

ACADEMIC AREAS COMPLIANCE WITH THE *EDUCATION SERVICES FOR OVERSEAS STUDENTS (ESOS) ACT*



**THE UNIVERSITY
OF ADELAIDE**
AUSTRALIA

CHECKLIST AND REPORTING ON STUDENT MATTERS

The ESOS Act requires the University to provide certain information to international students, and to monitor students' compliance with their visa conditions on behalf of DIAC. This form is designed to:

- advise staff in academic areas of their key responsibilities under the Act
- monitor compliance with minimum requirements of the Act
- promote initiatives relating to the Act to encourage best practice across the University.

Staff in academic areas are not responsible for notifying students of the following information, only reflecting it in advice to individual students.

STUDENT INQUIRIES

All statements made by email, telephone or in person must:

- be prepared and delivered with integrity and accuracy
- be accurate, clear and unambiguous
- be delivered in a prompt, courteous and culturally sensitive manner
- not give false or misleading information or advice in relation to:
 - claims of association between providers
 - the employment outcomes associated with a program
 - automatic acceptance into another program
 - possible migration outcomes

STUDENTS COVERED BY ESOS

ESOS legislation (and these guidelines) covers students *studying in Australia on a student visa*, including:

- while they are off-shore considering or planning to study in Australia - *but not* including students:
- studying off-shore
- studying in Australia on business or tourist visas (only a small group of mainly postgraduates).

STUDENT CENTRE

- is responsible for all initial inquiries received before students lodge an application

GRADUATE CENTRE

- is responsible for all initial inquiries received by higher degree by research students

INTERNATIONAL OFFICE (IO)

- is responsible for all aspects of admission and student administration before students enrol

INTERNATIONAL STUDENT CENTRE (ISC)

- is responsible for student support and student administration after students enrol

CULTURAL SENSITIVITY

Staff must demonstrate cultural sensitivity, and are encouraged to consult the Cultural Awareness resources available at <http://www.adelaide.edu.au/clpd/orgdev/cultaware/CAresources.html>, and consider undertaking appropriate modules of the Cultural Awareness Program.

STUDENT VISAS

International students:

- must have a student visa for the duration of their program of study, and abide by all visa conditions
- are subject to migration regulations which limit some of their enrolment options
- who breach their student visa conditions face visa cancellation
- whose visa is cancelled or suspended are required to leave Australia
- who breach academic performance or attendance conditions can face a 3-year exclusion period, during which they are not eligible to hold a student visa for Australia
- who wish to remain in Australia after the expiration of their student visa can apply to DIAC for a bridging, tourist or other visa

The University must monitor students' a number of visa conditions, and report breaches to DIAC

STUDENT OBLIGATIONS

International students:

CONTACT DETAILS

- must provide an Australian residential address within 7 days of enrolment
- must update their contact details within 7 days of changing address or phone number

ENROLMENT

- must enrol promptly during every relevant enrolment period
- must enrol for the full academic year at the beginning of the year (unless they start or will complete midyear, or their program is less than one year)
- must be enrolled the whole time they are in Australia (except 1 month before their program starts, during scheduled breaks in teaching, and between the time they finish their program and their visa expires)
- may undertake more courses than required to complete their degree – as long as all required and additional courses can be completed before the student's visa expires

ATTENDANCE

- the University is not required to systematically monitor attendance for degree students
- however students are required to attend 80% of classes in every teaching session
- if an area chooses to maintain records and is aware that a student has not met the attendance

- requirement, it must advise the ISC
- reports to the ISC will be investigated and if confirmed, the student will be reported to DIAC

LOAD

- studying higher degree by research student need to be enrolled full-time in every teaching session
- in all other awards students are not required to be enrolled full-time every study period, however they are strongly advised to enrol in a 100% study load, which is 12 units in a semester
- who don't maintain a 100% study load might not complete their program within the duration specified in their CoE
- who don't complete their program in the duration specified in their CoE, can only have their extended as a result of:
- compassionate or compelling circumstances e.g. illness supported by a medical certificate stating that you were unable to attend classes
- the University implementing an academic intervention strategy because you were at risk of not making satisfactory academic progress
- you were granted an approved deferment or suspension of studies

PART-TIME STUDY

- must be enrolled in at least one course per semester and this must not be via online or distance education
- may choose to enrol less than full-time during a semester, but must take extra courses in another study period, such as summer school, to ensure that they will complete within the duration specified in their CoE

TRANSFERS TO OTHER PROGRAMS

- must remain with the University for 6 months (or the duration of a program that is less than 6 months) before transferring to another institution
- may apply any time to transfer within the University, even within the first 6 months of study

ONLINE, DISTANCE AND CROSS-INSTITUTIONAL STUDY

- can take cross-institutional study if they also enrol in at their home institution at least one internal course per study period. The other institution does not have to be registered on CRICOS
- can take a maximum of 25% of their program (where program rules permit), but must also enrol in at their home institution at least one internal course per study period

LEAVE OF ABSENCE

- can apply for up to 12 months leave according to the University's Student Leave of Absence Policy
- DIAC will only support leave of absence for a maximum of **6 months** and where there are **exceptional medical or compassionate grounds**
- students who take leave for longer than 6 months or on other grounds may have their visa cancelled

REVIEW OF ACADEMIC PROGRESS

- are required to make satisfactory progress. If they make unsatisfactory progress, their performance will be reviewed and they may be precluded from further study which will usually result in loss of their student visa

STUDY ABROAD AND EXCHANGES

- can undertake one year of any study abroad, exchange or in-country study offered by the University, except to their home country

COMPLETION

- must leave Australia before the expiry of their visa, or apply to DIAC for a different visa if they complete their program in the expected duration
- must apply for a visa renewal if they do not finish their program in the expected duration
- must leave Australia within 28 days or apply to DIAC for a different visa if they complete their program early

STUDENT RIGHTS

International Students:

GRIEVANCES AND COMPLAINTS

- may complain about any academic, administrative or support service through the Student Complaints Policy

SUPPORT SERVICES

- are entitled to advice from appropriately trained and available people on the academic and administrative arrangements for programs and courses, including possible pathways, course content and materials, faculty-specific resources and facilities, and assessment and examination
- must be referred to the Counselling Centre, Language and Learning Service, International Student Centre, Mathematics Learning Service, Learning and Disability Access, Education and Welfare Officers, Accommodation Service, Student Policy and Appeals, and Health and Dental Services, on an individual basis as appropriate

THESIS EXAMINATION

- may request that the University apply to DIAC for permission for them to remain in Australia for a maximum of 6 months during the examination of their PhD or Master thesis if, in the event that revisions were required, they would be disadvantaged if they returned home, e.g. through inability to access sources or resources

STUDENT ADMINISTRATION

Academic areas must:

ADMISSIONS

- undertake the academic assessment of all applications as quickly as possible
- have a suitably qualified person conduct the assessment according to the University's entry standards

RECOGNITION OF PRIOR LEARNING (RPL)

- where relevant, assess applications for RPL as part of assessing applications
- record the net duration of the program for the student, as reduced by the award of RPL
- indicate whether an overload is required to complete in the specified net duration
- provide an alternative duration in case the student chooses not to overload
- where possible include a detailed, individualised program-length study plan for the student

AMENDING A STUDENT'S ENROLMENT

- consult the student and the ISC before cancelling an enrolment in any course, where the cancellation will impact on the student's ability to complete the program within their visa duration

HONOURS and POSTGRADUATE

- ensure grades are entered as soon as possible after the end of every teaching session
- not enter a CN grade and allow the student to complete the course without re-enrolling. The student must re-enrol or leave Australia to complete the course
- set and monitor standards of 'satisfactory academic performance' for Masters by coursework students, and report to the ISC where the standard is not met not process applications to programs, but refer applicants to the IO
- monitor results of students who have received an offer to a Grad Cert or Grad Dip as part of a packaged offer, to assess whether they meet the conditions for receipt of an offer to the primary program
- be honest and realistic with applicants about the resources, facilities and supervision available

CROSS-INSTITUTIONAL STUDY

- check that cross-institutional applicants are enrolled in at least one internal course at their home institution
- not approve applications from students to take a 100% study load here, instead of enrolling at their home institution (unless the student will be enrolled in a 0-unit 'dummy course' there)
- not approve University of Adelaide students to enrol FT at another institution for a teaching session

NON-AWARD STUDY

- may approve students taking non-award study in addition to award study as long as it will not cause them to breach any visa conditions, or prevent them completing their award program in the standard duration

RESULTS

- ensure grades are entered as soon as possible after the end of every session

SUPPLEMENTARY EXAMS

- must enter supplementary results promptly so that students know whether they need to apply for a visa renewal, and do not incur the cost of application and medical exams unnecessarily

WORK RIGHTS

- all student visas are granted with a 'No Work' condition
- students can apply for permission to work after they have commenced study in Australia
- a student granted permission to work has a new visa label put in their passport
- academic areas must check for visa condition 8105 before offering a student casual employment
- students with work rights are allowed to work a maximum of 20 hours per week
- this applies to voluntary and unpaid work – but not work placements that are a required part of a course
- Higher Degree by Research students can work unlimited hours while their thesis is being examined
- all students can undertake unlimited hours of work during the official vacation periods

BREACHES OF THE UNIVERSITY'S OBLIGATIONS

A comprehensive monitoring and punitive regime is part of the ESOS legislation. DEST, DIAC or DFEEST can audit the University and request details of all student records and program information. If the University is found to be in breach of the legislation it risks fines, deregistration and limits on its international student intake.