



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

Procedure:

Selection, Management and Review of International Education Agents

Effective: 24 April 2019

Audience: Staff; Agents

Policy Category: Governance
Policy Sub-category: Compliance

Key words:	International Education Agents; Agreements; Performance; International Students
Policy Owner:	DVC, Corporate
Responsible Officer:	PVC, International
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1 Purpose

- 1.1 This Procedure sets out main processes to support implementation of the Policy: International Education Agents.

2 Related Policy and Regulations

This Procedure should be read in conjunction with the following:

- 2.1 Policy: International Education Agents
- 2.2 Policy: International Students
- 2.3 General Regulations.

3 Functions

- 3.1 An International Education Agent (**Agent**) is a representative of the University only within the terms of an individual Student Recruitment Agreement.
- 3.2 The functions of an Agent normally include, but are not limited to:
 - 3.2.1 Actively promoting the University and recruiting students to the University's programs;
 - 3.2.2 Being fully aware of the requirements of the ESOS Act, National Code and related regulations, and other relevant legislation applicable to international students studying in Australia;
 - 3.2.3 Responding to enquiries from prospective students by providing accurate and relevant information about the University's programs and courses, living conditions in Western Australia and New South Wales and any regulations governing work rights and conditions for family members;
 - 3.2.4 Facilitating communication between prospective students and the University;
 - 3.2.5 Assisting prospective students to comply with the University's formal admission requirements;
 - 3.2.6 Collecting and forwarding all fees and charges payable to the University by students;
 - 3.2.7 Assisting successful applicants to obtain student visas and other relevant documentation to facilitate studying in Australia; and
 - 3.2.8 Administering and collating responses from formal student and parent feedback surveys.

4 Application

- 4.1 Expressions of interest to become an International Education Agent of the University can be made by completing an Agent Application Form which includes the provision of at least two referees the University can contact for a reference in relation to services as an educational agent.
- 4.2 The Agent Application Form is considered by the Manager, International Student Recruitment who will undertake an assessment in accordance with clauses 4.3 and 4.4 and make a recommendation to the PVC International or DVC, Corporate.

- 4.3 The assessment process will comprise a comprehensive due diligence framework, including an interview that will include consideration of a potential International Education Agent's respectful understanding of the University's Objects. Where possible a site visit will also be undertaken.
- 4.4 The assessment process is designed to establish that the potential Agent or Agents will represent the University appropriately and will not pose risks to the University, its staff, current students or prospective students. This assessment will be undertaken in the context of the University's strategic priorities and may include, but is not limited to:
- 4.4.1 Assessing the potential Agent's knowledge of the Australian international education industry, understanding of the principles of the ESOS Act and National Code, and other requirements relating to the provision of their services to prospective international students;
 - 4.4.2 Assessing the potential Agent's history and track record in recruiting students for the Australian market;
 - 4.4.3 Assessing that the potential Agent is registered to operate in their local jurisdiction;
 - 4.4.4 Inspecting the potential Agent's premises to ensure that they are appropriate and present a professional image;
 - 4.4.5 Interviewing counsellors to assess their performance in advising students;
 - 4.4.6 Obtaining information on the proposed display of the University's promotional materials; and
 - 4.4.7 Reviewing an Agent's International Student Recruitment Strategy, including target student markets, branding and marketing channels.

5 Appointment

- 5.1 Following the completion of the assessment process an International Education Agent is appointed upon recommendation of the PVC, International and approval by the DVC, Corporate through a formal written Student Recruitment Agreement with the University.

6 Student Recruitment Agreement

- 6.1 The formal written Student Recruitment Agreement will outline:
- 6.1.1 the responsibilities of the University;
 - 6.1.2 the University's requirements of the Agent in representing the University, specifically:
 - 6.1.2.1 declaring, in writing, and taking reasonable steps to avoid conflicts of interests with its duties as an education Agent of the University;
 - 6.1.2.2 observing appropriate levels of confidentiality and transparency in their dealings with students;
 - 6.1.2.3 acting honestly and in good faith, and in the best interests of the

- student; and
- 6.1.2.4 holding appropriate knowledge and understanding of the international education system in Australia, including the *Australian International Education and Training Agent Code of Ethics*;
- 6.1.3 the University's processes for monitoring the activities of the Agent and ensuring the Agent is giving students accurate and up-to-date information on the University's services;
- 6.1.4 the corrective action that may be taken by the University if the Agent does not comply with its obligations under the Agreement and grounds for termination, including where the University becomes aware that, or has reason to believe, the Agent or an employee or subcontractor of that Agent has not complied with the Agent's responsibilities outlined within the written Agreement; and
- 6.1.5 the circumstances under which information about the Agent may be disclosed by the University and the Commonwealth or state or territory agencies.

7 Induction and Training

- 7.1 Upon formal appointment, the Office of the PVC, International provides initial induction, training and appropriate materials to all new International Education Agents to ensure that they have appropriate information and knowledge to accurately, compliantly and ethically promote the University and recruit students into the University's programs and courses.

8 Communication and Records

- 8.1 The Manager, International Student Recruitment works with Agents to maintain good relationships and to support a high level of Agent performance. This includes ensuring that there is timely and relevant communication with the University's Agents on matters such as, but not limited to:
 - 8.1.1 changes to programs and courses;
 - 8.1.2 Notre Dame's unique selling points;
 - 8.1.3 entry requirements;
 - 8.1.4 visa conditions;
 - 8.1.5 living conditions;
 - 8.1.6 fees and charges; and
 - 8.1.7 application processes.
- 8.2 Copies of communications with the Agent, including those relating to training, updates and briefings provided and commission payments are retained by the Office of the PVC, International.
- 8.3 Copies of individual Student Recruitment Agreements are retained by the Secretariat.
- 8.4 The PVC, International is responsible for ensuring that accurate and timely details of approved International Education Agents are recorded in a database and on the

University's website.

- 8.5 The Academic Registrar is responsible for ensuring that accurate and timely details of International Education Agents are recorded on PRISMS.

9 Promotional Materials

- 9.1 In consultation with the Academic Registrar, the Office of Marketing and Communications is responsible for the development of promotional materials to ensure that they are up to date, accurate and comply with legal requirements, including the ESOS Act, National Code and the *Competition and Consumer Act (2010)*.
- 9.2 Any publications or promotional materials for international markets must be approved by the PVC, International before publication.
- 9.3 Agents are notified of the availability of new or updated promotional materials for international markets through the Office of the PVC, International.
- 9.4 Agents recruiting students into programs and courses must obtain approval in writing from the PVC, International (or delegate) prior to the distribution of any promotional materials that have not been prepared directly by the University.
- 9.5 The Office of the PVC, International will ensure that relevant promotional materials are provided to each International Education Agent in a timely manner.

10 Remuneration

- 10.1 Agents are remunerated by the University either through direct payment for particular services, or payment of commission fees based on enrolments attributable to an Agent.
- 10.2 Commission fees are paid in accordance with the rates set out in each individual Student Recruitment Agreement.
- 10.3 Agents will submit invoices for services and/or commission to the University in accordance with the provisions of the individual Student Recruitment Agreement.

11 Review of Performance

- 11.1 An Agent's performance will be monitored on an ongoing basis through the Office of the PVC International using indicators that may include, but are not limited to:
- 11.1.1 Number of applications sent;
 - 11.1.2 Quality and completeness of applicant documentation;
 - 11.1.3 Quality of advice and information provided to students;

- 11.1.4 Student and parent feedback;
 - 11.1.5 Compliance with Agreement provisions; and
 - 11.1.6 Application to offer conversion rate.
- 11.2 A Student Recruitment Agreement can be formally reviewed by the University at any time and for any reason, including, but not limited to:
- 11.2.1 The University suspecting issues of ESOS non-compliance by the Agent; and/or
 - 11.2.2 An analysis of student numbers and quality showing potential under-performance by the Agent.
- 11.3 Notwithstanding the provisions of section 11.2, formal reviews of Agent performance will be conducted:
- 11.3.1 at the end of the first year of entering into a Student Recruitment Agreement, and
 - 11.3.2 each year thereafter or prior to each contract renewal period, whichever is sooner.
- 11.4 The scope of, and process for, a formal review will be approved by the DVC, Corporate on recommendation of the PVC International and may include, but is not limited to:
- 11.4.1 The Agent's compliance with the Student Recruitment Agreement and any conditions placed on the Agent by the University;
 - 11.4.2 The number of students the Education Agent has recruited and the conversion rate of:
 - 11.4.2.1 Student applications to University offers; and
 - 11.4.2.2 University offers to actual enrolment of students.
 - 11.4.3 The reasons why applications from potential students did not proceed to student enrolment status;
 - 11.4.4 The number of student visa refusals for students recruited by the Agent;
 - 11.4.5 Any feedback or information from students or third parties regarding the Agent;
 - 11.4.6 The quality, accuracy and currency of information and advice provided by the Education Agent to students;
 - 11.4.7 the quality of the appointment as assessed by the University;
 - 11.4.8 Outcomes of ongoing performance monitoring;
 - 11.4.9 Agent staff profile, including appropriate experienced staff and counsellors;
 - 11.4.10 Currency of in country registrations;
 - 11.4.11 Marketing processes; and
 - 11.4.12 Support provided to the Agent by the University, including training.
- 11.5 A report of the outcomes of the review will be provided to the DVC, Corporate.
- 11.6 Agents will be provided feedback by the University in regard to their performance, as specified in 11.1.

- 11.7 Where an Agent’s performance is found to be unsatisfactory, action may be taken as specified in the individual Student Recruitment Agreement or as determined by the DVC Corporate on recommendation of the PVC International. Actions may include, but are not limited to:
- 11.7.1 Imposing certain conditions on the Agent;
 - 11.7.2 Allowing the current Student Recruitment Agreement to lapse in cases where there are six months or less remaining; or
 - 11.7.3 Terminating the Student Recruitment Agreement or taking other action in accordance with the terms of the Agreement

12 Termination

- 11.1 In the event that an Agent has been found to have acted dishonestly, with negligence, carelessly or incompetently, or has been engaged in false, misleading or unethical advertising and recruitment practices, the University may immediately terminate the individual Student Recruitment Agreement in accordance with the terms of the individual Student Recruitment Agreement.

13 Related Documents

- 13.1 International Education Agent Application Form
- 13.2 International Education Student Recruitment Agreement
- 13.3 International Education Agent Manual
- 13.4 Education Agent Due Diligence Checklist
- 13.5 *Education Services for Overseas Students Act (2000) (ESOS Act)* and regulated Regulations
- 13.6 *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code)

14 Definitions

For the purpose of this Procedure, the definitions outlined in the *Policy: International Education Agents* apply.

In addition, the following definitions apply to this Procedure:

Counsellors means employee or sub-contractor of an International Education Agent who provides recruitment advice to prospective students.

Prospective International Students means a person who intends to become, or who has taken any steps toward becoming an “overseas student” or “intending overseas student” as defined by the ESOS Act.

Version	Date of approval	Approved by	Amendment
1	24 April 2019	Vice Chancellor	New Procedure

<p>Application</p> <ul style="list-style-type: none"> - Prospective Agent enquiry received by International Office Completed due diligence checklist of prospective Agent - Assessment of Agent - Formal meeting 	<p>Manager, International Student Recruitment PVC, International</p>
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<p>Written Agreement</p> <ul style="list-style-type: none"> - Recommendation to DVC, Corporate for approval - Formal agreement prepared and executed if approved 	<p>PVC, International DVC, Corporate</p>
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<p>Management of Relationship</p> <ul style="list-style-type: none"> - Induction and Training - Regular Communications - Ongoing monitoring of performance - Record keeping - Remuneration - Promotional Materials 	<p>Manager, International Student Recruitment with PVC International</p> <p>Office of Marketing & Communications</p>
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<p>Review of Performance</p> <ul style="list-style-type: none"> - Ongoing monitoring of performance through Office of the PVC, International - Formal review of Agent performance at the end of the first year of entering into a Student Recruitment Agreement and then each year thereafter or prior to each contract renewal period, whichever is sooner - Scope approved - New Student Recruitment Agreement issued if satisfactory 	<p>PVC, International, outcomes reported to DVC Corporate</p> <p>DVC, Corporate DVC, Corporate</p>
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<p>Termination</p> <ul style="list-style-type: none"> - In accordance with terms of Student Recruitment Agreement 	<p>DVC, Corporate</p>
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