



THE UNIVERSITY OF
NOTRE DAME
A U S T R A L I A

POLICY:
INTERNATIONAL STUDENTS

(INCLUDES RELEVANT PROCEDURES FOR INTERNATIONAL STUDENTS)

Purpose:	Outlines the policies relating to compliance with the ESOS Act and the National Code 2007 for provision of educational services to international students.
Responsible Executive:	Academic Registrar
Responsible Office:	Registrar's Office
Contact Officer:	Campus Registrar
Effective Date:	15 June 2012
Modification History:	Created June 2007; DVC approved 31 July 2007; edited June 2008 (ID); updated September 2011 (SL); revisions June 2012 (SL); updated nomenclature 2 Dec 2016 (HP)

RATIONALE

The Education Services for Overseas Students (ESOS) Act 2000 is Commonwealth Government legislation that ensures providers of education and training are regulated in the delivery of education services to international students. All providers and courses available to international students are required to be registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). The ESOS Act 2000 also imposes obligations and restrictions on the University and its students to ensure compliance with the conditions of their student visa. Under the ESOS Act 2000, the University is required to monitor and report on some of these conditions to the Department of Immigration and Border Protection (DIBP). The National Code 2007 provides for consistent standards for the registration and conduct of registered providers and the conduct of persons who deliver educational services on behalf of registered providers. This policy document only applies to an International Student (who is referred to as a Student(s) in this document).

DEFINITIONS

<i>CRICOS</i>	Commonwealth Register of Institutions and Courses for Overseas Students (state-based).
<i>DIBP</i>	Commonwealth Department of Immigration and Border Protection.
<i>DET</i>	Commonwealth Department of Education and Training
<i>CoE</i>	Confirmation of Enrolment document issued to each international student who intends to study on a student visa in Australia. The CoE provides proof of acceptance into a specific course of study at a specific institution. An international student visa is issued by DIBP according to the details provided on the student's CoE.
<i>ESOS Act 2000</i>	Education Services for Overseas Students Act 2000.
<i>Full-time study</i>	EFTSL load no less than 1 EFTSL for a year (two semesters), in on-campus mode.
<i>International Student</i>	A student visa holder (all subclasses).
<i>Intervention Strategy</i>	A specific strategy and documentation prepared by the Dean of the Student's School as a record of the academic or other assistance which has or will be offered to the Student to ensure they are not at risk of continued Unsatisfactory Progress as defined by the University General Regulations. An Intervention Strategy Document will include authorisation for a student to extend their course duration up to a specified date if appropriate and applicable.
<i>National Code</i>	The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007.
<i>Overseas student</i>	A term used in the ESOS legislation to refer to International Students.
<i>PRISMS</i>	The Provider Registration and International Students Management System (PRISMS) maintained by DET/DIBP.
<i>Provider</i>	An institution (body or person) in Australia providing or seeking to provide courses to international students.
<i>Student/Students</i>	In this document, refers to an International Student.

PRINCIPLES

1. Completion of Course within Course Duration

- 1.1 A Student is normally required to complete their course within the duration stated on their Confirmation of Enrolment (CoE) which is the time frame specified as the CRICOS registered course duration.
- 1.2 In accordance with the National Code, the expected duration of a course is the duration of the course as registered on The Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). The expected duration for overseas students should not differ from the expected duration for domestic students.
- 1.3 A Student will only be approved to extend the duration of their Confirmation of Enrolment (CoE) in very limited circumstances (and in accordance with the University's *Guideline: The Meaning of Special Consideration and Exceptional Circumstances*). These circumstances shall normally be one of the following and must be supported by independent documented evidence:
 - (a) **Compassionate or medical** circumstances, or
Example: where a medical certificate states that the student was unable to attend classes.
 - (b) **Compelling** circumstances, or
Example: where the Student was identified as being at risk of/had made Unsatisfactory Progress and has an approved and documented Intervention Strategy on file, or an approved deferred commencement or leave of absence from their studies was granted (in accordance with the National Code 2007 and the University's Regulations).
 - (c) **Academic** grounds,
Example: where the University was unable to offer a pre-requisite unit, or the Student's inability to begin studying on the course commencement date due to delay in receiving a student visa.
- 1.4 An extension of a CoE shall only be approved where a documented Intervention Strategy and revised Course Planner has been placed on the Student's file.
- 1.5 A Student who requires an extension to their CoE must submit an application to the Student Administration Office (in the form prescribed by the Campus Registrar's Office) a minimum of one month before their current visa expires. An application received after this time is not guaranteed to be processed before the current visa expiry date.

2. Full time and Part time Enrolment

- 2.1 A Student must be enrolled in a full-time course of study and must be able to complete the degree or award in which s/he is enrolled within the specified duration for that degree or award, unless an Intervention Strategy has been implemented. The University is required by law to ensure that this visa condition is met. Part-time study may be permitted under exceptional circumstances.
- 2.2 Full-time enrolment at The University of Notre Dame Australia is deemed to be 1.0 EFTSL for a year (two semesters). An Intervention Strategy may allow an EFTSL study load of less than 1.0 (or 0.5 in any given semester) but the study load shall not fall below studying one unit in a face to face mode in any given semester.
- 2.3 A Student enrolling in an approved part-time load may need to take additional units in a future semester in order to complete their course within the course duration specified on their visa. Should the Student not complete within the course duration timeframe, the student will need to seek an extension of their visa from DIBP at the Student's expense. The decision on whether to grant a student visa extension will be made by DIBP and is not guaranteed by the University.

- 2.4 Where a request for part-time enrolment is made the student must demonstrate to the satisfaction of the Dean that such enrolment is academically warranted and that the student is able to study in overload mode in order to complete within the registered CRICOS duration.
- 2.5 An International Student may not have a unit load of less than 50% in any main Semester (Semester 1 or Semester 2) without the written authorisation of the Campus Registrar.
- 2.6 A Student can enrol in Summer Term/Winter Term and is not required to have full-time enrolment during that time. However, a Student must maintain full-time (0.5 EFTSL for each semester) enrolment during the main sessions of the year i.e. Semester 1 and/or Semester 2.
- 2.7 Part-time study may be permitted during the final semester of a coursework degree to complete course requirements. Research students must be enrolled full-time at all times.
- 2.8 Failing a prerequisite unit does not exempt a Student from the requirement to be enrolled in a full-time load, unless an Intervention Strategy has been implemented.
- 2.9 Students can repeat a failed unit provided they maintain full-time enrolment. The only exception is where, in order to complete a course, the only remaining required unit/s does not constitute a full-time load.
- 2.10 When a Student is repeating a unit in order to complete a course, the student may only do so once in a part-time study load.
- 2.11 There is flexibility for the University to vary a Student's enrolment load throughout the course. Students may take a normal, reduced or increased study load in each study period, as long as the University monitors the workload to ensure the Student completes the course within the duration specified in the CoE.

3. Monitoring Course Progress

- 3.1 The University will monitor, record and assess a Student's academic progress at each Board of Examiners meeting held at the end point of each study period for the relevant Semester and/or Term.
- 3.2 In accordance with the provisions of academic status in the University's General Regulations, a Board of Examiners will identify all Students either:
 - (a) at risk of making Unsatisfactory Progress (failure in at least one unit), and therefore an Intervention Strategy will be implemented (refer "Intervention Strategy" section below); or
 - (b) those who have made Unsatisfactory Progress, and therefore an Intervention Strategy will be implemented; or
 - (c) potential termination, and therefore notify the Student in writing of the University's intention to report the student to DET/DIBP through PRISMS and the appeal options available.
- 3.3 The University is required to report to DET/DIBP via an appropriate course variation in PRISMS any Student who fails to maintain satisfactory academic progress as defined in the University's General Regulations (refer "Reporting to DET/DIBP" and "Appeals" sections below).

4. An Intervention Strategy

- 4.1 An Intervention Strategy will be implemented in accordance with the University's *Guideline: Intervention Strategy*. Students are expected to familiarise themselves with this guideline and seek advice when required.
- 4.2 A Student identified at risk will be sent an Intervention Strategy notification letter advising they:
 - (a) have been identified as at risk of making Unsatisfactory Progress, and
 - (b) must have an interview with a designated academic staff member from their School before the commencement of the next Semester, and
 - (c) must have the documented Intervention Strategy on their student file for the coming Semester.
- 4.3 The Intervention Strategy document shall be forwarded to the International Officer, Student Administration, and may be used in the event an amendment to the Student's CoE is required.

5. Leave of Absence

- 5.1 A Student is only permitted to take a leave of absence from their studies under very limited circumstances and in accordance with the University's General Regulations.
- 5.2 The circumstances under which a leave of absence will be approved (and in accordance with the University's *Guideline: Guideline: The Meaning of Special Consideration and Exceptional Circumstances*) are:
- (a) **Compassionate or medical** circumstances, or
Examples: serious illness or injury where the independent medical documentation states the Student is unable to attend classes, or bereavement of immediate family members (where possible a death certificate should be provided).
 - (b) **Compelling** circumstances, or
Example: Major political upheaval or natural disaster in the Student's 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), or
 - (c) **Academic** grounds.
Example: where the University is unable to offer a pre-requisite unit, or the Student's inability to begin studying on the course commencement date due to delay in receiving a student visa.
- 5.3 The University must record on the Student's file independent supporting documentation of the grounds for approving a leave of absence.
- 5.4 The University is required to report to DIBP a Student who has been granted leave of absence. DIBP will make a determination regarding the student's visa (the University has no control in this matter).
- 5.5 A Student returning from Leave of Absence must reenrol by the published date or withdraw from the University (on the form prescribed by the Campus Registrar's Office).
- 5.6 By not-reenrolling, a Student will be deemed to have 'inactively' advised the University they are no longer continuing with their studies, in which case the University will notify DIBP via PRISMS of the Student's inactive notification of cessation of studies. The Student will be notified by email, due to non-enrolment, they have been deemed to have 'inactively' ceased their studies and subsequently reported to DIBP.

6. Online and Distance Education (Study Mode)

- 6.1 A Student may apply for Cross-Institutional Enrolment (on the form prescribed by the Campus Registrar's Office and in accordance with the University's General Regulations) to study units that can be credited towards their degree in a distance learning or online mode.
- 6.2 "Distance learning" is defined by the National Code and shall mean study in which the lecturer and Student are separated in time or space throughout the duration of the unit of study. Distance learning study may be undertaken through written correspondence and exchange of hard copy materials.
- 6.3 "Online mode" is defined by the National Code and shall mean study in which the lecturer and Student communicate mainly through electronic technologies for the unit.
- 6.4 A Student wishing to study a unit(s) in a distance learning or online mode must comply with the following:
- (a) cannot study in a distance learning or online mode whilst in Australia for more than 25% of their total course; and
 - (b) in each compulsory study period the Student must be studying at least one unit that is not by distance learning or online mode (that is, an on campus unit); and

- (c) can study unit(s) by distance learning or online mode where the unit(s) are undertaken in a non-compulsory study period as long as it is no more than 25% of their total course; and
 - (d) where the only unit remaining in a Student's course must be studied in a distance learning or online mode, the Student must return to their home country to complete the unit.
- 6.5 The terms "distance learning" and "online mode" and their associated provisions outlined in 6.4, do not apply where the Student:
- (a) does not hold a student visa; and
 - (b) is resident in a country other than Australia; and
 - (c) is undertaking a unit of study with a registered provider in Australia.

7. Advanced Standing (Course credit)

- 7.1 A Student may apply for Advanced Standing (on the form prescribed by the Campus Registrar's Office and in accordance with the University's General Regulations.
- 7.2 Credit granted for previous studies or uncredentialed experience does not normally exempt a Student from the requirement to be enrolled in a full-time load, unless an Intervention Strategy has been implemented.
- 7.3 Where a Student is granted Advanced Standing after a CoE and visa has been issued, and the awarded Advanced Standing results in a shorter course duration, the University must report the change of course duration to DIBP via PRISMS.

8. Graduation / additional units

- 8.1 Students are expected to graduate from their course once they have successfully met all course requirements.
- 8.2 Further enrolment (additional units) in a course will only be authorised when the additional units can be completed within the normal course duration as specified on the CoE.
- 8.3 A Student must apply (on the form prescribed by the Campus Registrar's Office) to graduate by the published deadline. Late applications are not guaranteed.

9. Change of Providers / Letter of Release

- 9.1 A Student is expected to remain with the University in their principal course of study for no less than the first 6 months of their course. However, Students may apply to the University to change education provider during this period. Permission to change provider, including a letter of release, will only be granted in exceptional circumstances and in accordance with the University's *Policy: International Student Transfers (Letter of Release)*.
- 9.2 In general circumstances, a Student is permitted to change their provider after the first 6 months of their study in their principal course.
- 9.3 A letter of release must be obtained by a prospective Student from their current education provider prior to being made an offer for the University of Notre Dame Australia.

10. Student visas (classes 500, 573 (higher education), 574 (postgraduate research) and 575 (non-award))

- 10.1 All student visas have mandatory conditions attached which Student's must adhere to during their stay in Australia (refer to <http://www.immi.gov.au/students/visa-conditions-students.htm>).
- 10.2 A 500, 573 or 575 student visa holder who has commenced study in Australia is permitted to work up to 40 hours per fortnight while their course is in session (other than work which has been registered as a part of their course) and unlimited hours during scheduled course breaks.

- 10.3 A 500, 573 or 575 student visa holder found to be working in excess of their limited work rights may be subject to mandatory visa cancellation.
- 10.4 A 574 student visa holder (postgraduate research – Masters by Research or Doctorate courses) who has commenced study in Australia is permitted to work unlimited hours.
- 10.5 All student visa holders have specific conditions and obligations on their visa and must uphold all conditions whilst studying and living in Australia, including but not limited to:
- (a) Continued enrolment in a CRICOS registered course and as per the Student's CoE;
 - (b) Continued satisfactory attendance as per School requirements and as outlined in Unit Outlines (failure to maintain satisfactory attendance may result in Fail due to Non-Completion grades and Unsatisfactory Progress);
 - (c) Continued satisfactory academic progress in each study period;
 - (d) Written advice from the Student to the University within seven days of arriving in Australia of the Student's residential address. Where a Student changes their address, this also is required in writing to the University within seven days.
 - (e) Where a Student changes their education provider, written advice from the Student to the University is required within seven days of receiving their new CoE or evidence of enrolment with the new provider.
 - (f) The condition "No further stay" is issued to some visas, meaning the Student cannot apply to stay in Australia beyond the date specified on their visa;
 - (g) Financial capacity for travel, tuition and living expenses for the duration of their stay in Australia (and as accepted and agreed to on a Student's offer and acceptance at the point of admission to the University);
 - (h) School age dependents (5 to 18 years) must attend school in Australia;
 - (i) Maintaining Overseas Student Health Cover (OSHC) for the Student and their family members for the duration of their visa and whilst in Australia.

11. Reporting to DET/DIBP

- 11.1 The University is required to report to DIBP via an appropriate course variation in PRISMS any changes to a student's enrolment status, course enrolment and including discontinuation from a course or the University.
- 11.2 The University is required to report to DIBP via an appropriate course variation in PRISMS all Students who finish one or more semesters earlier than their expected course end date. A student who finishes their course early must either enrol in another CRICOS registered course or depart Australia immediately, unless given authorisation by DIBP to remain in Australia.

Reporting Unsatisfactory Progress

- 11.3 A Student may choose to lodge an internal appeal to the University against the University's intention to terminate the Student's enrolment (see "Appeals" section below)
- 11.4 Where a Student's internal appeal is denied or the Student is not satisfied with the decision, the Student may choose to lodge an external appeal in accordance with the *Policy: Student Appeals*. The University will wait for the outcome of the external appeal before reporting the Student for Unsatisfactory Progress via a course variation in PRISMS.
- 11.5 After all complaints and appeals processes are finalised and a Student is deemed to have failed to meet satisfactory course progress, the University must report this via PRISMS. The Student will be sent a "Section 20 notice" generated from PRISMS by registered post.
- 11.6 It is the Student's responsibility to contact DIBP immediately regarding their student visa as reporting via PRISMS can lead to automatic cancellation of their visa.

Reporting – other grounds

- 11.7 The University may report a Student for other grounds including but not limited to, misbehaviour, misconduct or non-payment of fees.
- 11.8 A Student may choose to lodge an internal appeal against the University's decision to report the Student on the grounds in 11.7 in accordance with the *Policy: Student Appeals*.
- 11.9 Where a Student's internal appeal is denied or the Student is not satisfied with the decision, the Student may choose to lodge an external appeal in accordance with the *Policy: Student Appeals*; however, in these cases, the University is not required to wait for the outcome of the external appeal before reporting the Student via PRISMS. The Student will be advised of the University's decision to continue with the termination of their enrolment by registered post. A Student shall then have 28 days in which to:
- (a) Leave Australia; or
 - (b) Show DIBP a new CoE; or
 - (c) Provide DIBP with evidence the Student has lodged an external appeal with the OSO.

12. Appeals of University Decisions or Actions

Internal appeals

- 12.1 A Student not satisfied with a decision or action taken by the University may choose to lodge an internal appeal (where available) in accordance with the *Policy: Student Appeals*.
- 12.2 If not satisfied with a decision of the University's internal appeal process, a student may choose to lodge an external appeal directly with the Overseas Student Ombudsman (OSO) as outlined below.
- 12.3 There are in some decisions or actions taken by the University that are not specified in the *Policy: Student Appeals* as having an available internal appeal (for either International Students or domestic students). In such cases, an International Student may still choose to lodge an external appeal directly with the Overseas Student Ombudsman (OSO) as outlined below.
- 12.4 A Student who intends to lodge an internal appeal or has lodged an internal appeal, must maintain their enrolment at the University and continue to attend classes and submit assessments, until the outcome of the internal appeal has been notified.
- 12.5 A Student who does not contact the University or lodge an internal appeal within the published timeframe will be deemed to have 'inactively' advised the University they are not accessing the internal appeals process. The Student will be notified by the University they have been deemed to have 'inactively' ceased their studies and subsequently reported to DIBP.

External appeals

- 12.6 For international students, the external appeals process is via the Overseas Student Ombudsman (OSO) in accordance with the *Education Services for Overseas Students (ESOS) Legislation Amendment Act 2011*.
- 12.7 A Student who intends to lodge an external appeal or has lodged an external appeal, must maintain their enrolment at the University and continue to attend classes and submit assessments, until the outcome of the external appeal has been notified.
- 12.8 Within 20 working days of the outcome of the internal appeals decisions, a Student must advise the Office of the Deputy Vice Chancellor in writing of their decision to lodge or not an external appeal with the Overseas Student Ombudsman.
- 12.9 The Office of the Deputy Vice Chancellor shall acknowledge receipt of the student's decision to:
- (a) lodge an external appeal with the Overseas Student Ombudsman, or

(b) not lodge an external appeal with the Overseas Student Ombudsman.

The Office of the Deputy Vice Chancellor will advise the Campus Registrar and the Dean of the Student's School for the purposes of maintaining the Student's enrolment.

12.10 A Student who does not contact the University or lodge an external appeal within the published timeframe will be deemed to have 'inactively' advised the University they are not accessing the external appeals process. The Student will be notified by the University they have been deemed to have 'inactively' ceased their studies and subsequently reported to DIBP.

12.11 If the Overseas Student Ombudsman makes recommendations in relation to an overseas student's appeal they have reviewed, the Overseas Student Ombudsman will forward these recommendations in writing to the Campus Registrar. The Campus Registrar will ensure that the recommendations are implemented immediately by the University and recorded on the Student's file.

12.12 The Overseas Student Ombudsman contact details are:

Phone: 1300 362 072

Fax: 02 6276 0123

Address: GPO Box 442

Canberra ACT 2601

AUSTRALIA

Email: ombudsman@ombudsman.gov.au

Web: www.oso.gov.au

13. Complaints / Grievances

13.1 This policy document, 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.

13.2 Students should be aware an "Appeal" and a "Grievance" have different meanings and separate processes. A Student unsure of their options should seek appropriate advice from the Campus Registrar's Office.

13.3 A Student with a complaint may access the University's *Procedure: Student Grievance*.

13.4 The University's *Procedure: Student Grievance* does not apply to matters dealt with under the University's *General Regulations* or for which there is any other separate University policy or procedure.

14. Staff Development and Department Involvement

14.1 The Campus Registrar's Office and Student Administration will hold development seminars to ensure all staff (Academic and Administrative) receive up-to-date information regarding International Students and the University's compliance requirements.