



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

Policy:

International Students

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1 Objects of the University

The University's Objects are defined in Section 5 of its Act of Parliament:

The Objects of the University are:

- (a) the provision of university education, within a context of Catholic faith and values; and
- (b) the provision of an excellent standard of -
 - i. teaching, scholarship and research;
 - ii. training for the professions; and
 - iii. pastoral care for its students.

2 Purpose

- 2.1** The purpose of this Policy is to outline requirements relating to compliance with the *Education Services for Overseas Students (ESOS) Act 2000* and the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code)* for international students enrolled at the University of Notre Dame Australia (**University**).
- 2.2** The *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 programs 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 Home Affairs (**DHA**). The *National Code 2018* 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.

3 Scope

- 3.1** This policy applies to all international students enrolled at the University.

4 Completion of Course within Program Duration

- 4.1** A student is normally required to complete their program within the duration stated on their Confirmation of Enrolment (**CoE**), which is the time frame specified as the **CRICOS** registered program duration.
- 4.2** In accordance with the *National Code*, the expected duration of a program is the duration of the program 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.
- 4.3** 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 course, or the student's inability to begin studying on the program commencement date due to delay in receiving a student visa.

4.4 An extension of a CoE shall only be approved where a documented Intervention Strategy and revised Program Planner has been placed on the student's file.

4.5 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.

5 Full-Time and Part-Time Enrolment

5.1 A Student should be enrolled in a full-time program 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 as long as the program duration is not exceeded.

5.2 Full-time enrolment at The University for international students 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 course in a face to face mode in any given semester.

5.3 A Student enrolling in an approved part-time load may need to take additional courses in a future semester in order to complete their program within the program duration specified on their visa. Should the Student not complete within the program duration timeframe, the student will need to seek an extension of their visa from DHA at the Student's expense. The decision on whether to grant a student visa extension will be made by DHA and is not guaranteed by the University.

5.4 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.

5.5 An international student may not have a course load of less than 50% in any main Semester (Semester 1 or Semester 2) without the written authorisation of the Campus Registrar.

5.6 A student can enrol in Summer Term/Winter Term and is not required to have full-time enrolment during that time.

- 5.7** Part-time study may be permitted during the final semester of a coursework degree to complete program requirements.
- 5.8** There is flexibility for the University to vary a Student's enrolment load through the program. 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 program within the duration specified in the CoE.

6 Monitoring Program Progress

- 6.1** The University will monitor, record and access 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.
- 6.2** In accordance with the provisions of academic statutes 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 course), 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/DHA through PRISMS and the appeal options available.
- 6.3** The University is required to report to DET/DHA via an appropriate program variation in PRISMS any Student who fails to maintain satisfactory academic progress as defined in the University's General Regulations (refer "Reporting to DET/DHA" and "Appeals" sections below).

7 An Intervention Strategy

- 7.1** An Intervention Strategy will be implemented in accordance with the University's *Procedure: Intervention Strategy*. Students are expected to familiarise themselves with this procedure and seek advice when required.
- 7.2** A student identified as 'at risk' will be sent an Intervention Strategy notification letter advising that 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
- must have the documented Intervention Strategy on their student file for the coming Semester.
- 7.3** 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.

8 Leave of Absence

- 8.1** 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.
- 8.2** The circumstances under which a leave of absence will be approved (and in accordance with the University's *Guideline: The Meaning of Special Consideration and Exceptional Circumstances*) are:
- (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 course, or the student's inability to begin studying on the program commencement date due to delay in receiving a student visa.
- 8.3** The University must record on the Student's file, independent supporting documentation of the grounds for approving a leave of absence.
- 8.4** The University is required to report to DHA a Student who has been granted leave of absence. DHA will make a determination regarding the student's visa (the University has no control in this matter).
- 8.5** A student returning from Leave of Absence must re-enrol by the published date or withdraw from the University (on the form prescribed by the Campus Registrar's Office).
- 8.6** By not re-enrolling, 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 DHA 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 DHA.

9 Online and Distant Education (Study Mode)

- 9.1** A Student may study courses that can be credited towards their degree in a distance learning or online mode.
- 9.2** A Student wishing to study a course(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 one third of their total program; and
 - (b) in each compulsory study period the Student must be studying at least one course that is not by distance learning or online mode (that is, an on campus course), except if there is only one course remaining in their program; and

(c) can study course(s) by distance learning or online mode where the course(s) are undertaken in a non- compulsory study period as long as it is no more than one third of their total program.

9.3 The terms 'distance learning' and 'online mode' and their associated provisions outlined in 8.2, do not apply where the student:

(a) does not hold a student visa; and

(b) is a resident in a country other than Australia; and

(c) is undertaking a course of study with a registered provider in Australia.

10 Advanced Standing (Course Credit)

10.1 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.

10.2 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.

10.3 Where a student is granted Advanced Standing after a CoE and visa has been issued, and the awarded Advanced Standing results in a shorter program duration, the University must report the change of program duration to DHA via PRISMS.

11 Graduation / Additional Courses

11.1 Students are expected to graduate from their program once they have successfully met all program requirements.

11.2 Further enrolment (additional courses) in a program will only be authorised when the additional courses can be completed within the normal program duration as specified on the CoE.

11.3 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.

12 Change of Providers / Letters of Release

12.1 A student is expected to remain with the University in their principal program of study for no less than the first six (6) months of their program. 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)*.

12.2 In general circumstances, a student is permitted to change their provider after the first 6 months of their study in their principal program.

12.3 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.

13 Student Visas (Subclass 500)

- 13.1** Student Visas have mandatory conditions attached which Students must adhere to during their stay in Australia (refer to: <https://www.homeaffairs.gov.au/trav/stud>).
- 13.2** A Student Visa holder who has commenced study in Australia is permitted to work up to 40 hours per fortnight while their program is in session (other than work which has been registered as a part of their program) and unlimited hours during scheduled program breaks.
- 13.3** A Student Visa holder found to be working in excess of their limited work rights may be subject to visa cancellation.
- 13.4** 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 program and as per the Student's CoE;
 - (b) Continued satisfactory attendance as per School requirements and as outlined in Course 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) 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);
 - (g) School age dependents must attend school in Australia; and
 - (h) Maintaining Overseas Student Health Cover (OSHC) for the Student and their family members for the duration of their visa and whilst in Australia.

14 Reporting to DET/DHA

- 14.1** The University is required to report to DHA via an appropriate program variation in PRISMS any changes to a student's enrolment status, program enrolment or discontinuation.
- 14.2** The University is required to report to DHA via an appropriate program variation in PRISMS all Students who finish one or more semesters earlier than their expected program end date.

Reporting Unsatisfactory Progress

- 14.3** A student may choose to lodge an internal appeal to the University against the University's intention to terminate the Student's enrolment.

- 14.4** 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 program variation in PRISMS.
- 14.5** After all complaints and appeals processes are finalised and a Student is deemed to have failed to meet satisfactory program progress, the University must report this via PRISMS.
- 14.6** It is the student's responsibility to contact DHA immediately regarding their student visa as reporting via PRISMS can lead to cancellation of their visa.

Reporting – Other Grounds

- 14.7** The University may report a Student for other grounds including but not limited to, misbehaviour, misconduct or non-payment of fees.
- 14.8** A student may choose to lodge an internal appeal against the University's decision to report the Student on the grounds in 14.7 in accordance with the *Policy: Student Appeals*.
- 14.9** 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 cases of misbehaviour or non-payment of fees, 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;
 - (b) Show DHA a new CoE; or
 - (c) Provide DHA with evidence the student has lodged an external appeal with the Overseas Student Ombudsman.

15 Appeals of University Decisions or Actions

Internal Appeals

- 15.1** A student who is 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*.
- 15.2** 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 as outlined below.
- 15.3** 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.
- 15.4** 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 DHA.

External Appeals

- 15.5** 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*.
- 15.6** 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.
- 15.7** Within 20 working days of the outcome of the internal appeals decisions, a Student must advise the Office of the Head of Campus in writing of their decision to lodge an external appeal with the Overseas Student Ombudsman.
- 15.8** The Office of the Head of Campus 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 Head of Campus will advise the Campus Registrar and the Dean of the student's School for the purposes of maintaining the Student's enrolment.
- 15.9** 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 DHA.
- 15.10** 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.

16 Complaints / Grievances

- 16.1** 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.
- 16.2** 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.
- 16.3** A student with a complaint may access the University's *Procedure: Student Grievance*.
- 16.4** 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.

17 Staff Development and Department Involvement

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

18 Related Documents and Supporting Procedures and Guidelines

18.1 Policy: *Student Appeals*

18.2 Procedure: *Intervention Strategy*

18.3 Procedure: *International Student Transfer (Change of Provider)*

18.4 Procedure: *Student Grievance*

19 Definitions

CoE means the 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 program of study at a specific institution. An international student visa is issued by DHA according to the details provided on the student's CoE.

ESOS Act 2000 means the *Education Services for Overseas Students Act 2000*.

Full-time study means EFTSL load no less than one EFTSL for a year (two semesters), in on-campus mode.

Distance Learning has the same meaning as the National Code, which defines 'Distance Learning' as any learning that an overseas student undertakes off campus and does not require an overseas student on a student visa to physically attend regular tuition for the course on campus at the provider's registered location.

Online Learning has the same meaning as the National Code, which defines 'Online Learning' as study where the teacher and overseas student primarily communicate through digital media, technology-based tools and IT networks and does not require the overseas student to attend scheduled classes or maintain contact hours. For the purposes of the ESOS framework, online learning does not include the provision of online lectures, tuition or other resources that supplement scheduled classes or contact hours.

International Student means a student visa holder (Subclass 500).

Intervention Strategy means 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.

National Code means The *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018*.

Overseas Students means a term used in the ESOS legislation to refer to International Students.

PRISMS means the Provider Registration and International Students Management System (PRISMS) maintained by the Department of Education and Training (DET)/Department of Home Affairs (DHA).

Provider means an institution (body or person) in Australia providing or seeking to provide programs to international students.

Student/Students refers to an International Student in this document.

Version	Date of approval	Approved by	Amendment
1	31 July 2007	DVC	Policy created
2	June 2008		Edited
3	September 2011		Updated
4	June 2012		Revisions made
5	2 December 2016	Academic Registrar	Updated nomenclature
6	2 March 2018	PVC, International	Updated policy format and nomenclature including 'program and course'; DIBP to DHA; minor edits to meet requirements of <i>National Code 2018</i> .