

Student Code of Conduct

Policy Summary	
Department Responsible for Policy	Academic Department
Contact Person for Policy	Head of Cookery, Hospitality & Events
Approving Authority	Academic Board
Date Last Approved	28/04/2020
Next Review Date (Evaluation)	Every 2 years
Related Documents	<p>Guidelines</p> <ul style="list-style-type: none"> • <i>National Vocational Education and Training Regulator Amendment Act 2015</i> • <i>Australian Qualifications Framework (AQF)</i> • <i>Australian Skills Quality Authority (ASQA) Standards for NVR Registered Training Organisations 2015</i> • <i>The National Code 2018</i> • <i>Education Services for Overseas Students Regulations 2019</i> • <i>Education Services for Overseas Students Act 2000 (ESOS)</i> • <i>The Tertiary Education Quality Standards Agency (TEQSA) Higher Education Standards Framework 2015</i> • <i>Student Identifiers Act 2014</i> • <i>Student Identifiers Regulation 2014</i> <p>Policies</p> <ul style="list-style-type: none"> • <i>1-01-002 Academic & Research Integrity and Misconduct Policy</i> • <i>2-01-001 Admissions Policy</i> • <i>8-01-012 Complaints and Appeals Policy (Academic & Non Academic)</i> • <i>8-01-013 General Misconduct and Discipline Policy</i> • <i>10-01-021 Complaints and Appeals Policy (Students)</i> • <i>12-01-007 Students Complaints and Appeal Policy Information</i> <p>Manuals</p> <ul style="list-style-type: none"> • <i>1-02-009 Academic Manual</i> • <i>1-03-001 Student Handbook</i> • <i>5-02-005 Workplace Health and Safety Manual</i> • <i>5-02-025 Staff Handbook</i>

	Documents <ul style="list-style-type: none"> • 1-03-007 <i>Special Consideration Form</i> • 1-03-038 <i>Permission of Leave Request Form</i> • 8-01-003 <i>Mission Vision and Values Statement</i> • 10-03-008 <i>Complaints & Appeals Form</i>
Document Number	1-01-001

Policy History		
Policy version	Main changes made	Date Amended
1.0	New Policy	24/01/2014
2.0	Add in Higher Education Standards, update Branding and Approval Authority	5/12/2016
3.0	National Code 2018 & ASQA's new audit approach	12/10/2018
4.0	Update to job titles	28/4/2020

1. Preamble

- 1.1 The College is committed to providing a rewarding learning experience that allows students to achieve their full potential in accordance with the College's mission, vision and values.
- 1.2 The College endeavours to equip graduates with knowledge, skills and insights to serve as competent efficient professionals who make a positive and lasting impact through their professional integrity and passion for service, wherever they may work. These attitudes arise directly from their deep understanding of each person's dignity.

2. Definitions

Australian Qualifications Framework (AQF) First introduced in 1995, it is the national policy for regulated qualifications in Australian education and training. It incorporates the qualifications from each education and training sector into a single comprehensive national qualifications framework. In 2011, under the leadership of the AQF Council, the AQF was revised to ensure that qualification outcomes remain relevant and nationally consistent, continue to support flexible qualifications linkages and pathways and enable national and international portability and comparability of qualifications. The latest version of the AQF framework was published in January 2013.

Australian Quality Training Framework (AQTF) The national set of standards which assures nationally consistent, high-quality training and assessment services for the clients of Australia's vocational education and training system (VET). Initially established in 2001 for implementation in 2002, it is approved by the Ministerial Council for Tertiary Education and Employment (MCTEE), which includes all Ministers for VET in Australia.

Australian Skills Quality Authority (ASQA) The national regulator for Australia's vocational education and training (VET) sector. ASQA regulates courses and training providers to ensure nationally approved quality standards are met.

College Kenvale College of Hospitality, Cookery and Events.

ESOS Framework Principally comprises the Education Services for Overseas Students Act 2000 (ESOS Act), the Education Services for Overseas Students Regulations 2019 (the ESOS Regulations), the Education Services for Overseas Students (Registration Charges) Act 1997 (the ESOS Charges Act) and the National Code 2018.

The Education Services for Overseas Students Act 2000, (ESOS Act), establishes legislative requirements and standards for the quality assurance of education and training institutions offering courses to international students who are in Australia on a student visa. ESOS also provides tuition fee protection for international students.

Foundation for Education and Training Limited (FFET) is a Registered Training Organisation with ASQA.

Higher Education (HE) Provider A body that is established or recognised by the Commonwealth or a state or territory government to issue qualifications in the HE sector.

Registered Training Organisation (RTO) A vocational education and training organisation registered by a state or territory registering body in accordance with ASQA.

The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018) sets nationally consistent standards for the delivery of courses to overseas students. The National Code 2018 commenced on 1 January 2018.

The Tertiary Education Quality Standards Agency (TEQSA) is an independent statutory authority established in 2011. It sits within the Education portfolio. TEQSA regulates and assures the quality of Australia's large, diverse and complex higher education sector. TEQSA registers and evaluates the performance of higher education providers against the Higher Education Standards Framework.

Strategic Boards All boards, committees and advisory panels set up by the FFET Board for the purpose of managing the affairs of the College. Refer to *8-01-002 Delegations Register* for more detailed information.

Unit of Competency (UoC) A single component of a qualification, or a stand-alone unit, that has been accredited by the same process as for a whole AQF qualification (AQF, 2013).

Unit of Study (UoS) A unit of study is a term used by our student management system to refer to subjects offered in our course curriculum. These subjects can comprise of one or a number of competency units, selected from a training package. Competencies are grouped together according to similar or complementary content material, creating subjects with the correct amount of content achievable in the designated hours allocated.

Unique Student Identifier (USI) The USI is a reference number that will link to the National Vocational Education and Training (VET) Data Collection allowing an individual to view all of their training results from all providers including all completed training units and qualifications.

Vocational Education and Training (VET) A type of tertiary education under the Australian Qualifications Framework (AQF), which enables students to gain qualifications for all types of employment, and specific skills to help them in the workplace.

3. Scope

Aim

- 3.1 This policy aims to provide students with guidance on the standards of conduct expected of them, in order to uphold the College's mission, vision and values, and to maintain a study and work environment that is safe, productive and fair, for students, staff and other members of the College community.

Scope

- 3.2 This policy covers all student behaviour on College premises, whilst taking part in College activities, and on industry placements.
- 3.3 This policy does not apply to student's behaviour outside of the College whilst carrying out activities completely unrelated to the College.
- 3.4 This policy does not detail the procedures associated with conduct. For all procedural information, please refer to the *1-03-001 Student Handbook*.
- 3.5 This policy does not contain content that would overlap with the *1-03-001 Student Handbook* and *1-01-001 Student Code of Conduct*. For all student specific information, or information aimed for student consumption, please refer to the *1-03-001 Student if required*.
- 3.6 This policy should be used in conjunction with the *1-02-009 Academic Manual*.

4. Student Code of Conduct

Introduction

- 4.1 The student code of conduct outlines standards of behaviour expected from students while being members of the College community.

Students are expected to:

- 4.2 uphold the College *8-01-003 Mission, Vision and Values Statement*,
- 4.3 observe any College policy, process or guideline to which all staff or students are subject,
- 4.4 avoid any behaviour which may lead to harassment, discrimination, bullying, intimidation or threatening of any College employee or student including cyber and social media,
- 4.5 abide by any Act of the Commonwealth or of the State of New South Wales to which the College is subject, while in or on College premises or using College services or facilities or while engaging in a College related activity,
- 4.6 comply with a direction given pursuant to a power conferred under any College policy, procedure or guideline,
- 4.7 comply with a lawful order of a College staff member,
- 4.8 avoid any behaviour which may lead to endangering, or has the potential to endanger, the safety or health of any person,
- 4.9 avoid any behaviour which may lead to disruption or cause unreasonable interruption to any teaching, study, assessment or research activities or the administration of the College,
- 4.10 avoid any behaviour which may lead to obstruction or interference with, cause

damage to, theft or loss of, property, equipment, resources or facilities owned or controlled by the College or by a staff member or a student, whilst the property, equipment, resources or facilities are on College premises,

- 4.11 avoid any behaviour which may constitute an assault or an attempt to assault any person or cause any person to hold reasonable fear for his or her safety or physical or psychological well-being,
- 4.12 avoid any behaviour which may unreasonably impair the ability of any person to participate in any legitimate College activity,
- 4.13 avoid any behaviour which disrupts or tends to disrupt the peace or good working order of the College,
- 4.14 avoid any behaviour which may bring the College into disrepute,
- 4.15 avoid any behaviour which may constitute a disclosure of confidential information concerning any matter relating to the College,
- 4.16 avoid any behaviour which may be disorderly, indecent, rude or coarse,
- 4.17 avoid any behaviour which involves the impersonation or taking part in impersonation of another person or the use of forged, false, falsified or incomplete evidence of academic standing (plagiarism) or immigration status or any other relevant matter in order to gain or maintain enrolment at the College (Refer to *1-01-002 Academic & Research Integrity and Misconduct Policy*),
- 4.18 avoid any behaviour which constitutes an unauthorised use of the College name or its intellectual property,
- 4.19 avoid any behaviour which involves the forgery, alteration or misuse of a College document or record,
- 4.20 avoid any behaviour which fails to comply with any penalty imposed under this policy, and
- 4.21 avoid any behaviour which encourages, persuades or incites any other person to engage in conduct or behaviour constituting general misconduct. Refer to *8-01-013 General Misconduct and Discipline Policy*.

5. Students' Expectations

- 5.1 Further to the code indicated above the following expectations apply to students. All students are expected to:
 - 5.1.1 inform themselves about all the College's procedures and policies that affect them,
 - 5.1.2 act honestly and with integrity,
 - 5.1.3 treat other students, staff and members of the College community with respect, courtesy and without discrimination,
 - 5.1.4 use and care for the College's resources in a lawful and appropriate manner,
 - 5.1.5 abide by the College's appearance, dress and grooming standards, and
 - 5.1.6 act responsibly and refrain from conduct that may be detrimental to the reputation of the College or the orderly and safe functioning of the College and its activities.

Student Handbook

5.2 The *1-03-001 Student Handbook* gives further practical applications of both the code of conduct and the students' expectations.

6. Breaches

- 6.1 Any staff member or student of the College or industry liaison partner may raise their concern about the conduct of a student freely and without fear of repercussions. All complaints will be investigated by the College in accordance with *8-01-013 General Misconduct and Discipline Policy* or *10-01-021 Complaints and Appeals Policy (Students)*.
- 6.2 Where a student is found to have breached the Code of Conduct, the College may take disciplinary action in accordance with *8-01-013 General Misconduct and Discipline Policy* or *10-01-021 Complaints and Appeals Policy (Students)*.
- 6.3 Failure to meet the required standards of academic performance will be dealt with through *1-01-002 Academic and Research Integrity and Misconduct Policy*.
- 6.4 A student or staff member who is unsure about how to commence the process for allegations that a student has breached the Code of Conduct should contact the Student Services and/or Academic Department for assistance.

7. Application

- 7.1 This policy applies to all students of the College.
- 7.2 For further procedural information, please refer to the *1-02-009 Academic Manual*.
- 7.3 In line with AQF (2013), this policy will be applied consistently and fairly. Refer to *8-01-012 Complaints and Appeals Policy (Academic & Non Academic)* and or *10-01-021 Complaints and Appeals Policy (Students)*.

8. Responsibilities

- 8.1 The College's Academic Department is responsible for the management of this policy.
- 8.2 The College's Academic and Management Department are responsible for the application of this policy, as may be pertinent or appropriate.

9. Quality and Compliance

- 9.1 The College's approach to Code of Conduct aligns with and acknowledges the Codes of Conduct from University of New South Wales, University of Notre Dame, University of Sydney and Bedford College.
- 9.2 This policy will be reviewed and updated every two years or whenever there are changes applicable by the Academic Department to ensure the quality and relevance of its content, and to maximise the effectiveness of its application to both the students and the needs of industry.
- 9.3 The following legislation and compliance regulations apply to this policy:

Standards for Registered Training Organisations (RTOs) 2015	
Standard 1	"The RTO's training and assessment strategies and practices are responsive to industry and learner needs and meet the requirements of training packages and VET accredited courses

To be compliant with Standard 1 the RTO must meet the following:

1.1. The RTO's training and assessment strategies and practices, including the amount of training they provide, are consistent with the requirements of training packages and VET accredited courses and enable each learner to meet the requirements for each unit of competency or module in which they are enrolled.

1.2. For the purposes of Clause 1.1, the RTO determines the amount of training they provide to each learner with regard to:

- a) the existing skills, knowledge and the experience of the learner;
- b) the mode of delivery; and
- c) where a full qualification is not being delivered, the number of units and/or modules being delivered as a proportion of the full qualification.

1.3. The RTO has, for all of its scope of registration, and consistent with its training and assessment strategies, sufficient:

- a) trainers and assessors to deliver the training and assessment;
- b) educational and support services to meet the needs of the learner cohort/s undertaking the training and assessment;
- c) learning resources to enable learners to meet the requirements for each unit of competency, and which are accessible to the learner regardless of location or mode of delivery; and
- d) facilities, whether physical or virtual, and equipment to accommodate and support the number of learners undertaking the training and assessment.

1.4. The RTO meets all requirements specified in the relevant training package or VET accredited course.

Industry relevance

1.5. The RTO's training and assessment practices are relevant to the needs of industry and informed by industry engagement.

1.6. The RTO implements a range of strategies for industry engagement and systematically uses the outcome of that industry engagement to ensure the industry relevance of:

- a) its training and assessment strategies, practices and resources; and
- b) the current industry skills of its trainers and assessors.

Learner support

1.7. The RTO determines the support needs of individual learners and provides access to the educational and support services necessary for the individual learner to meet the requirements of the training product as specified in training packages or VET accredited courses.

Assessment

1.8. The RTO implements an assessment system that ensures that assessment (including recognition of prior learning):

- a) complies with the assessment requirements of the relevant training package or VET accredited course; and
- b) is conducted in accordance with the Principles of Assessment contained in Table 1.8-1 and the Rules of Evidence contained in Table 1.8-2.

1.9. The RTO implements a plan for ongoing systematic validation of assessment practices and judgements that includes for each training product on the RTO's

scope of registration:

- a) when assessment validation will occur;
- b) which training products will be the focus of the validation;
- c) who will lead and participate in validation activities; and
- d) how the outcomes of these activities will be documented and acted upon.

1.10. For the purposes of Clause 1.9, each training product is validated at least once every five years, with at least 50% of products validated within the first three years of each five year cycle, taking into account the relative risks of all of the training products on the RTO's scope of registration, including those risks identified by the VET Regulator.

1.11. For the purposes of Clause 1.9, systematic validation of an RTO's assessment practices and judgements is undertaken by one or more persons who are not directly involved in the particular instance of delivery and assessment of the training product being validated, and who collectively have:

- a) vocational competencies and current industry skills relevant to the assessment being validated;
- b) current knowledge and skills in vocational teaching and learning; and
- c) the training and assessment qualification or assessor skill set referred to in Item 1 or 3 of Schedule 1.

Industry experts may be involved in validation to ensure there is the combination of expertise set out in (a) to (c) above.

1.12. The RTO offers recognition of prior learning to individual learners.

Trainers and assessors

1.13. In addition to the requirements specified in Clause 1.14 and Clause 1.15, the RTO's training and assessment is delivered only by persons who have:

- a) vocational competencies at least to the level being delivered and assessed;
- b) current industry skills directly relevant to the training and assessment being provided; and
- c) current knowledge and skills in vocational training and learning that informs their training and assessment.

Industry experts may also be involved in the assessment judgement, working alongside the trainer and/or assessor to conduct the assessment.

1.14. The RTO's training and assessment is delivered only by persons who have:

- a) prior to 1 January 2016, the training and assessment qualification specified in Item 1 or Item 2 of Schedule 1, or demonstrated equivalence of competencies; and
- b) from 1 January 2016, the training and assessment qualification specified in Item 1 or Item 2 of Schedule 1.

1.15. Where a person conducts assessment only, the RTO ensures that the person has:

- a) prior to 1 January 2016, the training and assessment qualification specified in Item 1 or Item 2 or Item 3 of Schedule 1, or demonstrated equivalence of competencies; and
- b) from 1 January 2016, Item 1 or Item 2 or Item 3 of Schedule 1.

1.16. The RTO ensures that all trainers and assessors undertake professional development in the fields of the knowledge and practice of vocational training,

learning and assessment including competency based training and assessment.

Individuals working under the supervision of a trainer

1.17. Where the RTO, in delivering training and assessment, engages an individual who is not a trainer or assessor, the individual works under the supervision of a trainer and does not determine assessment outcomes.

1.18. The RTO ensures that any individual working under the supervision of a trainer under Clause 1.17:

- a) holds the skill set defined in Item 4 of Schedule 1 or, prior to 1 January 2016, is able to demonstrate equivalence of competencies;
- b) has vocational competencies at least to the level being delivered and assessed; and
- c) has current industry skills directly relevant to the training and assessment being provided.

1.19. Where the RTO engages an individual under Clause 1.17, it ensures that the training and assessment complies with Standard 1.

1.20. Without limiting Clauses 1.17 - 1.19, the RTO:

- a) determines and puts in place:
 - i) the level of the supervision required; and
 - ii) any requirements, conditions or restrictions considered necessary on the individual's involvement in the provision of training and collection of assessment evidence; and
- b) ensures that trainers providing supervision monitor and are accountable for all training provision and collection of assessment evidence by the individual under their supervision.

Delivery of the training and assessment qualifications for trainers and assessors

1.21. Prior to 1 January 2016, to deliver any AQF qualification or skill set from the Training and Education Training Package (or its successor) the RTO must ensure all trainers and assessors delivering the training and assessment:

- a) hold the training and assessment qualification at least to the level being delivered; or
- b) have demonstrated equivalence of competencies.

1.22. From 1 January 2016, to deliver any AQF qualification or skill set from the Training and Education Training Package (or its successor) the RTO must ensure all trainers and assessors delivering the training and assessment hold the training and assessment qualification at least to the level being delivered.

1.23. From 1 January 2017, to deliver the training and assessment qualification specified in Item 1 of Schedule 1, or any assessor skill set from the Training and Education Training Package (or its successor), the RTO must ensure all trainers and assessors delivering the training and assessment:

- a) hold the qualification specified in Item 5 of Schedule 1; or
- b) work under the supervision of a trainer that meets the requirement set out in (a) above.

1.24. The RTO must ensure that any individual working under supervision under Clause 1.23.b) holds the qualification specified in Item 1 of Schedule 1 and does not determine assessment outcomes.

Note: from 1 January 2017, the requirements set out in Clause 1.22 continue to

	<p>apply to any other AQF qualification or skill set from the Training and Education Training Package (or its successor).</p> <p>Independent validation of training and assessment qualifications</p> <p>1.25. From 1 January 2016, to deliver any AQF qualification or assessor skill set from the Training and Education Training Package (or its successor), the RTO must have undergone an independent validation of its assessment system, tools, processes and outcomes in accordance with the requirements contained in Schedule 2 (and the definitions of independent validation and validation).</p> <p>Transition of training products</p> <p>1.26. Subject to Clause 1.27 and unless otherwise approved by the VET Regulator, the RTO ensures that:</p> <ul style="list-style-type: none"> a) where a training product on its scope of registration is superseded, all learners' training and assessment is completed and the relevant AQF certification documentation is issued or learners are transferred into its replacement, within a period of one year from the date the replacement training product was released on the National Register; b) where an AQF qualification is no longer current and has not been superseded, all learners' training and assessment is completed and the relevant AQF certification documentation issued within a period of two years from the date the AQF qualification was removed or deleted from the National Register; c) where a skill set, unit of competency, accredited short course or module is no longer current and has not been superseded, all learners' training and assessment is completed and the relevant AQF certification documentation issued within a period of one year from the date the skill set, unit of competency, accredited short course or module was removed or deleted from the National Register; and d) a new learner does not commence training and assessment in a training product that has been removed or deleted from the National Register. <p>1.27. The requirements specified in Clause 1.26 (a) do not apply where a training package requires the delivery of a superseded unit of competency."</p>
<p>Standard 2</p>	<p>"The operations of the RTO are quality assured.</p> <p>To be compliant with Standard 2 the RTO must meet the following:</p> <p>2.1. The RTO ensures it complies with these Standards at all times, including where services are being delivered on its behalf. This applies to all operations of an RTO within its scope of registration.</p> <p>2.2. The RTO:</p> <ul style="list-style-type: none"> a) systematically monitors the RTO's training and assessment strategies and practices to ensure ongoing compliance with Standard 1; and b) systematically evaluates and uses the outcomes of the evaluations to continually improve the RTO's training and assessment strategies and practices. Evaluation information includes but is not limited to quality/performance indicator data collected under Clause 7.5, validation outcomes, client, trainer and assessor feedback and complaints and appeals. <p>2.3. The RTO ensures that where services are provided on its behalf by a third party the provision of those services is the subject of a written agreement.</p> <p>2.4. The RTO has sufficient strategies and resources to systematically monitor any services delivered on its behalf, and uses these to ensure that the services delivered comply with these Standards at all times."</p>

<p>Standard 3</p>	<p>"The RTO issues, maintains and accepts AQF certification documentation in accordance with these Standards and provides access to learner records.</p> <p>To be compliant with Standard 3 the RTO must meet the following:</p> <p>3.1. The RTO issues AQF certification documentation only to a learner whom it has assessed as meeting the requirements of the training product as specified in the relevant training package or VET accredited course.</p> <p>3.2. All AQF certification documentation issued by an RTO meets the requirements of Schedule 5.</p> <p>3.3. AQF certification documentation is issued to a learner within 30 calendar days of the learner being assessed as meeting the requirements of the training product if the training program in which the learner is enrolled is complete, and providing all agreed fees the learner owes to the RTO have been paid.</p> <p>3.4. Records of learner AQF certification documentation are maintained by the RTO in accordance with the requirements of Schedule 5 and are accessible to current and past learners.</p> <p>3.5. The RTO accepts and provides credit to learners for units of competency and/or modules (unless licensing or regulatory requirements prevent this) where these are evidenced by:</p> <p>a) AQF certification documentation issued by any other RTO or AQF authorised issuing organisation; or</p> <p>b) authenticated VET transcripts issued by the Registrar.</p> <p>3.6. The RTO meets the requirements of the Student Identifier scheme, including:</p> <p>a) verifying with the Registrar, a Student Identifier provided to it by an individual before using that Student Identifier for any purpose;</p> <p>b) ensuring that it will not issue AQF certification documentation to an individual without being in receipt of a verified Student Identifier for that individual, unless an exemption applies under the Student Identifiers Act 2014;</p> <p>c) ensuring that where an exemption described in Clause 3.6 (b) applies, it will inform the student prior to either the completion of the enrolment or commencement of training and assessment, whichever occurs first, that the results of the training will not be accessible through the Commonwealth and will not appear on any authenticated VET transcript prepared by the Registrar; and</p> <p>d) ensuring the security of Student Identifiers and all related documentation under its control, including information stored in its student management systems."</p>
<p>Standard 4</p>	<p>"Accurate and accessible information about an RTO, its services and performance is available to inform prospective and current learners and clients</p> <p>To be compliant with Standard 4 the RTO must meet the following:</p> <p>4.1. Information, whether disseminated directly by the RTO or on its behalf, is both accurate and factual, and:</p> <p>a) accurately represents the services it provides and the training products on its scope of registration;</p> <p>b) includes its RTO Code;</p> <p>c) refers to another person or organisation in its marketing material only if the consent of that person or organisation has been obtained;</p>

	<p>d) uses the NRT Logo only in accordance with the conditions of use specified in Schedule 4;</p> <p>e) makes clear where a third party is recruiting prospective learners for the RTO on its behalf;</p> <p>f) distinguishes where it is delivering training and assessment on behalf of another RTO or where training and assessment is being delivered on its behalf by a third party;</p> <p>g) distinguishes between nationally recognised training and assessment leading to the issuance of AQF certification documentation from any other training or assessment delivered by the RTO;</p> <p>h) includes the code and title of any training product, as published on the National Register, referred to in that information;</p> <p>i) only advertises or markets a non-current training product while it remains on the RTO's scope of registration;</p> <p>j) only advertises or markets that a training product it delivers will enable learners to obtain a licensed or regulated outcome where this has been confirmed by the industry regulator in the jurisdiction in which it is being advertised;</p> <p>k) includes details about any VET FEE-HELP, government funded subsidy or other financial support arrangements associated with the RTO's provision of training and assessment; and</p> <p>l) does not guarantee that:</p> <p>i) a learner will successfully complete a training product on its scope of registration; or</p> <p>ii) a training product can be completed in a manner which does not meet the requirements of Clause 1.1 and 1.2; or</p> <p>iii) a learner will obtain a particular employment outcome where this is outside the control of the RTO."</p>
<p>Standard 5</p>	<p>"Each learner is properly informed and protected.</p> <p>To be compliant with Standard 5 the RTO must meet the following:</p> <p>5.1. Prior to enrolment or the commencement of training and assessment, whichever comes first, the RTO provides advice to the prospective learner about the training product appropriate to meeting the learner's needs, taking into account the individual's existing skills and competencies.</p> <p>5.2. Prior to enrolment or the commencement of training and assessment, whichever comes first, the RTO provides, in print or through referral to an electronic copy, current and accurate information that enables the learner to make informed decisions about undertaking training with the RTO and at a minimum includes the following content:</p> <p>a) the code, title and currency of the training product to which the learner is to be enrolled, as published on the National Register;</p> <p>b) the training and assessment, and related educational and support services the RTO will provide to the learner including the:</p> <p>i) estimated duration;</p> <p>ii) expected locations at which it will be provided;</p> <p>iii) expected modes of delivery;</p> <p>iv) name and contact details of any third party that will provide training and/or</p>

	<p>assessment, and related educational and support services to the learner on the RTO's behalf; and</p> <ul style="list-style-type: none"> v) any work placement arrangements. c) the RTO's obligations to the learner, including that the RTO is responsible for the quality of the training and assessment in compliance with these Standards, and for the issuance of the AQF certification documentation. d) the learner's rights, including: <ul style="list-style-type: none"> i) details of the RTO's complaints and appeals process required by Standard 6; and ii) if the RTO, or a third party delivering training and assessment on its behalf, closes or ceases to deliver any part of the training product that the learner is enrolled in; e) the learner's obligations: <ul style="list-style-type: none"> i) in relation to the repayment of any debt to be incurred under the VET FEE-HELP scheme arising from the provision of services; ii) any requirements the RTO requires the learner to meet to enter and successfully complete their chosen training product; and iii) any materials and equipment that the learner must provide; and f) information on the implications for the learner of government training entitlements and subsidy arrangements in relation to the delivery of the services. <p>5.3. Where the RTO collects fees from the individual learner, either directly or through a third party, the RTO provides or directs the learner to information prior to enrolment or the commencement of training and assessment, whichever comes first, specifying:</p> <ul style="list-style-type: none"> a) all relevant fee information including: <ul style="list-style-type: none"> i) fees that must be paid to the RTO; and ii) payment terms and conditions including deposits and refunds; b) the learner's rights as a consumer, including but not limited to any statutory cooling-off period, if one applies; c) the learner's right to obtain a refund for services not provided by the RTO in the event the: <ul style="list-style-type: none"> i) arrangement is terminated early; or ii) the RTO fails to provide the agreed services. <p>5.4. Where there are any changes to agreed services, the RTO advises the learner as soon as practicable, including in relation to any new third party arrangements or a change in ownership or changes to existing third party arrangements."</p>
<p>Standard 6</p>	<p>"Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.</p> <p>Subject to Clause 6.6, to be compliant with Standard 6 the RTO must meet the following:</p> <p>6.1. The RTO has a complaints policy to manage and respond to allegations involving the conduct of:</p> <ul style="list-style-type: none"> a) the RTO, its trainers, assessors or other staff; b) a third party providing services on the RTO's behalf, its trainers, assessors or

	<p>other staff; or</p> <p>c) a learner of the RTO.</p> <p>6.2. The RTO has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf.</p> <p>6.3. The RTO's complaints policy and appeals policy:</p> <p>a) ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;</p> <p>b) are publicly available;</p> <p>c) set out the procedure for making a complaint or requesting an appeal;</p> <p>d) ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and</p> <p>e) provide for review by an appropriate party independent of the RTO and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.</p> <p>6.4. Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:</p> <p>a) informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and</p> <p>b) regularly updates the complainant or appellant on the progress of the matter.</p> <p>6.5. The RTO:</p> <p>a) securely maintains records of all complaints and appeals and their outcomes; and</p> <p>b) identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.</p> <p>6.6. Where the RTO is an employer or a volunteer organisation whose learners solely consist of its employees or members, does not charge fees for the training and/or assessment, and does not have in place a specific complaints and appeals policy in accordance with Clauses 6.1 & 6.2, the organisation has a complaints and appeals policy which is sufficiently broad to cover the services provided by the RTO."</p>
<p>Standard 7</p>	<p>"The RTO has effective governance and administration arrangements in place. To be compliant with Standard 7 the RTO must meet the following:</p> <p>7.1. The RTO ensures that its executive officers or high managerial agent:</p> <p>a) are vested with sufficient authority to ensure the RTO complies with the RTO Standards at all times; and</p> <p>b) meet each of the relevant criteria specified in the Fit and Proper Person Requirements in Schedule 3.</p> <p>7.2. The RTO satisfies the Financial Viability Risk Assessment Requirements.</p> <p>7.3. Where the RTO requires, either directly or through a third party, a prospective or current learner to prepay fees in excess of a total of \$1500 (being the threshold prepaid fee amount), the RTO must meet the requirements set out in the Requirements for Fee Protection in Schedule 6.</p> <p>7.4. The RTO holds public liability insurance that covers the scope of its operations throughout its registration period.</p>

	7.5. The RTO provides accurate and current information as required by the Data Provision Requirements as updated from time to time."
Standard 8	<p>"The RTO cooperates with the VET Regulator and is legally compliant at all times. To be compliant with Standard 8, the RTO must meet the following:</p> <p>8.1. The RTO cooperates with the VET Regulator:</p> <ol style="list-style-type: none"> a) by providing accurate and truthful responses to information requests from the VET Regulator relevant to the RTO's registration; b) in the conduct of audits and the monitoring of its operations; c) by providing quality/performance indicator data; d) by providing information about substantial changes to its operations or any event that would significantly affect the RTO's ability to comply with these standards within 90 calendar days of the change occurring; e) by providing information about significant changes to its ownership within 90 calendar days of the change occurring; and f) in the retention, archiving, retrieval and transfer of records. <p>8.2. The RTO ensures that any third party delivering services on its behalf is required under written agreement to cooperate with the VET Regulator:</p> <ol style="list-style-type: none"> a) by providing accurate and factual responses to information requests from the VET Regulator relevant to the delivery of services; and b) in the conduct of audits and the monitoring of its operations. <p>8.3. The RTO notifies the Regulator:</p> <ol style="list-style-type: none"> a) of any written agreement entered into under Clause 2.3 for the delivery of services on its behalf within 30 calendar days of that agreement being entered into or prior to the obligations under the agreement taking effect, whichever occurs first; and b) within 30 calendar days of the agreement coming to an end. <p>8.4. The RTO provides an annual declaration on compliance with these Standards to the VET Regulator and in particular whether it:</p> <ol style="list-style-type: none"> a) currently meets the requirements of the Standards across all its scope of registration and has met the requirements of the Standards for all AQF certification documentation it has issued in the previous 12 months; and b) has training and assessment strategies and practices in place that ensure that all current and prospective learners will be trained and assessed in accordance with the requirements of the Standards. <p>8.5. The RTO complies with Commonwealth, State and Territory legislation and regulatory requirements relevant to its operations.</p> <p>8.6. The RTO ensures its staff and clients are informed of any changes to legislative and regulatory requirements that affect the services delivered."</p>

Higher Education Standards Framework 2015	
Standard 2	<p>2.3 Wellbeing and Safety</p> <ol style="list-style-type: none"> 1. All students are advised of the actions they can take, the staff they may contact and the support services that are accessible if their personal circumstances are having an adverse effect on their education. 2. Timely, accurate advice on access to personal support services is available, including for access to emergency services, health services, counselling, legal advice, advocacy, and accommodation and welfare services. 3. The nature and extent of support services that are available for students are informed by the needs of student cohorts, including mental health, disability and wellbeing needs. 4. A safe environment is promoted and fostered, including by advising students and staff on actions they can take to enhance safety and security on campus and online. 5. There is a critical-incident policy together with readily accessible procedures that cover the immediate actions to be taken in the event of a critical incident and any follow up required. <p>2.4 Student Grievances and Complaints</p> <ol style="list-style-type: none"> 1. Current and prospective students have access to mechanisms that are capable of resolving grievances about any aspect of their experience with the higher education provider, its agents or related parties. 2. There are policies and processes that deliver timely resolution of formal complaints and appeals against academic and administrative decisions without charge or at reasonable cost to students, and these are applied consistently, fairly and without reprisal. 3. Institutional complaints-handling and appeals processes for formal complaints include provision for confidentiality, independent professional advice, advocacy and other support for the complainant or appellant, and provision for review by an appropriate independent third party if internal processes fail to resolve a grievance. 4. Decisions about formal complaints and appeals are recorded and the student concerned is informed in writing of the outcome and the reasons, and of further avenues of appeal where they exist and where the student could benefit. 5. If a formal complaint or appeal is upheld, any action required is initiated promptly.
Standard 3	<p>3.2 Staffing</p> <ol style="list-style-type: none"> 1. The staffing complement for each course of study is sufficient to meet the educational, academic support and administrative needs of student cohorts undertaking the course. 2. The academic staffing profile for each course of study provides the level and extent of academic oversight and teaching capacity needed to lead students in intellectual inquiry suited to the nature and level of expected learning outcomes. 3. Staff with responsibilities for academic oversight and those with teaching and

	<p>supervisory roles in courses or units of study are equipped for their roles, including having:</p> <ol style="list-style-type: none"> a. knowledge of contemporary developments in the discipline or field, which is informed by continuing scholarship or research or advances in practice b. skills in contemporary teaching, learning and assessment principles relevant to the discipline, their role, modes of delivery and the needs of particular student cohorts, and c. a qualification in a relevant discipline at least one level higher than is awarded for the course of study, or equivalent relevant academic or professional or practice-based experience and expertise, except for staff supervising doctoral degrees having a doctoral degree or equivalent research experience. <p>4. Teachers who teach specialised components of a course of study, such as experienced practitioners and teachers undergoing training, who may not fully meet the standard for knowledge, skills and qualification or experience required for teaching or supervision (3.2.3) have their teaching guided and overseen by staff who meet the standard.</p> <p>5. Teaching staff are accessible to students seeking individual assistance with their studies, at a level consistent with the learning needs of the student cohort.</p>
Standard 4	<p>4.1 Research</p> <ol style="list-style-type: none"> 1. Research and its associated activities are conducted in accordance with a research policy framework that is designed to achieve: <ol style="list-style-type: none"> a. ethical conduct of research and responsible research practice b. clarification of ownership and management of intellectual property c. successful management of research partnerships d. clarification of requirements for publication and authorship, and e. resolution of allegations of misconduct in research. 2. Research is conducted, or overseen, by staff with qualifications, research experience and skills relevant to the type of research undertaken and their role. 3. A system for accurate and up-to-date recording of the research outputs of staff and research students is maintained. <p>4.2 Research Training</p> <ol style="list-style-type: none"> 1. Research training is guided by an institutional research training policy framework that is designed to achieve: <ol style="list-style-type: none"> a. definition and recognition of the rights and responsibilities of research students and supervisors b. induction and orientation of research students and supervisors to their roles c. monitoring of the progress of research students d. assessment and examination of students' work e. independence of examiners f. presentation and communication of research outputs by students, and g. resolution of disputes. 2. Students are admitted to research training only where the training can be provided in a supervisory and study environment of research activity or other creative endeavour, inquiry and scholarship, and the supervision and resources

	<p>required for their project are available.</p> <p>3. Each research student is supported by continuing supervisory arrangements, including:</p> <ul style="list-style-type: none"> a) a principal supervisor who holds a doctoral degree, or has equivalent research experience, and who is active in research and publishing in, or otherwise making original contributions to, a relevant field or discipline b) at least one associate supervisor with relevant research expertise, and c) the principal supervisor is a member of the staff of the higher education provider, or has a relevant adjunct appointment, or is otherwise formally contracted and accountable to the provider for supervisory duties. <p>4. Research students participate in an induction to research that includes codes of conduct, ethics, occupational health and safety, intellectual property and any additional matters that are necessary for the type of research to be undertaken.</p> <p>5. Coursework that is included as a formal assessable requirement in a course of study that involves research training, whether as a component of or an adjunct to the research training, meets the academic governance and quality assurance requirements required of other coursework offered by the higher education provider.</p>
Standard 5	<p>5.2 Academic and Research Integrity</p> <p>1. There are policies that promote and uphold the academic and research integrity of courses and units of study, research and research training activities, and institutional policies and procedures address misconduct and allegations of misconduct.</p> <p>2. Preventative action is taken to mitigate foreseeable risks to academic and research integrity including misrepresentation, fabrication, cheating, plagiarism and misuse of intellectual property, and to prevent recurrences of breaches.</p> <p>3. Students are provided with guidance on what constitutes academic or research misconduct and the development of good practices in maintaining academic and research integrity.</p> <p>4. Academic and research integrity and accountability for academic and research integrity are maintained in arrangements with any other party involved in the provision of higher education, including placements, collaborative research, research training and joint award of qualifications.</p>
Standard 7	<p>7.2 Information for Prospective and Current Students</p> <p>1. Accurate, relevant and timely information for students is publicly available and accessible, including access for students with special needs, to enable informed decision making about educational offerings and experiences.</p> <p>2. Information for students is available prior to acceptance of an offer, written in plain English where practicable, accompanied by an explanation of any technical or specialised terms, and includes:</p> <ul style="list-style-type: none"> a. information to assist in decisions about courses or units of study, including the course design, prerequisites, assumed knowledge, when and where courses/units are offered, application dates, arrangements for recognition of prior learning, standing credit transfer arrangements, pathways to

	<p>employment and eligibility for registration to practise where applicable.</p> <p>b. information to assist in planning for and participation in educational and other activities, including contact points, advice about orientation and induction, delivery arrangements, technical requirements for access to IT systems for online activities, timetables, access to learning resources, avenues to participate in decision making and opportunities to participate in student representative bodies</p> <p>c. information to outline the obligations of students and their liabilities to the higher education provider including expected standards of behaviour, financial obligations to the higher education provider, critical deadlines, policies for deferral, change of preference/enrolment and leave of absence, particular obligations of international students, disciplinary procedures, misconduct and grounds for suspension or exclusion</p> <p>d. information to give access to current academic governance policies and requirements including admission, recognition of prior learning, transition, progression, assessment, grading, completion, qualifications, appeals, academic integrity, equity and diversity, intellectual property and withdrawal from or cancellation of enrolment</p> <p>e. information to facilitate access to services and support including the types of services available such as educational resources including English language support, personal support services, cultural support and ancillary services, hours of availability, how to access services and emergency contact details where applicable</p> <p>f. information to assist in resolution of grievances, including an explanation of processes for resolution of grievances and complaints and internal and external appeals processes, guidance on how to participate in the processes and sources of assistance including advocacy, and</p> <p>g. information to assist international students studying in Australia if applicable, including indicative costs of living and studying in Australia, accommodation options, arrangements for health care and, where applicable, schooling obligations related to school-aged dependants (including the possibility that school fees may be incurred).</p> <p>3. There are policies and processes that ensure information and advice given to international students holding or applying for an Australian student visa and decisions taken in relation to such students meet statutory requirements.</p> <p>4. Students are given reasonable notice of changes to a higher education provider's operations including information about increases in fees and associated costs and any consequences that may affect their choice of, or ability to participate in, an intended course(s) of study.</p>
--	---

National Code 2018	
Standard 1	<p>1.1 The registered provider must ensure that the marketing and promotion of its courses and education services in connection with the recruitment of overseas students or intending overseas students, including through an education agent (in accordance with Standard 4), is not false or misleading, and is consistent with Australian Consumer Law.</p> <p>1.2 The registered provider must, in seeking to enter into written agreements with overseas students or intending overseas students, not provide any false or misleading information on:</p> <p>1.2.1 its association with any other persons or organisations the registered provider has arrangements with for the delivery of the course in which the student intends to enrol or may apply to enrol</p> <p>1.2.2 any work-based training a student is required to undertake as part of the course</p> <p>1.2.3 prerequisites—including English language proficiency—for entry to the course</p> <p>1.2.4 any other information relevant to the registered provider, its courses or outcomes associated with those courses.</p> <p>1.3 The registered provider must not:</p> <p>1.3.1 claim to commit to secure for, or on the student or intending student's behalf, a migration outcome from undertaking any course offered by the registered provider</p> <p>1.3.2 guarantee a successful education assessment outcome for the student or intending student.</p> <p>1.4 The registered provider must include its CRICOS registered name and registration number in any written or online material that it disseminates or makes publicly available for the purposes of:</p> <p>1.4.1 providing or offering to provide a course to an overseas student</p> <p>1.4.2 inviting a student to undertake or apply for a course, or</p> <p>1.4.3 indicating it is able or willing to provide a course to overseas students.</p> <p>1.5 The registered provider must not actively recruit a student where this conflicts with its obligations under Standard 7 (Overseas student transfers).</p>
Standard 2	<p>2.1 Prior to accepting an overseas student or intending overseas student for enrolment in a course, the registered provider must make comprehensive, current and plain English information available to the overseas student or intending overseas student on:</p> <p>2.1.1 the requirements for an overseas student's acceptance into a course, including the minimum level of English language proficiency, educational qualifications or work experience required, and course credit if applicable</p> <p>2.1.2 the CRICOS course code, course content, modes of study for the course including compulsory online and/or work-based training, placements, other community-based learning and collaborative research training arrangements, and assessment methods</p> <p>2.1.3 course duration and holiday breaks</p> <p>2.1.4 the course qualification, award or other outcomes</p> <p>2.1.5 campus locations and facilities, equipment and learning resources available to students</p> <p>2.1.6 the details of any arrangements with another provider, person or business who will provide the course or part of the course</p> <p>2.1.7 indicative tuition and non-tuition fees, including advice on the potential for changes to fees over the duration of a course, and the registered provider's cancellation and refund policies</p> <p>2.1.8 the grounds on which the overseas student's enrolment may be deferred, suspended or cancelled</p> <p>2.1.9 the ESOS framework, including official Australian Government material or links to this material online</p> <p>2.1.10 where relevant, the policy and process the registered provider has in place</p>

	<p>for approving the accommodation, support and general welfare arrangements for younger overseas students (in accordance with Standard 5)</p> <p>2.1.11 accommodation options and indicative costs of living in Australia.</p> <p>2.2 The registered provider must have and implement a documented policy and process for assessing whether the overseas student's English language proficiency, educational qualifications or work experience is sufficient to enable them to enter the course.</p> <p>2.3 The registered provider must have and implement a documented policy and process for assessing and recording recognition of prior learning (RPL), and granting and recording course credit, if it intends to assess RPL or grant course credit. The decision to assess prior learning or grant course credit must preserve the integrity of the award to which it applies and comply with requirements of the underpinning educational framework of the course.</p> <p>2.4 If the registered provider grants RPL or course credit to an overseas student, the registered provider must give a written record of the decision to the overseas student to accept and retain the written record of acceptance for two years after the overseas student ceases to be an accepted student.</p> <p>2.5 If the registered provider grants the overseas student RPL or course credit that reduces the overseas student's course length, the provider must:</p> <p>2.5.1 inform the student of the reduced course duration following granting of RPL and ensure the confirmation of enrolment (CoE) is issued only for the reduced duration of the course</p> <p>2.5.2 report any change in course duration in PRISMS if RPL or course credit is granted after the overseas student's visa is granted.</p>
Standard 3	<p>3.1 The registered provider must enter into a written agreement with the overseas student or intending overseas student, signed or otherwise accepted by the student, concurrently with or prior to accepting payment of tuition fees or non-tuition fees. A written agreement may take any form provided it meets the requirements of the ESOS Act and the National Code.</p> <p>3.2 If the overseas student or intending overseas student is under 18 years of age, the written agreement with the overseas student or intending overseas student must be signed or otherwise accepted by the student's parent or legal guardian.</p> <p>3.3 In addition to all requirements in the ESOS Act, the written agreement must, in plain English:</p> <p>3.3.1 outline the course or courses in which the student is to be enrolled, the expected course start date, the location(s) at which the course will be delivered, the offered modes of study for the course, including compulsory online and/or work-based training, placements, and/or other community-based learning and/or collaborative research training arrangements</p> <p>3.3.2 outline any prerequisites necessary to enter the course or courses, including English language requirements</p> <p>3.3.3 list any conditions imposed on the student's enrolment</p> <p>3.3.4 list all tuition fees payable by the student for the course, the periods to which those tuition fees relate and payment options (including, if permitted under the ESOS Act, that the student may choose to pay more than 50 per cent of their tuition fees before their course commences)</p> <p>3.3.5 provide details of any non-tuition fees the student may incur, including as a result of having their study outcomes reassessed, deferral of study, fees for late payment of tuition fees, or other circumstances in which additional fees may apply</p> <p>3.3.6 set out the circumstances in which personal information about the student may be disclosed by the registered provider, the Commonwealth including the TPS, or state or territory agencies, in accordance with the Privacy Act 1988</p> <p>3.3.7 outline the registered provider's internal and external complaints and appeals processes, in accordance with Standard 10 (Complaints and appeals)</p> <p>3.3.8 state that the student is responsible for keeping a copy of the written agreement as supplied by the registered provider, and receipts of any payments of tuition fees or non-tuition fees</p>

- 3.3.9 only use links to provide supplementary material.
- 3.4 The registered provider must include in the written agreement the following information, which is to be consistent with the requirements of the ESOS Act, in relation to refunds of tuition fees and non-tuition fees in the case of student default and provider default:
- 3.4.1 amounts that may or may not be repaid to the overseas student (including any tuition and non-tuition fees collected by education agents on behalf of the registered provider)
- 3.4.2 processes for claiming a refund
- 3.4.3 the specified person(s), other than the overseas student, who can receive a refund in respect of the overseas student identified in the written agreement, consistent with the ESOS Act
- 3.4.4 a plain English explanation of what happens in the event of a course not being delivered, including the role of the TPS
- 3.4.5 a statement that “This written agreement, and the right to make complaints and seek appeals of decisions and action under various processes, does not affect the rights of the student to take action under the Australian Consumer Law if the Australian Consumer Law applies”.
- 3.5 The registered provider must include in the written agreement a requirement that the overseas student or intending overseas student, while in Australia and studying with that provider, must notify the registered provider of his or her contact details including:
- 3.5.1 the student’s current residential address, mobile number (if any) and email address (if any)
- 3.5.2 who to contact in emergency situations
- 3.5.3 any changes to those details, within 7 days of the change.
- 3.6 The registered provider must 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.

Standard 6

- 6.1 The registered provider must support the overseas student in adjusting to study and life in Australia by giving the overseas student information on or access to an age and culturally appropriate orientation program that provides information about:
- 6.1.1 support services available to assist overseas students to help them adjust to study and life in Australia
 - 6.1.2 English language and study assistance programs
 - 6.1.3 any relevant legal services
 - 6.1.4 emergency and health services
 - 6.1.5 the registered provider's facilities and resources
 - 6.1.6 complaints and appeals processes as outlined in Standard 10 (Complaints and appeals)
 - 6.1.7 requirements for course attendance and progress, as appropriate
 - 6.1.8 the support services available to assist students with general or personal circumstances that are adversely affecting their education in Australia
 - 6.1.9 services students can access for information on their employment rights and conditions, and how to resolve workplace issues, such as through the Fair Work Ombudsman.
- 6.2 The registered provider must give relevant information or provide referrals as appropriate to overseas students who request assistance in relation to the services and programs set out in Standard 6.1, at no additional cost to the overseas student.
- 6.3 The registered provider must offer reasonable support to overseas students to enable them to achieve expected learning outcomes regardless of the overseas student's place of study or the mode of study of the course, at no additional cost to the overseas student.
- 6.4 The registered provider must facilitate access to learning support services consistent with the requirements of the course, mode of study and the learning needs of overseas student cohorts, including having and implementing documented processes for supporting and maintaining contact with overseas students undertaking online or distance units of study.
- 6.5 The registered provider must designate a member or members of its staff to be the official point of contact for overseas students. The student contact officer or officers must have access to up-to-date details of the registered provider's support services.
- 6.6 The registered provider must have sufficient student support personnel to meet the needs of the overseas students enrolled with the registered provider.
- 6.7 The registered provider must ensure its staff members who interact directly with overseas students are aware of the registered provider's obligations under the ESOS framework and the potential implications for overseas students arising from the exercise of these obligations.
- 6.8 The registered provider must have and implement a documented policy and process for managing critical incidents that could affect the overseas student's ability to undertake or complete a course, such as but not limited to incidents that may cause physical or psychological harm. The registered provider must maintain a written record of any critical incident and remedial action taken by the registered provider for at least two years after the overseas student ceases to be an accepted student.
- 6.9 The registered provider must:
- 6.9.1 take all reasonable steps to provide a safe environment on campus and advise overseas students and staff on actions they can take to enhance their personal security and safety
 - 6.9.2 provide information to overseas students about how to seek assistance for and report an incident that significantly impacts on their wellbeing, including critical incidents
 - 6.9.3 provide overseas students with or refer them to (including electronically) general information on safety and awareness relevant to life in Australia.

Standard 7

Registered providers must not knowingly enrol an overseas student seeking to transfer from another registered provider's course prior to the overseas student completing six months of his or her principal course (or for the school sector, until after the first six months of the first registered school sector course), except where any of the following apply:

7.1.1 the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered

7.1.2 the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider

7.1.3 the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS

7.1.4 any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change.

7.2 For the purposes of Standard 7.1.3, the registered provider must have and implement a documented policy and process for assessing overseas student transfer requests prior to the overseas student completing six months of their principal course (or for the school sector, until after the first six months of the first registered school sector course). The policy must be made available to staff and overseas students, and outline:

7.2.1 the steps for an overseas student to lodge a written request to transfer, including that they must provide a valid enrolment offer from another registered provider

7.2.2 circumstances in which the registered provider will grant the transfer request because the transfer is in the overseas student's best interests, including but not limited to where the registered provider has assessed that:

7.2.2.1 the overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with that registered provider's intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements)

7.2.2.2 there is evidence of compassionate or compelling circumstances

7.2.2.3 the registered provider fails to deliver the course as outlined in the written agreement

7.2.2.4 there is evidence that the overseas student's reasonable expectations about their current course are not being met

7.2.2.5 there is evidence that the overseas student was misled by the registered provider or an education or migration agent regarding the registered provider or its course and the course is therefore unsuitable to their needs and/or study objectives

7.2.2.6 an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

7.2.3 the circumstances which the registered provider considers as reasonable grounds to refuse the transfer

7.2.4 a reasonable timeframe for assessing and replying to the overseas student's transfer request having regard to the restriction period.

7.3 If the overseas student is under 18 years of age:

7.3.1 the registered provider must have written confirmation the overseas student's parent or legal guardian supports the transfer

7.3.2 where the overseas student is not being cared for in Australia by a parent or suitable nominated relative, the receiving provider must confirm it accepts responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with Standard 5 (Younger overseas students).

7.4 If a release is granted, it must be at no cost to the overseas student and the releasing registered provider must advise the overseas student to contact Immigration to seek advice on whether a new student visa is required.

7.5 If the registered provider intends to refuse the transfer request, they must inform the overseas student in writing of:

	<p>7.5.1 the reasons for the refusal</p> <p>7.5.2 the overseas student's right to access the provider's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.</p> <p>7.6 The registered provider must not finalise the student's refusal status in PRISMS until the appeal finds in favour of the registered provider, or the overseas student has chosen not to access the complaints and appeals processes within the 20 working day period, or the overseas student withdraws from the process.</p> <p>7.7 The registered provider must maintain records of all requests from overseas students for a release and the assessment of, and decision regarding, the request for two years after the overseas student ceases to be an accepted student.</p>
Standard 8	<p>Monitoring overseas student progress, attendance and course duration</p> <p>8.1 The registered provider must monitor overseas students' course progress and, where applicable, attendance for each course in which the overseas student is enrolled.</p> <p>8.2 The expected duration of study specified in the overseas student's CoE must not exceed the CRICOS registered duration.</p> <p>8.3 The registered provider must monitor the progress of each overseas student to ensure the overseas student is in a position to complete the course within the expected duration specified on the overseas student's CoE.</p> <p>8.4 The registered provider must have and implement documented policies and processes to identify, notify and assist an overseas student at risk of not meeting course progress or attendance requirements where there is evidence from the overseas student's assessment tasks, participation in tuition activities or other indicators of academic progress that the overseas student is at risk of not meeting those requirements.</p> <p>8.5 The registered provider must clearly outline and inform the overseas student before they commence the course of the requirements to achieve satisfactory course progress and, where applicable, attendance in each study period. Schools, ELICOS and Foundation Programs: course progress and attendance requirements</p> <p>8.6 The registered provider of a school, ELICOS or Foundation Program course must have and implement a documented policy and process for monitoring and recording attendance of the overseas student, specifying:</p> <p>8.6.1 requirements for achieving satisfactory attendance for the course which at a minimum must be 80 per cent—or higher if specified under state or territory legislation or other regulatory requirements—of the scheduled contact hours</p> <p>8.6.2 the method for working out minimum attendance under this standard</p> <p>8.6.3 processes for recording course attendance</p> <p>8.6.4 details of the registered provider's intervention strategy to identify, notify and assist overseas students who have been absent for more than five consecutive days without approval, or who are at risk of not meeting attendance requirements before the overseas student's attendance drops below 80 per cent</p> <p>8.6.5 processes for determining the point at which the overseas student has failed to meet satisfactory course attendance.</p> <p>8.7 The registered provider must have and implement a documented policy and process for monitoring and recording course progress for the overseas student, specifying:</p> <p>8.7.1 requirements for achieving satisfactory course progress for the course</p> <p>8.7.2 processes for recording and assessing course progress</p> <p>8.7.3 details of the registered provider's intervention strategy to identify, notify and assist students at risk of not meeting course progress requirements in sufficient time for those students to achieve satisfactory course progress</p> <p>8.7.4 processes for determining the point at which the student has failed to meet satisfactory course progress.</p> <p>Higher education: course progress requirements</p> <p>8.8 The registered provider of a higher education course must have and implement</p>

a documented policy and process for monitoring and recording course progress for the overseas student, specifying:

8.8.1 requirements for achieving satisfactory course progress, including policies that promote and uphold the academic integrity of the registered course, and processes to address misconduct and allegations of misconduct

8.8.2 processes for recording and assessing course progress requirements

8.8.3 processes to identify overseas students at risk of unsatisfactory course progress

8.8.4 details of the registered provider's intervention strategy to assist overseas students at risk of not meeting course progress requirements in sufficient time for those overseas students to achieve satisfactory course progress

8.8.5 processes for determining the point at which the overseas student has failed to meet satisfactory course progress.

Vocational education and training (VET): course progress and attendance requirements

8.9 The registered provider of a VET course as defined in the NVETR Act must have and implement a documented policy and process for assessing course progress that includes:

8.9.1 requirements for achieving satisfactory course progress, including policies that promote and uphold the academic integrity of the registered course and meet the training package or accredited course requirements where applicable, and processes to address misconduct and allegations of misconduct

8.9.2 processes for recording and assessing course progress requirements

8.9.3 processes to identify overseas students at risk of unsatisfactory course progress

8.9.4 details of the registered provider's intervention strategy to assist overseas students at risk of not meeting course progress requirements in sufficient time for those overseas students to achieve satisfactory course progress

8.9.5 processes for determining the point at which the overseas student has failed to meet satisfactory course progress.

8.10 The registered provider must have and implement a documented policy and process for monitoring the attendance of overseas students if the requirement to implement and maintain minimum attendance requirements for overseas students is set as a condition of the provider's registration by an ESOS agency.

8.11 If an ESOS agency requires a VET provider to monitor overseas student attendance as a condition of registration, the minimum requirement for attendance is 80 per cent of the scheduled contact hours for the course.

8.12 If an ESOS agency requires a VET provider to monitor overseas student attendance, the registered provider must have and implement a documented policy and process for monitoring and recording attendance of the overseas student, specifying:

8.12.1 the method for working out minimum attendance under this standard

8.12.2 processes for recording course attendance

8.12.3 details of the registered provider's intervention strategy to identify, notify and assist overseas students who have been absent for more than five consecutive days without approval, or who are at risk of not meeting attendance requirements before the overseas student's attendance drops below 80 per cent

8.12.4 processes for determining the point at which the overseas student has failed to meet satisfactory course attendance.

Reporting unsatisfactory course progress or unsatisfactory course attendance

8.13 Where the registered provider has assessed the overseas student as not meeting course progress or attendance requirements, the registered provider must give the overseas student a written notice as soon as practicable which:

8.13.1 notifies the overseas student that the registered provider intends to report the overseas student for unsatisfactory course progress or unsatisfactory course attendance

8.13.2 informs the overseas student of the reasons for the intention to report

8.13.3 advises the overseas student of their right to access the registered provider's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.

8.14 The registered provider must only report unsatisfactory course progress or unsatisfactory course attendance in PRISMS in accordance with section 19(2) of the ESOS Act if:

8.14.1 the internal and external complaints processes have been completed and the decision or recommendation supports the registered provider, or

8.14.2 the overseas student has chosen not to access the internal complaints and appeals process within the 20 working day period, or

8.14.3 the overseas student has chosen not to access the external complaints and appeals process, or

8.14.4 the overseas student withdraws from the internal or external appeals processes by notifying the registered provider in writing.

8.15 The registered provider may decide not to report the overseas student for breaching the attendance requirements if the overseas student is still attending at least 70 per cent of the scheduled course contact hours and:

8.15.1 for school, ELICOS and Foundation Program courses, the overseas student provides genuine evidence demonstrating that compassionate or compelling circumstances apply; or

8.15.2 for VET courses, the student is maintaining satisfactory course progress.

Allowable extensions of course duration

8.16 The registered provider must not extend the duration of the overseas student's enrolment if the overseas student is unable to complete the course within the expected duration, unless:

8.16.1 there are compassionate or compelling circumstances, as assessed by the registered provider on the basis of demonstrable evidence, or

8.16.2 the registered provider has implemented, or is in the process of implementing, an intervention strategy for the overseas student because the overseas student is at risk of not meeting course progress requirements, or

8.16.3 an approved deferral or suspension of the overseas student's enrolment has occurred under Standard 9 (Deferring, suspending or cancelling the overseas student's enrolment).

8.17 If the registered provider extends the duration of the student's enrolment, the provider must advise the student to contact Immigration to seek advice on any potential impacts on their visa, including the need to obtain a new visa.

Modes of delivery

Note: Online learning is 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. Distance learning is 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.

8.18 A registered provider must not deliver a course exclusively by online or distance learning to an overseas student.

8.19 A registered provider must not deliver more than one-third of the units (or equivalent) of a higher education or VET course by online or distance learning to an overseas student.

8.20 A registered provider must ensure that in each compulsory study period for a course, the overseas student is studying at least one unit that is not by distance or online learning, unless the student is completing the last unit of their course.

8.21 For school, ELICOS or foundation programs, any online or distance learning must be in addition to minimum face-to-face teaching requirements approved by the relevant designated State authority or ESOS agency as part of the registration of

	<p>the course, if applicable.</p> <p>8.22 The registered provider must take all reasonable steps to support overseas students who may be disadvantaged by:</p> <p>8.22.1 additional costs or other requirements, including for overseas students with special needs, from undertaking online or distance learning</p> <p>8.22.2 inability to access the resources and community offered by the education institution, or opportunities for engaging with other overseas students while undertaking online or distance learning</p>
Standard 9	<p>9.1 A registered provider must have and implement a documented process for assessing, approving and recording a deferment of the commencement of study or suspension of study requested by an overseas student, including maintaining a record of any decisions.</p> <p>9.2 A registered provider may defer or suspend the enrolment of a student if it believes there are compassionate or compelling circumstances.</p> <p>9.3 A registered provider may suspend or cancel a student's enrolment including, but not limited to, on the basis of:</p> <p>9.3.1 misbehaviour by the student</p> <p>9.3.2 the student's failure to pay an amount he or she was required to pay the registered provider to undertake or continue the course as stated in the written agreement</p> <p>9.3.3 a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).</p> <p>9.4 If the registered provider initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation the registered provider must:</p> <p>9.4.1 inform the overseas student of that intention and the reasons for doing so, in writing</p> <p>9.4.2 advise the overseas student of their right to appeal through the provider's internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.</p> <p>9.5 When there is any deferral, suspension or cancellation action taken under this standard, the registered provider must:</p> <p>9.5.1 inform the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa</p> <p>9.5.2 report the change to the overseas student's enrolment under section 19 of the ESOS Act.</p> <p>9.6 The suspension or cancellation of the overseas student's enrolment under Standard 9.3 cannot take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.</p>

Standard 10	<p>10.1 The registered provider must have and implement a documented internal complaints handling and appeals process and policy, and provide the overseas student with comprehensive, free and easily accessible information about that process and policy.</p> <p>10.2 The registered provider's internal complaints handling and appeals process must:</p> <p>10.2.1 include a process for the overseas student to lodge a formal complaint or appeal if a matter cannot be resolved informally</p> <p>10.2.2 include that the provider will respond to any complaint or appeal the overseas student makes regarding his or her dealings with the registered provider, the registered provider's education agents or any related party the registered provider has an arrangement with to deliver the overseas student's course or related services</p> <p>10.2.3 commence assessment of the complaint or appeal within 10 working days of it being made in accordance with the registered provider's complaints handling and appeals process and policy, and finalise the outcome as soon as practicable</p> <p>10.2.4 ensure the overseas student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings</p> <p>10.2.5 conduct the assessment of the complaint or appeal in a professional, fair and transparent manner</p> <p>10.2.6 ensure the overseas student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome</p> <p>10.2.7 keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.</p> <p>10.3 If the overseas student is not successful in the registered provider's internal complaints handling and appeals process, the registered provider must advise the overseas student within 10 working days of concluding the internal review of the overseas student's right to access an external complaints handling and appeals process at minimal or no cost. The registered provider must give the overseas student the contact details of the appropriate complaints handling and external appeals body.</p> <p>10.4 If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, the registered provider must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action</p>
-------------	--

10. References

- 10.1 Australian Qualifications Framework Council. (2013). *Australian Qualifications Framework (AQF)*, 2nd ed., Australia.
- 10.2 Australian Skills Quality Authority (ASQA). (2012). *Standards for VET Accredited Courses 2011*. Australia.
- 10.3 Australian Skills Quality Authority (ASQA). *Standards for NVR Registered Training Organisations 2015*. Australia.
- 10.4 Australian Skills Quality Authority (ASQA). (2013). *Australian Quality Training Framework (AQTF): User's Guide to the Essential Conditions and Standards for Initial Registration*. Australia.
- 10.5 Department of Education and Training (DET) (2018). *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students* (The National Code). Australia.
- 10.6 The Tertiary Education Quality Standards Agency (TEQSA) (2015). *Higher Education Standards Framework 2015*. Australia.