruitment Services (IRS) pre-offer so expected duration can be recorded in eCOE
- Advise IRS if course duration changes pre-enrolment following grant of credit so new eCOE can be issued
- If course duration changes post-enrolment following grant of credit, issue new eCOE
- For credit granted post enrolment, obtain signature of student on record of credit by emailing or sending a letter to student and filing the letter and student response.

International Recruitment Services

- Issue new eCOE to reflect credit granted pre-enrolment as applicable
- Send to central filing International Student Course Agreement (which includes student acceptance of credit pre-visa).

Enrolments Unit (ESOS Reporting)

- For credit granted post-enrolment upon advice of faculty, issue new eCOE with revised completion date.

Monash Documentation

Policies and Procedures

- [Credit Policy \(including Recognition of Prior Learning\)](#)
- [Credit transfer procedures](#)
- Callista training procedures for recording Credit
- Faculty and MCPL procedures for the conducting and recording of course credit.

Business Rules

- [Credit transfer business practices](#)

Guidelines

- As outlined in ‘Compliance Requirements’.

Other Documentation

- [Credit Transfer Application form](#)

Standard 13 – Deferring, suspending or cancelling the student’s enrolment

Legislation

National Code of Practice

Standard 13 – Deferring, suspending or cancelling the student’s enrolment

Outcome of Standard 13

Registered providers may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances.

13.1 The registered provider must have in place documented procedures for assessing, approving and recording a deferment of the commencement of study or suspension of study for the student, including keeping documentary evidence on the student’s file of the assessment of the application.

13.2 The registered provider can only defer or temporarily suspend the enrolment of the student on the grounds of:

- a. compassionate or compelling circumstances (eg illness where a medical certificate states that the student is unable to attend classes), or
- b. misbehaviour by the student.

13.3 The registered provider must:

- a. inform the student that deferring, suspending or cancelling his or her enrolment may affect his or her student visa, and
- b. notify the Secretary of DEEWR via PRISMS as required under section 19 of the ESOS Act where the student’s enrolment is deferred, temporarily suspended or cancelled.

13.4 The registered provider must inform the student of its intention to terminate, suspend or cancel the student’s enrolment where the termination, suspension or cancellation is not initiated by the student and notify the student that he or she has 20 working days to access the registered provider’s internal complaints and appeals process as per Standard 8.1. If the student accesses the registered provider’s internal complaints and appeals process, the termination, suspension or cancellation of the student’s enrolment under this standard can not take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply.

Compliance Requirements

Standard 13 outlines the basis upon which a student can delay commencement of their course (‘deferment’) or take a break from their course (‘temporary suspension of studies’) following course commencement. It allows this in limited circumstances. The standard also addresses circumstances where a student’s enrolment in a course is suspended or cancelled.

1. Definitions

In order to understand this standard it is necessary to appreciate the terms used in the standard and the Monash meaning of these terms.

Standard 13 word	Monash meaning
Deferment	An adjournment of the starting date for study which allows a student's place in a course to be held for a nominated length of time, usually one year
Suspension	Voluntary leave from studies – ‘intermission’
	OR Involuntary suspension of studies through discipline action/misbehaviour or exclusion for health procedures
Cancellation of enrolment	Refers to an enrolment being cancelled on grounds other than academic such as unsatisfactory academic progress, exclusion for health reasons and non-payment of tuition fees
Misbehaviour	The use of the word ‘misbehaviour’ relates to the discipline procedures
Leave of Absence	Intermission (voluntary leave from studies)

International Recruitment Services (IRS) assesses applications for students applying to ‘defer’ commencement of their studies. Decisions on a student application to intermit studies are made by faculties and MCPL. Students can also be suspended from study at Monash on the grounds of misbehaviour (eg discipline) under [statute 4.1](#) and health under [statute 6.3](#).

2. Standard 13.1 Documented procedures

Standard 13.1 requires that Monash has in place documented procedures for ‘assessing, approving and recording a deferment of the commencement of study or suspension of study for the student’. The assessment must be based on these procedures. IRS must have in place a business practice for administering deferment of study.

As part of these procedures, students must be informed that the deferment, suspension or cancellation may affect the student’s visa and the record of decision and any associated documents must be sent to central filing for filing. Advice is given by Health and Wellbeing concerning the visa implications of deferment, suspension or cancellation and a record that the advice has been given is noted in the ‘[Intermission Application form](#)’.

Information about the distinction between deferment and intermission of studies is available in the [Guide for deferring, suspending or cancelling a student’s enrolment](#). The procedures for Deferment are set out in the [Admission to Coursework Courses and Units of Study Procedures](#). International students applying to IRS to defer their studies should use the [Defer studies/Change of preference form](#). Information about the process is also available at [How to enrol - international students in Australia](#).

3. Standard 13.2 Grounds for approving deferment or temporary ‘suspension’ of studies

The national code makes a distinction between approval grounds for deferment as against intermission.

Deferment

The [explanatory guide](#) for standard 13 states that ‘If the student has not yet accepted the offer of enrolment, standard 13 does not apply’. This means that it is only after a student accepts an offer and then decides to defer, that the deferment decision needs to be based on compassionate or compelling grounds.

Intermission

Students who intermit their studies have both accepted an offer and commenced study. A decision to intermit (temporarily suspend their studies) must be made on the grounds of compassionate or compelling circumstances.

Compassionate or compelling circumstances

‘Compassionate and compelling circumstances’ mean circumstances that are exceptional and generally outside the control of the student including family, medical or ‘well being’ reasons that impact on a student’s ability to maintain their enrolment. ;

The following illustrate circumstances that for Monash fall within ‘compassionate or compelling’:

- serious illness or injury, where a medical certificate states that the student was unable to attend classes or participate in study
- bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);
- other compassionate family reasons (eg illness or significant change to personal circumstances of a close family member requiring a student to return home)
- childbirth; pregnancy with a medical certificate that a student is unable to attend classes
- major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student’s studies; or
- a traumatic experience which could include involvement in, or witnessing of a serious accident; or witnessing or being the victim of a serious crime, and this has impacted on the student (these cases should be supported by police or psychologists’ reports)
- course progression restrictions or Unit unavailability
- visa refusal, cancellation or inability to apply for a visa requiring a student to return to their home country to re-apply for a visa
- student required to return home for military service

Circumstances which generally fall outside compassionate or compelling grounds are:

- Travel and employment opportunities
- Family or customary obligations such as weddings
- Relationship problems
- Financial difficulties

Each case is to be assessed on its individual merits within these general guidelines which are not intending to be exhaustive. Documentary evidence supporting the claim should also be considered and kept on the student’s file.

If the student does not meet the ‘compassionate and compelling’ circumstances, and they still wish to take leave from studies, then they may discontinue ‘in good standing’ from the

university with the opportunity to apply for re-entry at a later date. In some instances it may be possible to approve a guaranteed readmission.

Recording reason for intermission

Before Monash can report an intermission and because a report can only be made through PRISMS on compassionate or compelling grounds, the reasons for intermission must be recorded in Callista (ENRF4160) and Intermission approval added to ESOS notes. The staff member processing the intermission must include a brief summary of what the “compassionate or compelling” ground is as per the information on the [ESOS web page](#).

Also, where TRIM is in use by the faculty concerned, the Intermission application and supporting document must be uploaded to TRIM within seven working days. For faculties who do not use TRIM, the supporting documentation must be placed on the student’s faculty file.

4. Standard 13.3 Information about visa implications and Reporting

Advice about visa implications is provided by the Campus Hub. Students are required to seek the advice of Hub staff when seeking intermission approval and this is noted on the [Intermission application form](#).

5. Standard 13.4 Monash (not student) initiated termination, suspension or cancellation of a student’s enrolment

In circumstances where Monash intends to terminate, suspend or cancels a student’s enrolment involuntarily, the student must be notified that he or she has 20 working days to access the ‘complaints and appeals’ processes (see ‘Monash Documentation’). A student’s enrolment must be maintained (ie the student not reported to DEEWR) while the internal appeals process is ongoing. This means that where the termination, suspension or cancellation is not Monash initiated it must not take affect until the internal appeals process is complete. DEEWR advises that “standard 13 does not require providers to continue providing learning opportunities throughout the 20 days or any subsequent period of appeal. Each provider must decide whether it will continue to provide learning opportunities throughout the 20 days and any appeals process. For example, some providers may decide to exclude a student from attending classes, but continue to provide work to complete outside of the classroom environment”. See [DEEWR Explanatory Guide](#) for standard 13.

6. Evidence of compliance

- Documented procedures for assessing, approving and recording a deferment of the commencement of study or suspension of study.
- Documentary evidence on students’ files of the assessment of applications for deferment or suspension of enrolment.
- A copy of the information given to students prior to enrolment which states the grounds on which students’ enrolment may be deferred, suspended or cancelled.
- A copy of the provider’s documented complaints and appeals processes (see Standard 8), and an indication of how students would access such a document (eg. show a link to the website).

- Evidence that the provider has informed affected students that deferring, suspending or cancelling their enrolment may affect their student visas (providers may find it easiest to demonstrate this through a letter or form given to students applying for a deferment or suspension).
- Evidence of appropriate reporting through PRISMS.

Compliance Obligations – responsible parties

International Recruitment Services

- Assess applications for deferment of commencement of study on the basis of documented procedures
- Advise students that deferment of studies may have visa implications and keep a record that advice has been given
- Update ESOS Notes in Callista with reasons for the decision whenever a decision to defer a student's enrolment occurs.

Faculty

- Assess applications for voluntary suspension of study (intermission) or make decision to suspend or cancel a student's enrolment on the basis of documented procedures
- Ensure that relevant forms and supporting documents are scanned to central file
- Update ESOS Notes in Callista with reasons for the decision whenever a decision to suspend or cancel a student's enrolment occurs.

Health and Wellbeing

- Provide advice to students prior to faculty approval that deferment of studies may have visa implications and keep a record that advice has been given

Enrolments

- Key Suspensions into Callista on request of faculty

Monash Research Graduate School (MRGS)

- Assess applications for voluntary suspension of study (intermission) or make decision to suspend or cancel a student's enrolment on the basis of documented procedures
- Ensure that relevant forms and supporting documents are kept on central file
- Update ESOS Notes in Callista with reason for decision whenever a decision to suspend or cancel a student's enrolment occurs

Monash College Pty Ltd (MCPL)

- Assess applications for suspension of study or make decision to suspend or cancel a student's enrolment on the basis of documented procedures
- Advise students that suspension of studies may have visa implications and record fact that advice given on Monash College [Intermission application form](#)
- Update ESOS Notes in Callista with reasons for decision whenever a decision to suspend or cancel a student's enrolment occurs.

Monash Documentation

Policies and Procedures

- [Academic and Administrative Complaints and Grievances Policy](#)
- [Admission to Coursework Courses and Units of Study Procedures](#)
- Monash [discipline procedures](#)
- [Complaints and Grievances of Coursework Students Procedures](#)
- [HDR candidature : Academic and Administrative Complaints Procedures.](#)

Business Rules

- For assessing applications for deferment or suspension of study.

Guidelines

- See 'Compliance Requirements'.

Other Documentation

Forms

- [Intermission application form](#) (coursework only):

Resources

- [Student Grievance Resources](#)

Reports

- MRS Report 'Duration', 'Discontinuation' and 'Intermissions'

Standard 14 – Staff capability, educational resources and premises

Legislation

National Code of Practice

Standard 14 – Staff capability, educational resources and premises

Outcome of Standard 14

The staff of registered providers are suitably qualified or experienced in relation to the functions they perform for students. The educational resources of registered providers support the delivery of courses to students. The premises of registered providers, including the floor space available for each student, support students to achieve their course outcomes.

14.1 The registered provider must have and implement policies and procedures to ensure its staffing resources are adequate and have the capabilities as required by the quality assurance framework applying to the course. Where the course provided by the registered provider is not subject to an appropriate quality assurance framework, the registered provider must have and implement appropriate documented policies and processes for the recruitment, induction, performance assessment and ongoing development of members of staff involved with the recruitment or delivery of education or client services to students.

14.2 The registered provider must have adequate education resources, including facilities, equipment, learning and library resources and premises as required by the quality assurance framework applying to the course. Where the course provided by the registered provider is not subject to an appropriate quality assurance framework, the registered provider must ensure it has adequate education resources, including facilities, equipment, learning and library resources, and premises, including ownership or tenancy arrangements for the premises, as are needed to deliver the registered course to the students enrolled with the registered provider.

14.3 The registered provider must notify the designated authority and the students enrolled with the registered provider of any intention to relocate premises (including the head office and campus locations) at least 20 working days before the relocation.

Compliance requirements

There are two components to this standard:

- that staff and education resources are provided at the level required by the relevant quality assurance framework and
- that the designated authority is informed of any intention to relocated premises within the time frame specified in standard 14.3.

1. Standard 14.1 Adequacy of staffing resources

This standard requires providers to implement policies and procedures as required by the appropriate quality assurance framework.

Quality Assurance Framework

Both Monash University and Monash College are subject to the [Australian Higher Education Qualifications Framework](#). This framework includes the Higher Education Sector, the Commonwealth, State and Territory Governments, the Australian Qualifications Framework (AQF)¹⁰, the regulatory supervision of the Tertiary Education Quality and Standards Agency (TEQSA) and the [National Protocols for Higher Education Approval Processes](#). Within this framework, Monash University is a self-accrediting¹¹ higher education institution and Monash College a non-self-accrediting higher education institution.

As the framework does not cover staffing and education resources, ie does not specify the level at which these resources must be provided, Monash, as required by standards 14.1 and 14.2, must have and implement appropriate documented policies and processes for staffing (the recruitment, induction, performance assessment and ongoing development of staff responsible for recruitment or working with overseas students) and education resources.

Monash College Pty Ltd (MCPL) also trades as Monash University English Language Centre (MUELC). In this capacity, Monash College is subject to the National ELT Accreditation Scheme (NEAS) Framework rather than the higher education quality assurance framework.

Both Monash University (Human Resources, Advancement, Campus Hubs, faculties and MRGS) and Monash College must have these procedures and processes in place, and for MUELC, these policies and procedures must comply with the [NEAS](#) requirements.

From January 2012, the regulation of tertiary education became the responsibility of TEQSA. Monash is subject to the Provider Standards which have been developed based on the National Protocols and National Guidelines for Higher Education Approval Processes.

2. Standard 14.2 Adequate education resources

As the existing framework does not cover education resources and does not specify the level at which these resources must be provided, Monash, as required by standard 14.2, must determine what is adequate in terms of its education resources. The draft provider standards set the level for physical and electronic resources and infrastructure, course resourcing and information which will need to be complied with from 2012.

¹⁰ The Australian Qualifications Framework (commonly known as the AQF) is a unified system of national qualifications in schools, vocational education and training (TAFEs and private providers).

The AQF was established by the [Ministerial Council of Education, Employment, Training and Youth Affairs](#) (MCEETYA) in 1995 to provide for nationally recognised pathways between awards offered in Australia's vocational education and training and higher education sectors. It brings together the qualifications issued by different sectors into a single comprehensive system of titles and standards.

The AQF also maintains a public [register](#) of MCEETYA endorsed post compulsory education providers and accreditation authorities. The register is a key element of the Australian higher education quality assurance framework.

¹¹ As such it is authorised to accredit its own courses and is responsible for maintaining its own academic standards. Within this framework, appropriate quality assurance processes include 'peer assessment processes, external examination of higher degrees and the involvement of professional bodies in the accreditation of particular courses'. In addition AUQA conducts 5 yearly audits of all Australian Universities and in December 2006 an audit was completed of Monash University.

3. Standard 14.3 Relocation of premises

Up to January 2012, the designated authority for both Monash University and Monash College was the Victorian Regulation and Qualifications Authority ([VRQA](#)). TESQA has now assumed this function. The standard requires that procedures must be in place for notifying the designated authority and students of any intention to relocate premises 20 days before the relocation. This standard has marginal relevance to Monash as the standard refers to 'premises' which are unlikely to be re-located.

4. Evidence of compliance

- Implemented policies and procedures for adequacy of staffing and education resources required by the applicable quality assurance framework.
- Where a course or provider is not subject to an appropriate quality assurance framework, there must be evidence of the implementation of the provider's own staffing policies and procedures. Policies and procedures are required for the recruitment, induction, performance assessment and ongoing development of members of staff involved with the recruitment or delivery of education or client services to overseas students.
- Where the course or provider is not subject to an appropriate quality assurance framework, adequate education resources and premises as needed to deliver the course.
- Copy of the written notification to the designated authority and any enrolled students where there is an intention to relocate premises at least 20 working days before the relocation. Notification to students would include those accepted students of the provider who have not yet commenced studying, but have been granted a student visa.

Compliance Obligations – responsible parties

Education Committee (via Education Policy Committee (EPC))

- Policies and procedures to ensure Monash education resources are adequate and have the capabilities as required.

Human Resources Division

- Implement policies and procedures to ensure Monash staffing resources are adequate and have the capabilities as required.
- Make ESOS information available at University induction. .

Student Recruitment

- All new staff, ie new to Monash or new to ESOS Administration, to complete ISANA online tutorial within first month of commencement and attend Monash Staff Development Unit ESOS training within the first six months of the commencement of their role.

Faculty

- All new staff, ie new to Monash or new to ESOS Administration, to complete ISANA online tutorial within first month of commencement and attend Monash Staff Development Unit ESOS training within the first six months of the commencement of their role.
- Implement policies and procedures to ensure faculty staffing resources are adequate and have the capabilities as required.

Health & Wellbeing Hub

- All new staff, ie new to Monash or new to ESOS Administration, to complete ISANA online tutorial and attend Monash Staff Development Unit ESOS training.
- Implement policies and procedures to ensure ISS staffing resources are adequate and have the capabilities as required.

Monash College Pty Ltd (MCPL)

- Implement policies and procedures to ensure Monash College staffing and education resources are adequate and have the capabilities and education resources as required.
- Implement policies and procedures to ensure MUELC staffing resources are adequate and have the capabilities as required by National ELICOS Accreditation Scheme (NEAS).
- Follow procedure for notifying designated authority and students of any intention to relocate premises at least 20 working days before relocation.
- All new staff, ie new to Monash or new to ESOS Administration, to complete ISANA online tutorial within first month of commencement and attend Monash Staff Development Unit ESOS training within the first six months of the commencement of their role.

Monash documentation

Policies and Procedures

- [Workplace policies and procedures](#)
- [Recruitment, selection and appointment policy](#)

Guidelines

- See 'Compliance Requirements'.

Business Rules

- Monash University and Monash College work instructions for notifying designated authority (office of higher education) of any intention to relocate premises as per standard 14.3.

Other documentation

- Teaching Resource Units
 - [IT information for staff](#)
 - [Support for learning spaces](#)
- [Monash University Handbook](#)

Standard 15 – Changes to registered providers’ ownership or management

Legislation

National Code of Practice

Standard 15 – Changes to registered providers’ ownership or management

Outcome of Standard 15

Registered providers proactively inform the designated authority of prospective ownership and/or management changes.

15.1 The registered provider must advise the designated authority in writing of:

- a. any prospective changes to the ownership of the registered provider as soon as practicable prior to the change taking effect, and
- b. any prospective or actual change to the high managerial agents (as defined in section 5 of the ESOS Act) of the registered provider as soon as practicable prior to the change taking effect or within 10 working days of the change taking effect where the change cannot be determined until it takes effect.

15.2 The registered provider must provide the designated authority with information on the new owner or high managerial agent for the purpose of making an assessment under section 9(6) of the ESOS Act.

Compliance requirements

Monash must have procedures in place for notifying the designated authority (which was until January 2012 the Victorian Regulation and Qualifications Authority ([VRQA](#))) in writing in the event of ownership, or management changes (high managerial agents¹²) as soon as practicable prior to a change taking place or within 10 days of the change occurring. From January 2012, notifications must be made to [TEQSA](#).

1. Standard 15.1 (a) Advise designated authority of ownership changes

For Monash University, an ownership change is not possible as the University is created by an Act of the Victorian Parliament. Monash University was established under the Monash University Act 1958 which was re-enacted by the [Monash University Act 2009 \(Vic\)](#) and may

¹² S.5 ESOS Act, *high managerial agent* of a provider means an employee, agent or officer of the provider with duties of such responsibility that his or her conduct may fairly be assumed to represent the provider in relation to the business of providing courses.

Also, as stated in the [industry briefing](#) ‘high managerial agent’ as defined in new section 5 ‘means an employee, agent or officer of the provider with duties of such responsibility that his or her conduct may fairly be assumed to represent the provider in relation to the business of providing courses.’ The Explanatory Memorandum gives examples as officers with management responsibility, teachers, consultants and principals of the provider. According to the Minister, extending the ‘fit and proper test’ to high managerial agents will ‘prevent former providers with an adverse history in the industry from taking up positions of influence with other providers’.⁽⁵⁾ The Minister states that ‘in introducing these amendments, my Department has been mindful of the need to avoid unnecessary regulation’.⁽⁶⁾ However although the extension of the ‘fit and proper test’ may provide further guarantee of the credentials of registered providers it may prove onerous for large providers such as those in the higher education sector with high staff numbers.

not be sold. For Monash College however, as a private provider, while an ownership change is unlikely (as it is fully owned by the University), it is not inconceivable.

2. Standard 15.1 (b) Advise designated authority of changes to high managerial agents

This standard requires Monash to notify the designated authority of changes to high managerial agents. The Office of the Deputy Vice-Chancellor (Global Engagement) has this responsibility and its procedures for compliance with this standard are available on its intranet (see Monash Documentation). High managerial agents refer to senior management staff and include deputy principals or departmental heads but not teachers¹³. The following officers are regarded by Monash University as the high managerial agents: Vice-Chancellor, Vice-Presidents, Deputy Vice-Chancellors and Deans¹⁴. For Monash College Group, the high managerial agents are the Chief Executive Officer of Monash College Group, and Principal and Deputy Principal of Monash College and MUELC.

3. Evidence of compliance

- Copies of the written notification to the designated authorities about changes to ownership or high managerial agents.
- Process for obtaining information to assist the designated authority in assessing whether a high managerial agent of the provider passes the ‘fit and proper’ test.
- Where a student has been offered a refund because there has been a change to a provider’s legal entity, there must be evidence that an offer of refund has been made and of the student’s response to the offer.

Compliance Obligations – responsible parties

Office of the Deputy Vice Chancellor (International)

- Have [procedures](#) in place for informing [TESQA](#) in the event of management changes to ‘high managerial agents’

Monash College Group Pty Ltd

- Have procedures in place for informing [TESQA](#) in the event of ownership or management changes (ie changes to ‘high managerial agents’).

Monash documentation

Policies and Procedures

- [DVCGE Business practice](#)

¹³ “The intention of this amendment is to cover persons with managerial responsibilities who are not ‘associates’ of the provider. For example teachers who simply teach courses would not come within the scope of the definition. However, a deputy principal or department head may be considered a high managerial agent of the provider’. <http://www.dest.gov.au/NR/rdonlyres/4561A25D-B231-434D-B59D-2241A233F16F/15279/FactsheetFitandProperprovisionsfinal.pdf>

¹⁴ This definition of high managerial agents has been confirmed by Education Policy Committee

K GLOSSARY OF DEFINITIONS AND ACRONYMS

TERM	MEANING
APC	Academic Progress Committee.
CAAW	Confirmation of Appropriate Accommodation and Welfare.
COMPULSORY STUDY PERIOD	A study period in which a student must enrol unless granted a deferment or suspension from enrolment or intermission.
COURSE MONEY	As defined by section 7 ESOS Act means money a provider receives directly or indirectly from an overseas student or intending overseas student or another person who pays the money on behalf of the overseas student or intending overseas student.
COURSE RELATED FEES	Includes all course money as defined by section 7 ESOS Act and all optional fees or charges.
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students.
CRICOS REGISTRATION	The process whereby a provider is recommended by a designated authority for registration under the ESOS Act to provide a specific course in that state to overseas students; and the provider is registered by the secretary of DEEWR on CRICOS.
CRITICAL INCIDENT	A traumatic event or the threat of such (within or outside Australia) which causes extreme stress, fear or injury.
DEEWR	Department of Education, Employment and Workplace Relations.
DESIGNATED AUTHORITY	As defined by section 5 ESOS Act means a person responsible under the law of a state for approving providers to provide courses to overseas students in their state.
DIAC	Department of Immigration and Citizenship.
ELICOS	English Language Intensive Courses for Overseas Students.
ELT	English Language Teaching.
ENROLMENT	Where the student has been issued with a eCOE to confirm acceptance by the registered provider and is occupying a place in the CRICOS registered course for which the student was accepted and is progressing towards the completion of course requirements. The period of enrolment includes scheduled breaks between study periods.
EVO	Entitlement Verification Online.
eCOE	Electronic Confirmation of Enrolment.
EPPC	Education Policy and Programs Committee
ESOS Act	Education Services for Overseas Student Act 2000.
ESOS	Education Services for Overseas Students.
ESOS Regulations	Education Services for Overseas Students Regulations 2001.
HUB	Health Wellbeing and Development Team.
IRS	International Recruitment Services.
ISANA	International Students Advisers Network of Australia
MCEETYA	Ministerial Council of Education, Employment, Training and Youth Affairs.
MCPL	Monash College Pty Ltd.
MRGS	Monash Research Graduate School.
MUELC	Monash University English Language Centre.
MUFY	Monash University Foundation Year.
NC07	National Code of Practice 2007.
NEAS	National ELT Accreditation Scheme
OVERSEAS STUDENT	A person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act but does not include students of a kind prescribed in

TERM	MEANING
	the ESOS Regulations.
PRINCIPAL COURSE	The main or final course of study to be undertaken by an overseas student where a student visa has been issued for multiple courses of study.
PRISMS	Provider Register and International Student Management System.
PROVIDER	An institution or other body or person in Australia that provides or seeks to provide CRICOS registered courses to overseas students as defined by the ESOS Act.
PROVIDER DEFAULT	Where the registered provider fails to provide a course or cease to provide a course to an overseas student in accordance with section 27(1) of the ESOS Act.
SELF-ACCREDITING PROVIDER	Provider with authority to accredit their own courses.
STUDENT DEFAULT	Where an overseas student does not start a course or withdraws from a course as defined in section 27(2) of the ESOS Act.
STUDENT VISA	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.
TESQA	Tertiary Education Quality and Standards Agency.
VRQA	Victorian Registration and Qualifications Authority.