



POLICY TITLE: INTERNATIONAL STUDENT UNSATISFACTORY COURSE PROGRESS OR ATTENDANCE POLICY

DEVELOPED / REVIEWED BY

Policy Committee
Director of Business Services and Advancement
Head of Admissions
Risk and Compliance Manager
HR Manager

REVIEW SUMMARY

Policy to be presented to the Policy Committee for the first time at the May 2024 meeting. Policy to be reviewed in the first twelve months to ensure accuracy to current legislative components.

DOCUMENT DEVELOPMENT PROCESS

This document was first developed by Director of Business Services and Advancement and the Head of Admissions in 2024.

RATIONALE

Standard 8.13 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code) requires that where the College has assessed the international student as not meeting course progress or attendance requirements, the College must give the international student a written notice as soon as practicable which:

- notifies the international student that the College intends to report the international student for unsatisfactory course progress or unsatisfactory course attendance
- informs the international student of the reasons for the intention to report
- advises the international student of their right to access the College's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.

Standard 8.14 requires the College to only report unsatisfactory course progress or unsatisfactory course attendance in Provider Registration and International Student Management System (PRISMS) in accordance with section 19(2) of the Education Services for Overseas Students (ESOS) Act if:

- the internal and external complaints processes have been completed and the decision or recommendation supports the registered provider; or
- the international student has chosen not to access the internal complaints and appeals process within the 20 working day period; or
- the international student has chosen not to access the external complaints and appeals process; or

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- the international student withdraws from the internal or external appeals processes by notifying the College in writing.

Standard 8.15 states that the College may decide not to report the international student for breaching the attendance requirements if the international student is still attending at least 70 per cent of the scheduled course contact hours and the international student provides genuine evidence demonstrating that compassionate or compelling circumstances apply.

Standard 8.16 requires that the College must not extend the duration of the international student's enrolment if the international student is unable to complete the course within the expected duration, unless:

- there are compassionate or compelling circumstances, as assessed by the College on the basis of demonstrable evidence; or
- the College has implemented, or is in the process of implementing, an intervention strategy for the international student because the international student is at risk of not meeting course progress requirements; or
- an approved deferral or suspension of the international student's enrolment has occurred under Standard 9 (Deferring, suspending or cancelling the international student's enrolment).

Standard 8.17 requires that if the College extends the duration of the student's enrolment, the College must advise the student to contact the Department of Home Affairs to seek advice on any potential impacts on their visa, including the need to obtain a new visa.

DEFINITIONS

National Code	National Code of Practice for Providers of Education and Training for Overseas Students (2018)
PRISMS	Provider Registration and International Student Management System

PRINCIPLES / GUIDING PRINCIPLES

It is the College's policy to make all reports as required by the National Code and ESOS Act. Before making a report the College will follow the procedures in this policy.

PROCEDURES

Student Has Not Met Requirements

Where the College has assessed the international student as not meeting course progress or attendance requirements, the College will notify the student and their parent/guardian in writing.

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Exception to Reporting

The College may decide not to report the international student for breaching the attendance requirements if the international student is still attending at least 70 per cent of the scheduled course contact hours and if the international student provides genuine evidence demonstrating that compassionate or compelling circumstances apply.

Compassionate and Compelling Circumstances

The College will consider the following as compassionate and compelling circumstances:

- medical illness or injury of the international student or international student's close relative which requires hospitalisation or impedes activities of daily living
- a mental health condition of the student or a student's close relative that results in hospitalisation or functional impairment
- death of a close relative
- adverse experience that has impacted on the international student which could include:
 - being a witness to or victim of a serious accident
 - being a witness to or victim of a crime, natural disaster, or terrorism event
- major political upheaval or natural disaster in the international student's home country which requires immediate emergency travel
- inability to begin study in a program on the agreed starting date due to a delay in receiving the student's visa
- other compassionate or compelling circumstances at the discretion of the College

Suitable Evidence of Compassionate and Compelling Circumstances

In order for the College to grant the international student an extension or suspension of the College's course on the grounds of compassionate and compelling circumstances, the international student must provide the College with suitable evidence to prove compassionate and compelling circumstances. This may include:

- a medical certificate
- a note from a medical doctor
- a death certificate (when possible)
- a letter from parent or guardian specifying exceptional circumstances related to a family issue.

Extending Course Duration

The College cannot not extend the duration of the international student's enrolment if the student is unable to complete the course within the expected duration, unless:

- there are compassionate or compelling circumstances, as assessed by the College on the basis of demonstrable evidence
- the College has implemented, or is in the process of implementing, an intervention strategy for the international student because the student is at risk of not meeting course progress requirements
- an approved deferral or suspension of the international student's enrolment has occurred as detailed in the College **International Student Deferring, Suspending or Cancelling an Enrolment Policy**.

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If the College extends the duration of the international student's enrolment as a result of unsatisfactory course progress or attendance, the College must advise the student to contact the Department of Home Affairs to seek advice on any potential impacts on their international student visa.

Updating PRISMS

The College must report via PRISMS any student who has not met course progress requirements.

Before such a report the College will have:

- implemented an intervention strategy (refer to our **International Student Intervention Strategy Policy**);
- notified the student and their parents/guardians in writing of the College's intention to report them; and
- allowed the student 20 working days to avail themselves of the College's complaints and appeals process. For more information, refer to our **International Student Complaints Handling Policy**.

Where:

- the student has chosen not to access the complaints and appeals processes within the 20 working days; or
- the student withdraws from the process; or
- the process is completed and results in a decision that supports the College;
- the College must report the student via PRISMS for not achieving satisfactory course progress.

For more information, refer to **PRISMS Maintenance Obligations**.

Recordkeeping

The College maintains evidence of compliance with this Policy by maintaining records of notifications and actions taken in accordance with this Policy. Records will be maintained in accordance with our **International Student Records Management and Retention Policy**.

RESPONSIBILITY

- Principal
- Head of Admissions
- International Student Coordinator
- Deputy Principal Wellbeing and Strategy

RELATED LEGISLATION

- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- Education Services for Overseas Students Act 2000 (Cth)
- Education Services for Overseas Students Regulations 2001 (Cth)
- Migration Act 1958 (Cth)

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RELATED SIENA COLLEGE POLICIES

- International Student Deferring, Suspending or Cancelling an Enrolment Policy
- International Student Intervention Strategy Policy
- International Student Complaints Handling Policy
- International Student Records Management and Retention Policy

RISK

In the Committee's deliberations it is important to consider the College's main strategic processes and the identification of associated risks. Some sample questions are included for referral. Answers are to be documented as part of the policy.

1. **Faith and Catholic Identity.** Identify any risks to Catholic Identity or Dominican charism of the school. How will this policy harm or enhance either?
2. **Reputation.** Identify if there are any reputational risks to the College. How will this policy impact Siena and wider communities?
3. **Financial.** Identify any financial risks to the College. How will this policy impact the financial stability of the College?
4. **Contemporary Learning and Teaching.** Identify any risks to learning and teaching. How will this policy impact the academic performance of the College?
5. **Wellbeing.** Identify any risks to safety and wellbeing. How will this policy impact the mental and physical wellbeing of the College community?
6. **Community Engagement.** Identify any risks to building community engagement. How will this policy impact community relationships?
7. **Governance and Leadership.** Identify any risks to governance and leadership in the College. How will this policy affect the strategic direction of the College?

Do any risks identified above warrant changes to the proposed policy? If so the policy should be referred back to the developer/s.

NEXT REVIEW

May 2025

POLICY LOCATION

<https://sienacentral.siena.vic.edu.au/homepage/3452>
www.siena.vic.edu.au

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