Agent Monitoring and Termination Procedure

Policy Code: CG888

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Purpose

Federation University Australia's agents are often the first point of contact between prospective students and the Australian international education industry. Their activities and ethics are important to Australia’s reputation as a desirable destination for students. The University is therefore committed to ensuring its agents act ethically and appropriately.

Scope

This Procedure applies to:

• Agents of the University; and
• Staff of the University and at partner providers involved in the appointment, accreditation and monitoring of agents for the University.

Definitions

<table>
<thead>
<tr>
<th>Agent:</th>
<th>An accredited person or organisation with the authority to promote the University’s programs and services to students or intending students in nominated regions.</th>
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</thead>
<tbody>
<tr>
<td>Agent Agreement:</td>
<td>Agreement between the University and the agent including the schedules.</td>
</tr>
<tr>
<td>CRICOS:</td>
<td>Commonwealth Register of Institutions and Courses for Overseas Students.</td>
</tr>
<tr>
<td>CUP:</td>
<td>Centre for Partnerships</td>
</tr>
</tbody>
</table>
### Agent
An accredited person or organisation with the authority to promote the University's programs and services to students or intending students in nominated regions.

### ESOS Act:
Education Services for Overseas Students Act 2000 of the Commonwealth of Australia.

### ESOS Regulations:
Education Services for Overseas Students Act 2000 of the Commonwealth of Australia.

### National Code:
National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students.

### Partner Provider:
Educational institution providing programs and courses of the University through an approved education agreement.

### Prospective Student:
A person who intends to become, or who has taken any steps towards becoming, a student an 'overseas student' or 'intending overseas student' as defined by the ESOS Act.

### Relevant Legislation:
The ESOS Act 2000 (Cth);
The ESOS Regulations 2001 (Cth);
The Migration Act 1958 (Cth);
The Migration Regulations 1994 (Cth);
The National Code; and
Any other legislation or regulations relevant to governing the provision of education to overseas students in Australia.

### Student:
A person who holds an Australian Student Visa and is an 'overseas student' as defined by the ESOS Act.

### Actions
Actions required to meet this procedure are outlined in the following sections:

- **Agent Audit.**
- **Re-appointment of an agent.**
- **Termination of an agent.**

### Agent Audit
1. The performance of each agent will be reviewed by the University or, as applicable, the Coordinator, International Student Recruitment annually using the Agent Audit form. Audit dates must be recorded on the In-File Agent Checklist.

2. Federation University Australia or the Coordinator, International Student Recruitment will consider the performance of the agent to decide whether to:
   - Maintain the agent’s appointment;
   - Appoint the agent for a further period subject to certain conditions; or
   - Terminate the agent's appointment in accordance with Termination of a Agent within this Procedure.
3. In considering the performance of the agent under Item 2, the University or Coordinator, International Student Recruitment will consider:

- the agent's compliance with the *Agent Agreement* (only available from the Centre for University Partnerships office) and any conditions placed on the agent by the University;
- the number of students the agent has recruited and the conversion rate of:
  - Student applications to University offers; and
  - University offers to actual enrolment of student;
- the reasons why applications from potential students did not proceed to student enrolment status;
- the number of student Visa refusals for students recruited by the agent;
- any feedback or information from students or third parties regarding the agent;
- the quality, accuracy and currency of information and advice provided by the agent to students; and
- the quality of the appointment as assessed by the University.

4. Agent student Appraisals.

- Students who have been recruited by an agent, may complete a *Student Post Arrival Appraisal of Agent* form. This form is provided by the International Student Support office.

### Re-appointment of an Agent

1. If, following completion of the final *Agent Audit* of an existing agreement, the University is satisfied that the agent has not engaged in unprofessional conduct, a new *Agent Agreement* may be offered to the agent. **Please note** the *Agent Agreement* is only available from the Centre for University Partnerships.

2. The new *Agent Agreement* is to be updated to include any new Department of Immigration and Border Protection or Department of Education and Training or University regulations or requirements.

3. Staff in the Centre for University Partnerships or at the partner provider should file the new *Agent Agreement* on the agent’s file.

### Termination of an Agent

1. If the University or Coordinator, International Student Recruitment believes or suspects that an agent has engaged in unprofessional conduct, the Director, Partnerships and Commercial Engagements or partner provider may write to and forward the *Agent Warning Letter* to the agent.

2. The agent must provide a written response within ten business days of the date of the letter as specified above in **Item 1**. An extension of time to provide a response may be provided at the discretion of the Director, Partnerships and Commercial Engagements.

3. After ten business days from the date of the letter as referred to in **Item 1**, or after the expiration of such further period as may have been granted as stated in **Item 2**, the Director, Partnerships and Commercial Engagements may consider the agent's performance in light of:

   - the response of the agent to the letter referred to in **Item 1**;
   - whether the agent engaged in unprofessional conduct; and
   - the considerations contained in the *Agent Audit, Items 3 (i-vii)*.

4. After considering the agent's conduct and performance, the Director, Partnerships and Commercial Engagements may:

   - require the agent to undertake further training;
   - maintain the agent's appointment;
   - warn the agent;
   - suspend the agent's appointment;
• maintain the agent's appointment subject to certain conditions; or
• terminate the agent's appointment immediately.

5. The Director, Partnerships and Commercial Engagements must terminate the appointment of an agent if he or she knows or reasonably suspects the agent may have been engaged in unprofessional conduct.

6. Where the Director, Partnerships and Commercial Engagements has made a decision as stated in Item 4 above, he or she may disclose that decision and the reasons for it to other people, organisations, bodies or professional associations, including the agent's employer. Any disclosure must be made in accordance with the University Privacy Policy.

7. If the Director, Partnerships and Commercial Engagements decides to terminate an agent's appointment, the Director, Partnerships and Commercial Engagements should:
   • write to the agent to advise that his or her appointment has been terminated using the Agent Termination Letter;
   • notify Department of Immigration and Border Protection and the Department of Education and Training of the termination and the grounds for the termination; and
   • notify the Centre for University Partnerships of the termination of the agent and advise staff that no further applications are to be accepted from the agent.

Responsibilities

Director, Partnerships and Commercial Engagements

Coordinator, International Student Recruitment

Policy Base

• Agent Appointment Monitoring and Termination Policy.
• Education Services for Overseas Students Act 2000.
• ESOS Regulations 2001.
• The ESOS (Registration Charges) Act 1997.
• Federation University Australia Act (2010).
• The Migration Act 1958.
• The Migration Regulations 1994.

Associated Documents

• Agent Appointment Procedure.
• Agent Agreement (Only available from International Student Programs Office)
• Refer to Forms.

Forms.

• Agent Audit (PDF 166.2kb)
• Agent Reference Check (PDF 104.5kb)
• Student Post Arrival Appraisal of Agent Form (PDF 42.5kb)
Records Management

<table>
<thead>
<tr>
<th>Title</th>
<th>Location</th>
<th>Responsible Officer</th>
<th>Minimum Retention Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-File Agent Checklist</td>
<td>CUP / PP Office</td>
<td>Director, Partnerships and Commercial Engagements/Partner Provider</td>
<td></td>
</tr>
<tr>
<td>Agent Agreement</td>
<td>CUP / PP Office</td>
<td>Director, Partnerships and Commercial Engagements/Partner Provider</td>
<td>seven years after contract has expired</td>
</tr>
<tr>
<td>(Only available from the Centre for University Partnerships)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agent Audit</td>
<td>CUP / PP Office</td>
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<td>Student Post Arrival Appraisal of Agent</td>
<td>CUP / PP Office</td>
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<tr>
<td>Agent Warning Letter</td>
<td>CUP / PP Office</td>
<td>Director, Partnerships and Commercial Engagements/Partner Provider</td>
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</tr>
<tr>
<td>Agent Termination Letter</td>
<td>CUP / PP Office</td>
<td>Director, Partnerships and Commercial Engagements/Partner Provider</td>
<td></td>
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</tbody>
</table>

Implementation

The Agent Appointment Monitoring and Termination Procedure will be implemented throughout the University via:

1. An Announcement Notice under ‘FedNews’ on the ‘FedUni’ website and through the University Policy - ‘Recently Approved Documents’ webpage to alert the University-wide community of the approved Procedure;
2. Inclusion on the University's online Policy Library; and
3. An email alert to all agents to inform them of the update.