



**Australian Vice-Chancellors' Committee**  
*the council of Australia's university presidents*

**Provision of Education to  
International Students**

**Code of Practice and Guidelines  
for Australian Universities**

**April 2005**





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## Foreword

The Australian Vice-Chancellors' Committee (AVCC), also known as the Council of Australian University Presidents, released the Code of Ethical Practice in the Provision of Education to Overseas Students by Australian Higher Education Institutions in January 1990 and revised it in December 1994. The AVCC released The Code of Ethical Practice in the Provision of Offshore Education and Educational Services by Australian Higher Education Institutions in April 1995. In March 1998, the two Codes were combined into one document.

In 2001 the Code was revised. This revision was undertaken largely to take account of the growing trend by universities to deliver education services both in conjunction with partners and overseas. The Code is now part of a broader statement relating to universities and their students entitled Universities and their Students: Principles for the Provision of Education by Australian Universities. The Code is available at [www.avcc.edu.au/internationalcode](http://www.avcc.edu.au/internationalcode)

The Code enables universities to regulate their own activities against agreed sector wide benchmarks within the framework of their legislation-based autonomy. All AVCC members' universities are signatories to the Code which requires them to make a conscious commitment to adopt and maintain consistent and caring procedures in relation to the recruitment, reception, education and welfare of their international students.

The AVCC Code and its associated Guidelines, including guidelines on fee refunds, provide tangible evidence of the Australian university sector's commitment to its international students and to ensuring the continued high standing of Australia's reputation as an education and training provider.



Di Yerbury  
President  
April 2005





## Preamble

- 1 The Australian Vice-Chancellors' Committee (AVCC) and the Australian Government recognise the need to ensure that the potential benefits of the provision of education by Australian universities to international students are fully realised for both the students and the host institutions.
- 2 The provision of education services to international students, both onshore and offshore, by Australian universities brings with it the ethical commitment that quality education be provided and that value be given for the investment made by international students. For students who come to study in Australia, it must be recognised that by accepting a place, those students have taken a major step in their lives; they may leave their home countries for long periods, travel considerable distances and incur considerable expense. The Code has been formulated with these basic considerations in mind.
- 3 This Code applies to international students irrespective of whether they are studying onshore in Australia or offshore (at a location other than Australia).
- 4 The Code and Guidelines are designed to apply to different models of both onshore and offshore provision of education by or on behalf of an Australian university including, but not restricted to:
  - 4.1 distance education
  - 4.2 private providers or partner universities offering program/s onshore
  - 4.3 overseas private provider or partner universities offering program/s for students and/or enrolling students only from the country in which private providers or partners are located
  - 4.4 overseas private providers or partner universities offering program/s for students from many countries, and
  - 4.5 joint program/s, twinning program/s, program/s offered with an offshore and onshore component.
- 5 The broad principles enunciated in the Code apply to formal award courses and to non-formal courses, and to other educational services offered by Australian universities in relation to international education offerings. The principles also apply to all types of partnership arrangements into which Australian universities enter, and all types of course offerings. (Refer to Definitions section, page 3).
- 6 The AVCC believes it is essential for all Australian universities offering courses to international students to make a conscious commitment to the Code and to adopt consistent and caring procedures in the recruitment, reception, education and welfare of international students. This commitment requires Australian universities to ensure their agents or partners operate in a manner consistent with the Code.
- 7 The Code and Guidelines outline recommended procedures for Australian universities offering services to international students. They provide a checklist to enable Australian universities to ensure their practices are consistent with the Code.

- 8 The AVCC has also formulated guidelines in respect of fee refunds for international students. These guidelines have been adopted with a view to standardising fee refunds across the higher education system and are to apply to all international students irrespective of who pays the fees. If there are differences in fee refunds for onshore and offshore students these should be clearly stated in university literature available to potential students and should follow any *Education Services for Overseas Students Act 2000* (ESOS Act) and National Code requirements.

The Australian Government has the power to exclude from the international student program those Australian universities which do not meet appropriate standards of education and support services and this Code and Guidelines have been designed to complement the legislative requirements of the National Code of Practice (National Code) established under the ESOS Act.

Members of the AVCC (the signatories to this Code) are fully committed to the legal, ethical, financial and education provisions of the Code and associated Guidelines. The AVCC will regularly monitor and review the content and implementation of this Code.

## Definitions

In this Code, unless the contrary intention appears:

- 1 **agent** means a person or organisation that represents or acts on behalf of a university in the recruitment of international students for study whether in an onshore or offshore program.
- 2 **international student** means a person who is enrolled at an Australian university (but is not a domestic student) in a program of study which is offered by the Australian university or on behalf of the Australian university through a partner. An international student can undertake study as:
  - 2.1 an onshore student, which refers to a student who undertakes their study in Australia
  - 2.2 an offshore student which refers to a student who either studies offshore in their home country or studies in another country where that country is not Australia, or
  - 2.3 a distance education student, which is a student who is either onshore or offshore studying in the distance mode.
- 3 **partner** means a person or an entity with whom an Australian university has an agreement, including franchising and other partnership arrangements, for the delivery of education services. The terms “partner” or “partnership” are used as generic descriptors regardless of the legal arrangements agreed to by the parties. The partner may be in Australia or in another country and may recruit or offer services for study to be undertaken onshore, offshore or via distance. A partner can refer to a partner university or a private provider.
- 4 **program/s** means formal award course/s at all levels and non-formal course/s offered by an Australian university individually or through a partner either offshore, onshore or via distance.
- 5 **offshore** refers to a location other than Australia.
- 6 **onshore** refers to an Australian university which is in Australia and can include the main campus, interstate or intra-state campuses.
- 7 **distance** means through an electronic or print medium where the face-to-face component is minimal, and can be offered onshore or offshore.

## Premises

- 8 The provision of education services to international students by Australian universities should be undertaken in ways that are consistent with the maintenance of academic standards in Australian institutions, and the safeguarding of the interests of international students. Academic performance is the only criterion to be considered in assessing any student's success or otherwise in their course.
- 9 Australian higher education should be promoted and marketed accurately and honestly in terms of its quality, its standing and its availability.
- 10 Each Australian university should have a clearly enunciated policy for the promotion, marketing and delivery of its education services while preserving necessary confidentiality of commercial-in-confidence information.
- 11 Australian universities should acknowledge the need for good practice to ensure fairness in the promotion and marketing of educational services in Australia and overseas with regard to:
  - 11.1 inter-university relations
  - 11.2 the interests of both domestic and international students
  - 11.3 the perceived quality of Australian education, and
  - 11.4 the cultural and educational relationships between Australia and other countries.
- 12 Consistent with the requirements of the Australian Trade Practices Act, differences between Australian universities should be portrayed in a comprehensive, understandable and accurate way to project a cooperative marketing image. Qualitative and subjective judgements about other universities should be avoided and, in all circumstances, no false or misleading comparisons be drawn with any other provider.
- 13 Australian universities should accept that, given the financial and cultural consequences of academic failure, special care is required to ensure that only those international students who have reasonable chances of success are enrolled. Selection criteria for international students should maintain the Australian university's academic standards and maximise the academic success of international students.
- 14 Australian universities should recognise their on-going responsibilities for the education and welfare of international students, and take appropriate account of the potential cultural and linguistic difficulties that international students may encounter. Australian universities should ensure that academic programs, support services and learning environment offered to all international students encourage them to have a positive attitude about Australian education.
- 15 Australian universities should accurately define the facilities and services they will provide irrespective of whether the campus is onshore or offshore and irrespective of whether the program of study is offered by Australian universities in their own right or through a partner. In the provision of facilities and services, the educational standards of the host country should be taken into account.
- 16 Australian universities should ensure they have a suitable focal point for all enquiries, and suitable communication and support structures to ensure the effective implementation of the universities' international student programs and the provision of all necessary support services.

- 17 Australian universities should provide to prospective international students accurate and comprehensive information on the university, admission requirements and procedures, courses available, tuition and, where appropriate, living costs, living conditions, accommodation and other services. Advertisements and promotional literature should not include misleading or ambiguous statements about the nature of the course, or about the cost of the course offered. Where programs are available offshore, explanations should be given to ensure students understand the processes and procedures in place in that offshore location, and are fully aware of the arrangements in place to receive a comparable study and support program in relation to Australian university standards.
- 18 Staff members representing Australian universities at recruitment promotions or similar events overseas, or delivering programs to international students should be carefully selected and be:
  - 18.1 sympathetic and clear communicators with a thorough knowledge of their university's courses and procedures, and of the Australian education system
  - 18.2 sensitive to the culture and customs of the country they are visiting and/or the students they are teaching, and aware of historical and political background and educational systems
  - 18.3 knowledgeable, experienced and competent in the administration of student policy and in face-to-face dealings with students, and
  - 18.4 aware of the quality of the partnership arrangement where the university is engaged in offshore provision, or with a provider in an interstate or intra-state location.
- 19 In selecting a partner, Australian universities should take appropriate due diligence checks, analyse financial and reputation risk to the Australian university, and enter contractual arrangements which clearly specify roles and responsibilities of the parties, service level agreements as to student services, staffing qualifications and provision of library, computing and other space facilities and quality assurance processes. These may vary from the service levels at other Australian university campuses, but must be appropriate to the culture, the learning needs and experiences of students.
- 20 In maintaining a partnership arrangement, Australian universities should ensure that the quality of academic provision and academic support services offered under the arrangement are comparable to that offered by the Australian university with regular quality assurance guidelines being evaluated.
- 21 In the event of the termination of a partnership, Australian universities will ensure that all commitments made to the international students enrolled under the terms of the partnership especially in relation to academic provision of program/s, will be met, including offering the students suitable alternative pathway/s for completing the program to which they have been accepted.
- 22 All offshore programs should be fully and formally approved by the Australian university and by the appropriate authorities in the host country ensuring that provider and program registration requirements of host governments are complied with. In respect to quality assurance and the monitoring and review of offshore programs, the Australian university should develop, implement and rigorously review quality assurance processes for offshore programs and cooperate with quality assurance reviews by official Australian and host government quality assurance agencies.

## **Provision of Education to International Students**

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- 23 Every effort should be made to ensure offshore programs comply with all points contained in the Code and Guidelines and that programs are sensitive to the educational, social, cultural and legal context of the countries in which they are delivered.
- 24 For the purposes of the application of this Code, the agents and partners of Australian universities are regarded in the same way as the Australian universities themselves.

## Guidelines: General

- 25 The following Guidelines, to be read in conjunction with the Code of Practice in the Provision of Education to International Students by Australian Universities, outline recommended procedures for Australian universities offering courses to international students in Australia or other countries. The Code and Guidelines, which are good practice statements, apply in the provision of services to students face-to-face but also, as appropriate, in the provision of services offered in distance education or electronic mode. They apply equally to universities, their agents and their partners.
- 26 The Guidelines are consistent with the provisions of the ESOS Act and its complementary National Code. There are penalties for breaches of the Act and National Code.
- 27 Universities should use the Guidelines as a checklist to ensure that their practices are consistent with the AVCC Code of Practice.

## Promotions and marketing

- 28 Australian universities should ensure that Australian Diplomatic Missions and relevant government education agencies overseas are fully cognisant of their involvement in promoting, marketing and delivery of education to international students and that such involvement meets all official in-country rules and regulations.
- 29 Australian universities should approve all promotional materials. They should ensure their promotions and advertisements, including those involving third parties, truthfully and accurately describe the education services, including the nature of courses, facilities and opportunities available to international students. Statements about the merits of courses offered by other universities, or about the universities themselves, should be fair and not misleading or malicious.
- 30 Promotional and recruitment visits by Australian university representatives should be well planned and coordinated.
- 31 Australian universities should ensure that:
  - 31.1 where appropriate adequate notice is given to Australian Diplomatic Missions and educational authorities in-country together with consultation as necessary
  - 31.2 accommodation is appropriate for promotional events
  - 31.3 university representatives undertaking visits abroad are familiar with educational systems and membership requirements of professional bodies in Australia and the country concerned and other facts relevant to the services being offered, and
  - 31.4 adequate and relevant information materials are prepared for distribution.

## **Recruitment agents**

- 32 Australian universities should be aware of the provisions in the ESOS Act and National Code in respect of agents, including persons purporting to represent institutions. Australian universities are deemed to have a contract, or deemed to be represented by an agent, if they enrol a student proposed by that agent. Under the Act and National Code Australian universities are liable for the actions of their recruitment agents.
- 33 Before entering into contractual arrangements with recruitment agents, Australian universities should make every reasonable effort to ensure to their complete satisfaction that the agents are competent, well informed, reputable and will act at all times in the best interests of applicants and the Australian university.
- 34 In developing contracts with recruitment agents, Australian universities should include a termination clause which enables termination if agents repeatedly breach the Code of Practice and/or other regulatory instruments such as, but not only, the ESOS Act.
- 35 Australian universities should ensure that their agents understand that the Code of Practice and other regulatory instruments, such as the ESOS Act, apply to them.
- 36 Agreements with recruitment agents involving fees paid by Australian universities and by potential students or clients should be carefully and regularly scrutinised.
- 37 Australian universities should maintain regular contact with their recruitment agents and provide appropriate monitoring support and training to enable their agents to represent them fairly and effectively and to ensure the agent is kept abreast of academic developments in order that suitably qualified students are selected by the university into appropriate programs of study.
- 38 Australian universities should ensure that any promotions and advertisements carried out by recruitment agents on their behalf are truthful and do not include misleading or malicious comment and meet all Australian and host country regulatory requirements.
- 39 Australian universities should ensure that recruitment agents clearly state and display to students which program/s (onshore or offshore) they represent, especially highlighting programs which the agent does not represent.
- 40 Australian universities should regularly monitor and review student satisfaction with their recruitment agents.
- 41 The appropriate Australian Diplomatic Mission, DEST and DIMIA should be advised in the event of any misrepresentation by recruitment agents.
- 42 Universities should ensure that their relationships with recruitment agents comply with all laws and regulations of the country in which they are operating as well as Australian regulatory requirements.
- 43 Australian universities should ensure the quality of their offshore agents. As recruitment agents may be employed in recruiting international students to undertake a program of study in an offshore location (which could be different to the country where the recruitment is being undertaken) issues of cultural sensitivity, academic equivalence, social norms, communication processes and offshore government regulations need to be understood by the recruiting agent. The Australian university should provide up-to-date information to the recruiting agents and training as necessary in these areas.



- 44 Australian universities should ensure Australian government regulations are communicated to recruiting agents irrespective of whether the agents are recruiting for onshore or offshore, and that agents clearly indicate their implementation of any new or amended guidelines or courses of action (eg eVisa, DEST/ DIMIA changes).

## Admission

- 45 Australian universities should have admission standards and procedures to ensure international students have every chance of success and are capable of benefiting from the course.
- 46 Australian universities should publish the selection criteria for admission of international students, including specific criteria for particular courses, and where possible recognition of prior learning, credit transfer and articulation arrangements.
- 47 Australian universities should have a system in place to monitor offshore admissions. They should be satisfied that candidates selected for admission are suitably qualified academically and that admission requirements for programs of the Australian university are equivalent to those required wherever the program is provided.
- 48 Where relevant to the language of tuition candidates for admission should be competent in English. Australian universities should have clear, well-established guidelines on their English, or other, language requirements and include details of such requirements in publicity and promotional materials.
- 49 Universities should facilitate swift responses to enquiries and applications and ensure that all necessary documentation is sent at the earliest possible time.
- 50 Before admitting international students to postgraduate research degree programs, Australian universities should clarify the proposed research area with the student and provide a firm written undertaking to provide appropriate supervision and facilities for the duration of the project and make appropriate arrangements for access to ancillary support (laboratory, computing and library facilities). The nature of supervision and facilities should be communicated to the student in the offer of candidature as far as possible.
- 51 It is understood that recruiting agents and/or partners will often have a more comprehensive role than simply recruiting. Therefore in these partnership arrangements, the contract should clearly state the nature of the partnership, scope of respective roles and responsibilities, quality assurance measures to be implemented and method of monitoring the contractual obligations.

## **Pre-arrival information for international students studying at an Australian university either onshore or offshore**

- 52 Prior to students commencing their study at the Australian University, international students should be provided with easily understood, up-to-date, accurate and professionally presented information covering such issues as:
- 52.1 the exact location of the campus at which they will be studying. Where the campus is in a country other than the home country of the student, additional information about facilities, resources should be given
  - 52.2 names and telephone numbers of relevant staff to contact in the event of problems. For students studying in a country other than their home country, this information is especially important and comprehensive details should be given
  - 52.3 cost of living
  - 52.4 accommodation
  - 52.5 clothing and food
  - 52.6 payment of fees
  - 52.7 information to meet specific needs, e.g. legal, medical, dental and social security
  - 52.8 work prospects and casual employment
  - 52.9 contact names for further information, and
  - 52.10 for students studying in a country other than their home country, information about travel to and from their study destination country should be made clear either by provision of information or material or referral to an appropriate recruitment agent.

## **Arrival and orientation for international students studying at an Australian university either onshore or offshore**

- 53 In order to ensure that international students are able to settle in quickly and effectively with minimal problems, Australian universities should:
- 53.1 where appropriate, arrange for the students to be met on arrival
  - 53.2 where necessary, make appropriate arrangements for temporary accommodation for students
  - 53.3 provide suitable orientation programs which will seek to reinforce material already provided in written form and at the pre-departure briefing, and
  - 53.4 provide orientation programs that take account of cultural sensitivities.

Note: this aspect of orientation will apply differently to distance education students but the fundamental principle is that the orientation for the international student is effectively provided to ensure a smooth transition to study at the Australian university.

## Information for students

54 Australian universities should provide to students before the commencement of their course including during recruitment and counselling processes, accurate information covering the following issues as they are relevant:

### 54.1 *Academic matters*

- the university's educational goals, and current activities
- admission requirements, prerequisites, application and acceptance procedures
- credit transfer
- English language requirements where necessary
- methods of study and assessment
- relevant dates, including academic terms or semesters, registration and dates for withdrawal without financial penalty
- course summaries for the degrees, diplomas and certificates offered, and length of courses and the nomenclature to appear on the testamurs
- distinguishing features of programs of the same nomenclature offered at different campuses of the university, including articulation to further study
- registration and/or accreditation status of courses by professional associations and other relevant associated bodies of the student's home country, in Australia and in country where the student is studying as far as possible, and
- all program offerings irrespective of location.

### 54.2 *Living arrangements*

- geographic location and climate
- accommodation options
- living costs, and
- social customs and mores.

### 54.3 *Legal requirements and entitlements*

- conditions of entry and stay in Australia and elsewhere
- employment regulations, and
- mandatory health-care insurance and health-care arrangements.

**54.4 Fees and refunds**

- cost of courses and other compulsory charges
- method of payment
- policy on increases to fees
- procedures for dealing with exceptional cases related to the payment or refund of fees, and
- procedures for cancellation of enrolment and obtaining refund of fees together with details of financial and academic penalties which may result from cancellation.

**54.5 Services**

- support services available
- grievance procedures available, and
- information to students about credit transfer.

## **Access to Code and Guidelines**

- 55 At the time of enrolment universities should ensure that students have access to a copy of the AVCC Code of Practice and Guidelines.

## **Australian university infrastructure**

- 56 Depending on nature, size and the extent of involvement with international students, each Australian university should identify appropriate contact officers and appropriate units to be responsible for all matters relating to the implementation of the university's international student program. Such matters may include:
- 56.1 enquiries relating to international student programs
  - 56.2 the efficient administration of admission procedures
  - 56.3 arrival, accommodation and orientation arrangements for new students (the organisation of appropriate English language and academic bridging programs)
  - 56.4 ongoing social, cultural and other welfare needs
  - 56.5 liaison with local groups for international student welfare
  - 56.6 the monitoring of international student satisfaction and monitoring and review of the performance and graduation rates of international students, and
  - 56.7 post-course advice to international students to assist in any necessary re-adjustments before they depart the country of study, including appropriate "aftercare".
- 57 Australian universities should ensure the physical infrastructure they have in place is appropriate to provide education and support services of the highest quality to international students.
- 58 Australian universities should ensure they have appropriate and equally vigorous quality assurance mechanisms in place for education services whether they are delivered onshore and/or offshore.

## Student support

- 59 Australian universities should encourage a supportive environment.
- 60 Australian universities should ensure international students not only gain an understanding of their discipline and associated studies in an Australian context but also, where possible, be given the opportunity to relate these studies to their home environment.
- 61 Australian universities should develop appropriate mechanisms to monitor the academic progress of international students and ensure appropriate student appeal mechanisms are in place.
- 62 Australian universities should develop appropriate support services, including counselling services, for international students at all campuses irrespective of whether they are onshore or offshore. These services should:
- 62.1 recognise and promote the quality of an Australian education whether in Australia or offshore
  - 62.2 assist students to resolve problems which could impede successful completion of their study programs, and
  - 62.3 endeavour to ensure students obtain a positive image of Australia and its educational opportunities.
- 63 Support services should include:
- 63.1 ***adequate provision of***
    - advice (including advice on personal budgeting, accommodation, medical insurance and the availability of health-care services)
    - orientation and course commencement assistance
    - additional assistance with English language or other language where necessary, and
    - additional assistance with study skills, including assistance in developing computer literacy.
  - 63.2 ***adequate promotion of***
    - on-campus international student networks and organisations to assist new arrivals, and
    - local community involvement to provide social support.
  - 63.3 ***development of***
    - resource directories to meet specific needs, e.g. accommodation, medical, dental and legal.

### 64 **Offshore Student Support**

In the provision of student support services to students offshore, the Australian university should clearly identify in its arrangement with partners minimum requirements for services or facilities related to academic performance including computing facilities, access to IT and library resources. In relation to other services including counselling services, social support, budgeting, accommodation and language support the Australian university should as far as possible within offshore regulatory requirements, ensure that these services are provided at a comparable level to the Australian university campus/es.

- 64.1 The Australian university should endeavour to provide services and facilities at a level equivalent to a counterpart university/learning environment in the host country.
- 64.2 Particular attention should be given to ensuring that personnel are identified who can provide support in relation to academic and program enquiries and concerns and that this person/s are accessible and able to assist students to access those services. Attention should be given to ensuring that there is easy and ready access to academic information about the program and its assessment, appeal processes etc, with a contact person who is independent of the teaching staff involved and able to assist with follow-up if required.
- 64.3 Particular attention needs to be paid to the availability of language support of the language of tuition if students in the program are not native speakers of that language.
- 64.4 Provision of student services should be consistent with the requirements of the students undertaking the program/s and their expectations taking account of varying requirements by different types of students such as part-time evening, mixed mode, distance students, undergraduate, formal or non-formal course students.
- 64.5 At all times the quality of provision and reputation of the Australian university and its program of study should be paramount.

### **Staff support**

- 65 To enable staff to carry out effectively the tasks for which they are allocated responsibility, universities should make every effort to:
  - 65.1 ensure that all staff involved with international students are competent to deal with the students' special circumstances
  - 65.2 develop training programs, including cross-cultural programs, appropriate to the different levels of involvement and responsibility among staff
  - 65.3 ensure, through the relevant academic department, that for higher degree research students, adequate supervision and facilities will be available for the duration of candidature
  - 65.4 ensure that all academic staff delivering courses to international students are appropriately qualified and competent to deliver those courses
  - 65.5 ensure that staff are well prepared for overseas assignments and visits
  - 65.6 provide appropriate grievance procedures for staff and students on international matters, and

- 65.7 ensure that all staff involved with international students are aware of their responsibilities under the relevant Australian laws and relevant laws of countries where the university is providing education services.

## International students departing the country where they have studied

- 66 It should not be assumed that all international students returning home and/or departing the country where they have studied can do so without any difficulty and therefore universities should:
- 66.1 be sensitive, through the provision of returning home programs, to the circumstances the student will encounter upon departure and returning to their home country
  - 66.2 provide advice and assistance where possible on re-orientation, and
  - 66.3 encourage the 'alumni association' concept and maintain an "after-care" program.

## Partners

- 67 **partner** means a person or an entity with whom a university has an agreement, including franchising and other partnership arrangements, for the delivery of education services. The terms partner/partnership are used as generic descriptors regardless of the legal arrangements agreed to by the parties. The partner may be in Australia or in another country and may recruit or offer services for studying to be undertaken onshore or offshore in the country in which the partner is located or another country (but not Australia). A partner can refer to a partner university or a private provider.
- 68 Australian universities should be aware of the provisions of the ESOS Act and National Code in respect of partnership arrangements. Under the ESOS Act and National Code universities are liable for the actions of partners operating in Australia.
- 69 In the development of partnership agreements special attention should be given to areas including:
- 69.1 contract authorisation, including due diligence, authority of signatories, contract management, scope of contract
  - 69.2 internal and external approval processes
  - 69.3 curriculum – contextualisation, language, tailoring of content, method of delivery
  - 69.4 promotion – accuracy of information, language, who what and where is the promotion being undertaken, consistency with local government regulations
  - 69.5 admissions – entry standards, credit transfer, validating evidentiary requirements, management of student admissions
  - 69.6 teaching – selection, induction, briefing, support, appropriateness of pedagogy, language of tuition
  - 69.7 assessment – schedules, language, moderation, academic security

- 69.8 academic support – facilities and services, equivalence to Australian university (pastoral support – suitability of learning environment, type and level of pastoral support)
  - 69.9 evaluation and review of learning outcomes, teaching, courses, how, how often and by whom, and
  - 69.10 insurance, liability and risk covers attached to programs delivered with and through, partners on and offshore.
- 70 Whenever or wherever Australian universities are involved in a partnership arrangement for the delivery of educational services to international students the universities should ensure the services of the partner meet the service level standards specified by the Australian university. Every effort must be made to ensure that offshore programs comply with all the points contained in the Code of Practice and Guidelines, and that the programs will be sensitive to the educational, social, cultural and legal context of the countries in which they are delivered.
- 71 To achieve this outcome Australian universities should:
- 71.1 conduct due diligence on each potential partner
  - 71.2 take all feasible steps to ensure that the potential partner can meet the fit and proper requirements as set down in Section 9 of the ESOS Act and in the National Code
  - 71.3 ensure the facilities of the potential partner/s are, as far as possible, of a similar standard to those offered by the university at its main campus
  - 71.4 require the partner/s to be subject to similar academic quality assurance processes as the university itself and monitor these processes throughout the period of the partnership
  - 71.5 implement regular quality assurance processes, such as an annual visit, and report on viability in terms of student numbers, attrition rates, financial statements and any problems associated with program delivery and academic quality
  - 71.6 ensure any promotions and advertisements carried out on behalf of the Australian university are truthful and do not include misleading or malicious comment, and meet all Australian and host country regulatory requirements
  - 71.7 in the event of the termination of a partnership arrangement, ensure that all affected students are offered the same or a similar course to enable them to complete their studies. As far as possible the course should be offered in the same or a nearby location, and
  - 71.8 ensure offshore programs comply with overseas host government regulations in relation to legislative and regulatory requirements including in respect to business activities, financial, banking, government reporting, academic and evaluation processes.



- 72 In the circumstances where a partner manages an agent relationship directly, the Australian university should endeavour as far as possible, to ensure the partner, in the method by which they manage the agent relationship, does so under the auspices of the ESOS Act, the National Code, and the AVCC Code of Practice and Guidelines. Adherence to these codes and guidelines by partners and their agents should be underpinned by maintaining a high quality of education and reputation of the Australian university and the Australian international education industry.

## Guidelines: Fee refunds

- 73 The Australian Vice-Chancellors' Committee (AVCC) has adopted the following guidelines regarding fee refunds for international students. These guidelines are to apply to all international students irrespective of who pays the fees and irrespective of whether the international student studies onshore (in Australia) or offshore (location other than Australia). The Fee Refund Guidelines must be agreed to by partners in order to be workable and therefore should form part of the contract between the Australian university and the partner. If there are differences in fee refunds for onshore and offshore students these should be clearly stated in literature passed on by agents or partners and should follow the ESOS Act and National Code requirements.

### Total refunds

- 74 In the event that an offer of a place is withdrawn or the Australian university is unable to provide the program, all tuition fees paid are fully refundable, unless the offer was made on the basis of incorrect or incomplete information being supplied by the applicant or student. In such cases the university reserves the right to retain up to 10 per cent of the tuition fee as well as any cost incurred in recruiting the student.
- 75 A student who fails to meet degree/diploma progression rules and who is thus not permitted to re-enrol will be eligible for a refund of fees if paid in advance of notification of exclusion.
- 76 A notice of withdrawal due to exceptional circumstances may be accepted as grounds for a total refund of tuition fees paid.

### Partial refunds

Note: the guidelines for partial refunds apply equally to commencing students and continuing students, and are based predominantly on standard semester programs. Where short summer/winter intensive programs are involved, the fee refund policy of the ESOS Act applies.

- 77 Where a student, after accepting an offer of a place, gives a minimum of four weeks written notice before the commencement of the semester of an inability to undertake the program, all tuition fees paid are refundable less an administrative fee of up to 10 per cent and any agents or partners fee that may have been incurred.
- 78 Where a student gives less than four weeks written notice before the commencement of the semester of an inability to undertake the course, all tuition fees paid are refundable less 50 per cent.
- 79 Where a student withdraws from a program within the first four teaching weeks of a standard semester, all tuition fees paid are refundable less 50 per cent.
- 80 Where a student has paid less than the full fee, the refund is the difference between what has been paid and 10 per cent of the tuition fee.

## Grounds for refunds

- 81 A notice of withdrawal due to exceptional circumstances may be accepted as grounds for either a total or partial refund of fees, subject to the provision of acceptable documentary evidence in support of the application for a refund. Exceptional circumstances may include:
- 81.1 inability to obtain a student visa
  - 81.2 illness or disability
  - 81.3 failure to meet English language requirements for admission
  - 81.4 death of the student or a close family member (parent, sibling, spouse or child),  
or
  - 81.5 political, civil or natural event which prevents full payment of fees.

## No refunds

- 82 A student who withdraws from a course for whatever reason after four teaching weeks shall not be eligible for a refund.
- 83 A student whose visa is cancelled shall not be eligible for a refund unless there are extenuating circumstances.
- 84 In cases where an offer was made on the basis of fraudulent documents, the Australian university reserves the right to retain the full fee.

## Agreements between Australian universities and international students regarding fee charging and refunds

- 85 Australian universities should ensure there is a written agreement between the university and each international student to accept the institution's stated fee charging and refunds policy including withdrawal from program.

## Payment of refunds for students studying onshore at main campus

- 86 Where there is a written agreement between the Australian university and the international student regarding the university's fees refunds, the terms of that agreement will apply to the payment of refunds. However, the university must pay any refund within four weeks of receiving a written claim from the student.
- 87 Where there is no such written agreement between the university and the international student, payment of refunds should be made as follows:
- 87.1 where the university defaults, within two weeks after the date of withdrawal of the offer of a place or notification that the university is unable to provide the course, and
  - 87.2 where the student defaults, within four weeks after receiving a written claim from the student.

- 88 Refunds should be reimbursed in the same currency as the fees were originally paid and will be made in the student's home country except in exceptional circumstances. Australian universities should have clear procedures on refunds where they are made in foreign currencies.

### **Refund policy for international students studying in an offshore program or onshore interstate or intra-state**

- 89 The written agreement between the Australian university and the international student studying in an offshore program or interstate or intra-state onshore program must outline the university fee refund policy, terms of the agreement in relation to payment of refunds as well as any conditions which apply to the university and their agent or partner which affect the amount to be refunded to the international student, or the method or timeliness of refund.

### **Appeals process related to fee refunds**

- 90 Australian universities should ensure there is a clearly defined appeals process related to the refund of fees, whereby the university's decisions regarding fees refunds can be appealed if the student believes the university has not honoured its stated fees refunds policy or not all of the relevant information has been taken into account.

### **Fee refunds related to international students who obtain permanent resident status in Australia**

- 91 An international student who is granted permanent resident status in Australia will be given the option of enrolling in a Commonwealth supported place, subject to place availability, or a fee paying place if available to domestic students. Permanent resident status is recognised from the date stamped on the student's passport, not the date on which the application for status is made.
- 92 If the student has already paid tuition fees applying to international students for the semester, a total refund of these fees will be payable to the student less any agent fee applying to the university if, in the first year of enrolment, the student has:
- 92.1 obtained permanent resident status by the census date for that semester
  - 92.2 been enrolled by the provider as a Commonwealth Supported Student under the Higher Education Support Act 2003, or
  - 92.3 has made arrangements with the university to pay fees as a domestic student.
- 93 If the student obtains permanent resident status after the census date in a semester, the student will be classified as an international student for the remainder of that semester. The student will be liable to pay the tuition fees applying to international students for that semester. From the following semester, the student will be classified as a permanent resident and will be liable to pay either the student contribution for a Commonwealth supported place or full fees applying to domestic students.

## Signatories

**The signatories to the AVCC Code of Practice in the Provision of Education to International Students by Australian Universities are:**

Australian Catholic University  
Bond University  
Central Queensland University  
Charles Darwin University  
Charles Sturt University  
Curtin University of Technology  
Deakin University  
Edith Cowan University  
Flinders University  
Griffith University  
James Cook University  
La Trobe University  
Macquarie University  
Monash University  
Murdoch University  
Queensland University of Technology  
RMIT University  
Southern Cross University  
Swinburne University of Technology  
The Australian National University  
The University of Adelaide  
The University of Melbourne  
The University of New England  
The University of New South Wales  
The University of Newcastle  
The University of Queensland  
The University of Sydney  
The University of Western Australia  
University of Ballarat  
University of Canberra  
University of South Australia  
University of Southern Queensland  
University of Tasmania  
University of Technology, Sydney  
University of the Sunshine Coast  
University of Western Sydney  
University of Wollongong  
Victoria University