

ESOS Compliance Commitment Procedure

Section 1 - Purpose and Scope

(1) This Procedure enacts the [ESOS Compliance Commitment Policy](#) and outlines the processes which must be followed to meet the requirements of the standards set under the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) (National Code).

(2) This Procedure applies to the administration of international students at The University of Queensland.

Section 2 - Process and Key Controls

(3) Faculties, schools and central administrative units are required to ensure that compliance with the eleven Standards is demonstrated through adherence to relevant business processes across an international student's career at the University. These processes include:

- a. Pre-enrolment engagement of students (Standards 1 to 4).
- b. Care for and services to students (Standards 5 and 6).
- c. Students as consumers (Standards 7, 9 and 10).
- d. Student visa requirements (Standard 8).
- e. Staff, educational resources and premises (Standard 11).

(4) The key requirements of each Standard, the necessary action(s) and related UQ policy (where applicable), are set out in Section 3 below.

(5) Training on ESOS, the [National Code](#) and responsibilities under this legislation, is offered through the university staff development program.

Section 3 - Key Requirements

Standard 1 - Marketing Information and Practices

(6) The [National Code](#) specifies that 'The registered provider must ensure that the marketing and promotion of its services connected with the recruitment of overseas students or intending overseas students, including through an agent (in accordance with Standard 4), is not false or misleading, consistent with Australian Consumer Law'.

(7) Compliance requirements and processes required under Standard 1 are outlined below:

	Requirement	Related UQ policy
1	Marketing and promotional material for international students (including through an agent) is consistent with Australian Consumer law, and clearly states the University name and CRICOS Provider Number (00025B).	

	Requirement	Related UQ policy
2	<p>Marketing and promotional material must not give false or misleading information on:</p> <ul style="list-style-type: none"> claims of association between providers or other persons for the delivery of the program; any work-based training required for the program; prerequisites (including English language proficiency) required for entry; possible migration outcomes; the guarantee of a successful education assessment outcome, and any other claims relating to the registered provider, its program or outcomes associated with the program. 	
3	Only programs that are CRICOS registered may appear in promotional materials.	Program Design Policy
4	Potential students are not actively recruited in any way that conflicts with Standard 7 (Overseas student transfers).	Transfer of Provider - Overseas Students Procedure

Standard 2 - Recruitment of an Overseas Student

(8) Standard 2 requires UQ to recruit responsibly, by ensuring students are appropriately qualified for the program for which they seek enrolment, including having the necessary English language proficiency, educational qualifications and work experience. Students must be able to make informed decisions about studying at UQ via information that is written in plain English.

(9) Compliance requirements and processes required under Standard 2 of the [National Code](#) are outlined below:

	Requirement	Related UQ policy
1	<p>The University's hard copy prospectuses (UQ Study Guides), as well as the Future Students Website (and associated web pages), provide advice and information required under this Standard including:</p> <ul style="list-style-type: none"> program entry requirements, including English language proficiency; CRICOS program code, program content, title of award, mode of study and any work-based or similar placements; program duration and holiday breaks; indicative tuition and non-tuition fees, plus cancellation and refund policies; campus and teaching locations; a general description of facilities, equipment and learning and library resources available to students; the policy and process for approving the accommodation, support and welfare arrangements for under 18 year olds; relevant information on living in Australia; a description of the ESOS Framework; and information on the grounds on which the student's enrolment may be deferred, suspended or cancelled. 	<p>English Language Proficiency Admission Policy and Procedure</p> <p>Student Fees Policy</p> <p>Incidental Student Fees and Charges Procedure</p> <p>Student Refunds Procedure</p> <p>International Student Supervision Program Policy and Procedure</p>

	Requirement	Related UQ policy
2	The University's student application review process ensures that a prospective student's qualifications, work experience (where applicable) and English language proficiency requirements are appropriate for the program for which enrolment is sought (see requirements below).	Admission Policy Admission to Coursework Procedure English Language Proficiency Admission Policy and Procedure
3	Assessment and approval of recognition of prior learning (RPL) or granting of course credit is carried out in accordance with the National Code , and recorded on the student's official academic record. Credit granted prior to the issue of the student's visa, resulting in a reduction in program duration, is included in the Confirmation of Enrolment (CoE) issued to the student.	Academic Records Policy and Procedure Recognition of Prior Learning Policy and Procedure
4	<p>Where an international student is granted credit after a student visa is issued:</p> <ul style="list-style-type: none"> International Admissions or the UQ Visa Officer (dependent on the status of the student) must report the change to program duration through Provider Registration and International Student Management System (PRISMS); the student must sign the required documentation to indicate that acceptance of the credit granted; a record is placed on the student's file in the record management system or a comment is recorded in SI-net; and the confirmation of enrolment (CoE) is amended by International Admissions/the UQ Visa Officer. 	Recognition of Prior Learning Policy and Procedure Academic Records Policy and Procedure

(10) The following university units are responsible for ensuring that the student's qualifications, work experience (where applicable) and English language proficiency requirements are appropriate for the program for which enrolment is sought, and the establishment of documented processes for these assessments:

- International Admissions for undergraduate and postgraduate coursework students;
- Graduate School for Higher Degree by Research Students; and
- International Marketing and Recruitment for incoming international study-abroad and exchange students.

(11) International Marketing and Recruitment, in conjunction with the Office of Marketing and Communication, will produce and maintain a checklist for the use of University staff to ensure materials prepared for prospective students comply with Standard 2.

Standard 3 - Formalisation of Enrolment and Written Agreements

(12) Standard 3 requires the University to enter into a written agreement with the student, which is signed or otherwise accepted by the student, concurrently with or prior to the acceptance of any tuition/non-tuition fees. For students under 18 years of age, the agreement must be signed, or otherwise accepted, by the student's parent or legal guardian.

(13) Compliance requirements and processes required under Standard 3 are outlined below:

	Requirement	Related UQ policy
1	<p>The agreement (UQ 'Offer Letter') entered by the University with the overseas student must include the following details/statements, in plain English:</p> <ul style="list-style-type: none"> • the program/s in which the student would be enrolled, commencement date, location of delivery, mode of study, any compulsory online and work-based or similar training; • any prerequisites needed to enter the program, including English language proficiency, plus any other conditions of the student's enrolment; • tuition and non-tuition fees, including that the student may choose to pay more than 50% of their program fees before commencement; • the circumstances in which a student's personal information may be disclosed to other parties, in accordance with the Privacy Act 1988; an outline of the internal and external complaints and appeals process; <p>• that the student is responsible for keeping a copy of the offer and receipts for any payments made;</p> <p>• in respect of refunds of tuition and non-tuition fees - the amounts that may or may not be repaid;</p> <p>• the refund procedure; the specified person who can receive a refund, other than the student;</p> <p>• what happens if a program is not delivered, including the role of the TPS;</p> <p>• a statement that the agreement, and the right to appeal or make a complaint, does not affect the student's rights under Australian Consumer Law;</p> <p>• that whilst in Australia and studying at UQ, the student must provide their current residential address, mobile number and email address (if any), who to contact in an emergency, and supply any changes within 7 days of the change.</p>	<p>Admission Policy</p> <p>Admission to Coursework Procedure</p> <p>Student Fees Policy</p> <p>Incidental Student Fees and Charges Procedure</p> <p>Student Refunds Procedure</p>
2	<p>Ensure that written agreements and receipt of payments made by the student under these agreements be stored for at least 2 years after the person ceases to be enrolled as a student at UQ.</p>	

(14) The following organisational units are responsible for ensuring written agreements comply with Standard 3 of the [National Code](#):

- a. International Admissions - for international undergraduate and postgraduate coursework students;
- b. Graduate School - for international Higher Degree by Research Students; and
- c. International Marketing and Recruitment - for incoming international study abroad and exchange students.

(15) Student must also comply with the following obligations under the [National Code](#) including:

- a. keep a copy of the written agreement and receipts for any payments made; and
- b. inform the University of any changes to their contact details (or those of their emergency contact) and ensure that their details are up to date on SI-net.

Standard 4 - Education Agents

(16) Standard 4 requires the University to take all reasonable measures to ensure its agents have appropriate knowledge and understanding of the Australian international education industry, and to not use agents who are dishonest or lack integrity.

(17) Compliance requirements and processes required under Standard 4 of the [National Code](#) are outlined below:

	Requirement	Related UQ policy
1	Written agreements entered with agents must comply with the ESOS Act and the National Code .	International Agreements Policy and Procedure Procurement Policy and Procedure
2	Agents are provided training on the Australian international education industry UQ's compliance activities under the National Code .	
3	The performance of agents is routinely monitored, and remedial action taken where unsatisfactory performance, or false or misleading practices, are identified.	
4	Education agent's details are up to date in PRISMS.	
5	The University does not use agents who are dishonest or lack integrity.	

(18) International Marketing and Recruitment is responsible for meeting the compliance requirements and processes required under Standard 4.

Standard 5 - Younger Overseas Students

(19) The University is committed to protecting the personal safety and social wellbeing of children within the UQ community.

(20) Compliance requirements and processes required under Standard 5 are outlined below:

	Requirement	Related UQ policy
1	The University meets Commonwealth, state or territory legislation and other regulatory requirements relating to child welfare and protection.	Working with Children Policy Children on Campus Procedure
2	The University's International Student Supervision Program meets the obligations set under the National Code .	International Student Supervision Program Policy

(21) The Student Support and Wellbeing Services Directorate must ensure that students under the age of 18 years are given appropriate information on who to contact in an emergency and how to seek assistance in case of difficulty.

(22) The Student Support and Wellbeing Services Directorate will ensure compliance with [International Student Supervision Program Policy](#), and undertake all necessary checks.

(23) International Admissions will assist in the processing of students applying for the International Student Supervision Program, and for the students transitioning from pathway providers by:

- a. issuing a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter, via PRISMS, where students have been approved for the Program; and
- b. obtaining the details of parents/guardians, and ensuring these meet the criteria of the [Department of Home Affairs](#), of an under 18-year-old student who is not applying for the Supervision Program.

Standard 6 - Overseas Student Support Services

(24) Standard 6 requires the University to assist overseas students in adjusting to study and life in Australia, and to have appropriate orientation programs that helps them access the information and services they require.

(25) Compliance requirements and processes required under Standard 6 are outlined below:

	Requirement	Related UQ policy
1	<p>UQ provides information to commencing students on the following matters in an 'age and culturally sensitive orientation program', as well as on key websites (e.g. myUQ, Future Students Website):</p> <ul style="list-style-type: none"> • support services that will facilitate the transition to life and study in a new environment (Student Support and Wellbeing Services); • English language and study assistance programs (UQ-ICTE and Student Support and Wellbeing Services); • legal services (UQ Union); • emergency and health services (University Health Service, information on other doctors and health care facilities); • facilities and resources (UQ Guides, website); • complaints and appeals processes; • requirements for course attendance and progress (refer to Standard 8 provisions below); • support services to assist with circumstances that are adversely affecting a student (Student Support and Wellbeing Services in the first instance); and • information on employment rights and conditions, and how to resolve workplace issues, such as through the Fair Work Ombudsman (Student Employability Centre). 	<p>English Language Proficiency Development and Concurrent Support Policy</p> <p>Academic Progression Procedure</p> <p>Reasonable Adjustments - Students Policy</p> <p>Student Code of Conduct Policy</p> <p>Higher Degree by Research Candidature Policy</p> <p>Student Grievance Resolution Policy</p> <p>Student Integrity and Misconduct Policy</p> <p>Academic Administrative Appeals by Students Policy</p> <p>Support for Students Policy</p>
2	A documented critical incident policy and procedure is available including special provisions for overseas students.	Enterprise Risk Management Framework Policy and supporting Critical Incident Management Plan
3	Faculties, schools and other units that enrol students will provide opportunities for students to participate in services, or provide access to services, designed to assist students to meet program requirements at no additional cost (e.g. academic advising, development of study plans, and/or referral to Student Support and Wellbeing Services for learning assistance).	
4	The University takes all reasonable steps to provide a safe environment on campus and advises overseas students and staff on actions they can take to enhance their personal security and safety.	Health, Safety and Wellness Policy

(26) The Academic Registrar, accessed via the Student Centre on each campus, is the official point of contact for students.

(27) Faculties, schools and central administrative units must keep themselves informed of UQ's obligations under the ESOS Framework and the implications for students arising out of the exercise of these obligations. UQ International and the Student Centre provide training opportunities to the wider University community for ESOS Compliance and an online module is also available for all student-facing staff on [Workday](#) ('ESOS for student facing staff').

Standard 7 - Overseas Student Transfers

(28) UQ must not knowingly enrol a student who requests to transfer from another provider prior to them completing six calendar months of their principal course, except under certain circumstances permissible under the [National Code](#).

(29) [Transfer of Provider - Overseas Students Procedure](#) demonstrates UQ's compliance with the [National Code](#) and outlines the processes for the assessment and approval of requests from students wishing to transfer to another provider and for students wishing to transfer to UQ from another provider.

Standard 8 - Overseas Student Visa Requirements

(30) Standard 8 requires the University to support overseas students to ensure that they are in a position to complete the program within the expected duration specified on their CoEs.

(31) Higher education providers are not required to monitor attendance.

(32) Compliance requirements and processes required under Standard 8 are outlined below:

	Requirement	Related UQ policy
1	<p>Systematic monitoring and recording of overseas students' progress and subsequent management of:</p> <ul style="list-style-type: none"> • maintaining minimum enrolment requirements; • unsatisfactory progress; and • intervention strategies where a student receives a progression alert or progression intervention notice and/or is refused enrolment under Enrolment Procedure, Academic Progression Procedure, or Higher Degree by Research Candidature Progression Policy. 	Admission Policy
2	The expected duration of study specified in the student's CoE must not exceed the CRICOS registered duration for the program concerned.	Enrolment Procedure
3	Where a student is assessed by UQ as not meeting satisfactory progress, the student must be informed in writing of its intention to report the student and that they are able to access the provider's complaints and appeals process within 20 working days.	Academic Progression Procedure
4	<p>Administration and management of applications for extensions are in accordance with the National Code, ensuring that:</p> <ul style="list-style-type: none"> • international students on a student visa undertake no more than one-third of the entire program by distance or online learning; • the duration of the student's study is only extended where it is clear that a student will not complete the course within the expected duration of the student visa as a result of <ul style="list-style-type: none"> (i) compassionate or compelling circumstances; (ii) the registered provider was implementing its intervention strategy for students who were at risk of not meeting satisfactory progress (see Section 4 below); (iii) an approved deferment or suspension of study has been granted under Standard 9; and • unsatisfactory course progress is recorded in PRISMS in accordance with the provisions of this Standard. <p>The Visa Officer in the Student Centre will arrange for an extension of the CoE on advice from the faculty.</p>	Higher Degree by Research Candidature Progression Policy Higher Degree by Research Candidature Policy

(33) Faculties are responsible for:

- monitoring progress and advising the Academic Registrar of students who are not maintaining satisfactory progress in accordance with specified requirements in UQ policies, procedures and program rules regarding progression, continuous enrolment, and refusal of re-enrolment; and
- development of an intervention strategy (see Section 4), where a student receives a progression alert or progression intervention notice and/or is refused re-enrolment under program rules, [Enrolment Procedure](#) and/or [Academic Progression Procedure](#).

Standard 9 - Deferring, Suspending or Cancelling the Overseas Student's Enrolment

(34) Standard 9 requires the University to manage the enrolment of international students and maintain up-to-date enrolment information.

(35) Compliance requirements and processes required under Standard 9 are outlined below:

	Requirement	Related UQ policy
1	The University has in place documented procedures for assessing, approving and recording deferrals (commencement of study), suspension (interruption) or cancellation of study.	Admission to Coursework Procedure Admission Policy
2	Information is made available to students detailing the impact of deferring, suspending or cancelling a student's enrolment.	Enrolment Procedure Higher Degree by Research Candidature Progression Policy
3	Approved applications for deferral, suspension or cancellation of enrolment are recorded in the student's file in the record management system, SI-net and PRISMS.	Higher Degree by Research Candidature Procedure

Student-initiated Deferral or Suspension of Enrolment

(36) For international applicants, deferment of up to one year may be approved by the Academic Registrar subject to the applicant maintaining a valid English language proficiency standard and the continued availability of the program.

(37) The University may only defer or suspend the enrolment of an international student on a student visa on compassionate or compelling circumstances. The [National Code](#) determines that 'compassionate or compelling' circumstances are generally beyond the control of the overseas student which have an impact upon the overseas student's course progress or wellbeing. Examples include, but are not limited to:

- a. serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes;
- b. bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);
- c. major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies;
- d. a traumatic experience, which could include:
 - i. involvement in; or witnessing of a serious accident; or
 - ii. witnessing or being the victim of a serious crime, and this has impacted on the overseas student (these cases should be supported by police or psychologists' reports);
- e. where the registered provider was unable to offer a pre-requisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.

(38) The faculty must advise the Visa Officer in the Student Centre whether a student's CoE could be extended for compassionate or compelling reasons.

University-initiated Suspension or Cancellation of Enrolment

(39) The University may suspend or cancel the enrolment of an international student for the following reasons:

- a. misconduct (refer to [Student Integrity and Misconduct Policy](#)); or
- b. failure to pay all relevant fees by the due date (refer to [Student Fees Policy](#)); or
- c. failure to satisfy enrolment conditions or unsatisfactory academic standing (refer to [Enrolment Procedure](#) and [Academic Progression Procedure](#)).

(40) If the University intends to suspend or cancel a student's enrolment, the University must notify the student that

they have 20 working days to access the University's complaints and appeals process. In accordance with the [National Code](#), the suspension or cancellation will not take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply.

Standard 10 - Complaints and Appeals

(41) The University's [Student Grievance Resolution Policy](#) is compliant with the [National Code](#). This includes reference to an independent, external arbiter outside of the University.

Standard 11 - Additional Requirements

(42) Standard 11 requires the University, as a self-accrediting provider, to ensure that all [CRICOS](#)-registered programs meet the requirements of the [National Code](#) as outlined in the table below:

	Requirement	Related UQ policy
1	Program duration of full-time equivalent study.	Program Approval Procedure
2	Modes of study, including course components delivered as online study or placement.	Work Integrated Learning and Work Experience Policy
3	The number of international students enrolled in a program and the appropriateness of staff, resources and facilities for delivery of the program.	
4	Arrangements with other providers (including partners) in delivering a program to international students.	Programs, Plans and Courses Quality Assurance Policy

(43) The Academic Registrar is responsible for ensuring that new programs available to international students are compliant under the [National Code](#), prior to obtaining a [CRICOS](#) program code.

(44) In accordance with Standard 11 the University must undergo an independent external audit of its ESOS compliance, at least 18 months prior to the renewal date of its [CRICOS](#) registration.

Section 4 - Intervention Strategy

(45) Where required under the 'Standard 8 - Overseas student visa requirements' provisions (clauses 30-33) above, the intervention strategy for a particular student must be provided in writing to the student and placed on the student's file held in the record management system or noted in comments in SI-net.

(46) The strategy may include any or all of the following:

- a. attendance at a compulsory interview;
- b. attendance at a compulsory seminar;
- c. undertake suitable learning skills workshops in Student Support and Wellbeing Services;
- d. meet with medical practitioner to discuss health/medical issue;
- e. manage employment hours;
- f. limit number of units in the following semester/s of study;
- g. meet with an advisor to determine remaining program requirements and determine a suitable study plan;
- h. meet with an adviser by a specified date regarding progress to date during the semester;
- i. register a disability/chronic medical condition with Student Support and Wellbeing Services;
- j. successfully complete study at another post-secondary institution and provide the faculty with proof in the form of an official academic transcript from that institution; and
- k. undertake an English language improvement program.

Section 5 - Roles, Responsibilities and Accountabilities

Policy Owners

(47) Heads of Organisational Units who are owners of governance instruments (policies and procedures) are responsible for ensuring that the relevant academic and operational policies and procedures are compliant with the [ESOS Act](#) and the [National Code](#).

Faculties, Schools and Central Administrative Units

(48) Faculties, schools and central administrative units are responsible for ensuring that relevant business processes are compliant with the eleven Standards under the [National Code](#) as outlined in this Procedure.

All Staff

(49) All staff members are responsible for understanding their obligations under each of the standards outlined in the [National Code](#), and the implications for students arising out of the exercise of these obligations.

(50) All staff must ensure that they comply with the legislation and work in accordance with this Policy statement and all supporting procedures that serve to fulfil the University's obligations under the [ESOS Act](#). Training on ESOS, the [National Code](#) and responsibilities under this legislation, is offered through the University staff development program.

Section 6 - Monitoring, Review and Assurance

(51) This Procedure is monitored by the Academic Registrar, and reviewed by the Academic Board through the Committee for Academic Programs Policy (CAPP).

Section 7 - Recording and Reporting

(52) University policy ([Information Management Policy](#)) requires records of all significant communications and advice to students (e.g. appeals, withdrawal applications, progression intervention plans, credit applications) to be placed on the student's file held in the record management system.

(53) Students and staff who require further information about this Procedure, or the associated policy, should contact the Academic Registrar.

Section 8 - Appendix

Definitions, Terms, Acronyms

Term	Definition
CoE	Confirmation of Enrolment.
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students .
Deferment	refers to a student delaying the commencement of their program of study.
ESOS Act	Education Services for Overseas Students Act (2000) .

Term	Definition
High Managerial Agent	means anyone who is “an employee, agent or officer of the provider with duties of such responsibility that their conduct may fairly be assumed to represent the provider in relation to the business of providing courses” (e.g. Vice-Chancellor and President).
International Student Supervision Program	<p>The University of Queensland (Student Support and Wellbeing Services) offers a supervision program which approves the accommodation, support and general welfare of international students under 18 years of age. This program is compulsory for international students who:</p> <ul style="list-style-type: none"> • are under 18 years of age when they enter Australia and commence their program at UQ; • are not living with a parent, legal custodian or suitable relative approved by the Department of Home Affairs while under 18 in Australia; • need their accommodation and welfare arrangements approved in order to meet the Department of Home Affairs’ student visa requirements.
National Code	National Code of Practice for Providers of Education and Training to Overseas Students 2018.
Promotional Materials	Promotional materials for international students include, but are not limited to: written materials such as study guides; advertisements; postcards; posters; flyers; brochures; event display stands and banners; and electronic materials such as emails and websites.
Marketing	Defined in the National Code as “Promotion of the provider and its courses and facilities to prospective overseas students and their parents or guardians, agents, international organisations and other interested parties such as alumni.
TEQSA	Tertiary Education Quality and Standards Agency.

Status and Details

Status	Current
Effective Date	5th December 2018
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Approval Date	5th December 2018
Expiry Date	Not Applicable
Policy Owner	Kathryn Blyth Director, Academic Services Division and Academic Registrar
Enquiries Contact	Office of the Deputy Vice-Chancellor (Global Engagement)