

# ESOS Act Compliance Framework Purpose

The purpose of this framework is to outline how the Institute complies with the Commonwealth legislative regulatory framework for delivery of quality educational programs delivered to onshore international students under the:

- ESOS Act 2000;
- the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (“National Code”);
- the ESOS Regulations 2001;
- the ESOS (Registration Charges) Act 1997; and
- the Education Services for Overseas Students (TPS Levies) Act 2012.

## 1. Scope

The ESOS Act 2000 and this framework applies to all onshore international students holding a student visa and studying at the Institute but does not apply to DFAT student visa holders.

## 2. Definitions

Term	Definition
DFAT	Australian Government Department of Foreign Affairs and Trade.
ESOS Act 2000	Education Services for Overseas Students Act 2000
Onshore international student	A person holding an Australian student visa and is defined as an “Overseas Student” in the ESOS Act.

## 3. Policy Statement

1. The Institute has developed policies and procedures under this policy framework to provide direction to assist compliance by the Institute with its legislative requirements under the ESOS Act 2000, in accordance with the National Code and its standards.
2. The Institute is committed to achieving full compliance with ESOS legislative requirements. To support compliance the Institute will:

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- a. inform international students clearly and in a timely manner of their rights and responsibilities arising under ESOS Act 2000;
  - b. ensure staff are aware of the Institute’s ESOS obligations and how this affects their roles and their interactions with international students;
  - c. maintain a suite of policies and procedures that clearly explain the rights and responsibilities of international students in the context of the ESOS compliance framework;
  - d. ensure that courses offered to international students are delivered by qualified staff in appropriate facilities according to delivery arrangements appropriate to international students;
  - e. provide appropriate support services to meet the needs of international students;
  - f. ensure that all relevant information related to international students is entered into PRISMS in a timely manner;
  - g. keep the relevant government agencies up to date with any notifiable changes.
3. The Compliance Manager is charged with the responsibility for coordinating and overseeing ESOS compliance.
4. To measure and verify compliance with the National Code, the Compliance Manager will undertake an annual self-assessment against the National Code Standards and create a report for the Board of Directors. The report will detail the outcome of the self-assessment and any suggestions for improvement that might be implemented to enhance compliance.

### Staff obligations

5. All Institute staff have a responsibility to ensure that their activities on behalf of the Institute, and those of their colleagues, comply with the ESOS regulatory framework.
6. The Institute is committed to ensuring that all staff have completed annual ESOS online training.
7. All staff are required to:
  - a. Comply with all relevant ESOS regulations.
  - b. Familiarise themselves with the Institute’s policies and procedures relating to international students that affect their workplace and activities.
  - c. Report perceived breaches or weaknesses of the Institute’s ESOS compliance.

All staff will be inducted on commencement of their employment with the Institute. Staff induction will include a session on staff responsibilities in regard to the ESOS regulatory framework.’

8. Staff will be reminded of their obligations in relation to international students in professional development sessions and staff meetings, where appropriate. Staff will also be kept up to date with any changes to the ESOS regulatory framework which may affect their duties.
9. Any staff member who perceives a breach or weakness in the Institute’s ESOS compliance should contact the Compliance Manager. The Compliance Manager will ensure that the issue is dealt with as an opportunity for continuous improvement and the staff member’s concern are noted and

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monitored through the Institute's quality management processes.

10. Staff must work in accordance with the principles and procedures set out in the Admissions Manual (the manual), The manual is developed and maintained by Assistant Director Admissions and Marketing.
11. Staff must work in accordance with the principles and procedures set out in the PRISMS Manual (the manual), The manual is developed and maintained by Campus Directors.

## 4. ESOS Act FRAMEWORK

### Standard 1 and 2: – Marketing and Recruitment Practices

The Institute will ensure that the marketing and promotion of its courses to international students or intending students, either directly or through an education agent, is not false or misleading, and is consistent with Australian Consumer Law. In seeking to enter into written agreements with international students or intending students, the Institute will ensure it meets the information requirements set down in Standards 1 & 2 of the National Code.

See the following policies:

- Marketing Policy and Procedure
- Industry Internship Policy and Procedure
- Admissions Policy and Procedure
- Credit Point Policy
- Credit Transfer and Recognition of Prior Learning Policy and Procedure
- Course Entry Requirements Guidelines by Country
- Sample Letter of Offer (International)
- International Student Offer Acceptance Form (Terms and Conditions of Enrolment)
- International Student Refund Policy and Procedure

### Standard 3- Formalisation of enrolment and written agreements

The Institute will enter into a written agreement with every international student, or prospective student, signed or otherwise accepted by the student, concurrently with or prior to accepting payment of tuition fees or non-tuition fees. The written agreement will meet the requirements as outlined in Standard 3 of the National Code.

The Institute will retain records of all written agreements as well as receipts of payments made by students under the written agreement for at least 2 years after the person ceases to be an accepted student

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Refer to the following policies:

- International Student Refund Policy and Procedure Terms and Conditions of Enrolment
- Overseas Student Agreement including Letter of Offer and Acceptance Agreement (Overseas Student)
- International Student Offer Acceptance Form
- Privacy Policy and Statement
- MIT Statement of Financial Standing (as per Genuine Student Test requirements)

#### Standard 4- Education Agents

The Institute will enter into a written agreement with each education agent it engages to formally represent it and enter and maintain the education agent's details in PRISMS.

The written agreement will meet the requirements as outlined in Standard 4 of the National Code.

Where the Institute becomes aware that, or has reason to believe, the education agent or their representative has not complied with the education agent's responsibilities, the Institute will take immediate corrective action.

Where the Institute becomes aware, or has reason to believe, that the education agent or their representative is engaging in false or misleading recruitment practices, the Institute will immediately terminate its relationship with the education agent or require the education agent to terminate its relationship with its representative who engaged in those practices.

The Institute will not accept students from an education agent if it knows or reasonably suspects the education agent to be:

- a. providing migration advice, unless that education agent is authorised to do so under the Migration Act;
- b. engaged in, or to have previously engaged in, dishonest recruitment practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of the Institute in relation to international student transfers;
- c. facilitating the enrolment of a student who the education agent believes will not comply with the conditions of their visa;

See the following policies and documents:

- Agents Appointment Monitoring Management and Termination Policy and Procedure Sample Agents Agreement
- PRISMS Manual
- Admissions Manual

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## Standard 5- Younger overseas students

MIT does not admit anyone under the age of 18.

## Standard 6- Student Support Services

The Institute will provide support services to international students as specified in Standard 6 of the National Code. The Institute will designate a member (or members) of staff to be the official contact point for international students.

The Office of Student Administration and Engagement is responsible for the collection and analysis of student unit evaluation and providing regular reports to MIT governance boards and committees for consideration.

All critical incidents in line with the Critical Incident Policy and Procedure

See the following policies and documents

- Critical Incident Policy and Procedure
- MIT Student Complaints and Grievances Policy and Procedure
- Feedback Policy and Procedure
- Student Handbook
- Records Management Policy and Procedure
- MIT Orientation Presentations (Melbourne and Sydney)

## Standard 7- Overseas student transfer

International students cannot transfer between registered providers prior to completing six calendar months of commencing their principal course. Students must either obtain a release from their registered provider or meeting one of the following conditions:

1. the provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered
2. the provider has provided a written letter of release
3. the original provider has a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing their principal course

NB: ELICOS Students are not permitted to transfer to another institute while they are completing their principal course of study including any courses undertaken before their principal course unless .

MIT is responsible for ensuring any applications and requests for transfer are considered in a timely manner and in line with its Admissions Policy and Enrolments Policy

See the following policies and documents

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- Student Transfer Policy and Procedure
- Enrolment Policy and Procedure
- InSPIRE (Improving Student Performance thru Intervention and Risk Evaluation) Program.
- Academic Progress Policy and Procedure
- Student Complaints and Grievances Policy and Procedure

### Standard 8 – Overseas student visa requirements

MIT must inform International students before they begin their courses about the requirements to achieve satisfactory course progress throughout their studies and provide support services to students who are at risk of not completing their studies.

See the following policies and documents

- ELICOS Policy and Procedure (Attendance)
- Academic Progress Policy and Procedure
- Academic Appeal Policy and Procedure
- Enrolment Policy and Procedure
- InSPIRE (Improving Student Performance thru Intervention and Risk Evaluation) Program.

### Standard 9- Deferring, suspending or cancelling of a Student's Enrolment (ESOS Specific)

MIT is obligated to meet all reporting requirements to the national ESOS Agency via PRISMS in accordance with the ESOS Act and ESOS regulations. Required information includes but is not limited to enrolled students including:

- Name, starting day and expected duration for which the student is accepted;
- Any termination of an accepted student's studies;
- Any changes in identity or duration of a course;
- Any breach by an accepted student of a condition of their student visa as soon as practicable after the breach occurs
- International student transfers to and from MIT
- The details of education agents and with whom MIT has a written agreement.

All MIT staff must follow the correct processes to facilitate international students' requests for deferring or suspending courses and to correctly process a cancellation of an enrolment.

MIT is able to defer or suspend a student's enrolment if it believes that there are genuine compassionate grounds for doing so.

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MIT may suspend or cancel a student's enrolment due to gross misbehaviour and/or a significant breach of MIT's Code of Student Behaviour. Other reasons for suspension or cancellation of enrolment include, non-payment of fees, breaching of attendance or course progress requirements.

Where MIT initiates the process of cancelling or suspending a student's enrolment, the student is notified in writing. The written notice contains details of the student's appeal rights as well as informing the student of the need to seek advice from the Department of Home Affairs in relation to the potential impact on their student visa.

All MIT staff must follow the correct processes to facilitate international students' requests for deferring or suspending courses and to correctly process a cancellation of an enrolment.

See the following policies and documents

- Enrolment Policy and Procedure
- International Student Refund Policy and Procedure Terms and Conditions of Enrolment
- Student General Misconduct Policy and Procedure
- ELICOS Policy and Procedure (Attendance)
- Academic Progress Policy and Procedure
- Sample exclusion letter
- Flowchart of Academic Progress procedure
- MIT Student Complaints and Grievances Policy and Procedure
- Academic Integrity Policy and Procedure

### Standard 10- Complaints and Appeals

All student complaints and grievances are handled in accordance with MIT's procedures and are recorded internally required.

See the following policies and documents:

- Academic Appeals Policy and Procedure
- Student Complaints and Grievances Policy and Procedure

### Standard 11- Additional requirements

Not applicable

## 5. Responsibilities

- 5.1. The Institute is committed to ensuring that all staff have completed annual ESOS online training and is responsible for ESOS compliance.

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- 5.2. The Academic Registrar is responsible for the oversight of this policy.
- 5.3. The Office of Student Administration and Engagement are responsible for data collection and analysis of student feedback and unit evaluations and providing regular reports to MIT Boards and Committees.
- 5.4. The Compliance Manager is responsible
  - for all internal and external audits.
  - ensuring all staff complete their required training and orientation.
- 5.5. The Programs Pathways Manager is responsible for ensuring that
  - Issuing international student progression and issuing unsatisfactory progression letters
  - Issuing statements of completion
  - providing all reports to relevant parties
  - all staff working in the MIT language Centre comply with the ESOS Act
- 5.6. ELICOS teachers are responsible for monitoring individual international student progression and reporting satisfactory or unsatisfactory progression to the Program Pathway Manager.



## 6. Implementation and communication

This Framework will be implemented and communicated through the Institute via:

- Announcement on the Institute's website.
- Staff meetings

### Supporting documents and References

Government legislation:

- ESOS ACT 2000.
- ESOS Regulations 2001.
- The ESOS (Registration Charges) Act 1997.
- The ESOS (TPS Levies) Act 2012
- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (The National Code).

### MIT Policies and Procedures as listed.

- Academic Appeal Policy and Procedure
- Academic Integrity Policy and Procedure

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