

<b>Department</b>	Vocational Education & Training – Education Services for Overseas Students (ESOS)		<b>Author</b>	RTO CEO	
<b>Quality Controlled Document No. &amp; Title</b>	ESOS 8.0	Overseas student visa requirements policy	<b>Approved</b>	RTO CEO	
<b>Version</b>	2.0		<b>Authorised</b>	RTO Academic Board	
<b>ESOS National Code 2018</b>	Standard 8.0		<b>Distribution</b>	Internal	RTO Management
				External	N/A

## Policy Overview

This Policy applies to all overseas students studying on shore holding a student Visa as a student of Marriott Academy. Overseas students would have been informed, prior to enrolment, of the requirements to achieve satisfactory course progress and attendance requirements. They also would have been informed of the expected duration of study, which will be specified on the overseas student's Confirmation of Enrolment (CoE). The duration of the course will not exceed the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered duration for the course.

Overseas students must, as a condition of their study visa:

- be enrolled in a full-time registered course to undertake study. For VET courses, a full-time course is a minimum of 20 scheduled course contact hours per week
- maintain satisfactory attendance in their course that would enable the student to complete the course within the nominated course duration
- maintain course progress\* for each study period as required by Marriott Academy, thus enabling the student to complete the course within the nominated course duration

\* course progress is the measure of advancement within a course towards the completion of that course irrespective of whether course completion is identified through academic merit or skill-based competencies.

In order to implement the Policy requirements, Marriott Academy will monitor the progress of overseas students to ensure they are able to complete the course within the expected duration specified on the CoE.

### 1.0 Satisfactory Progress

1.1 All Marriott Academy trainers are required to maintain records of progress results using the Marriott Academy Student Results Record. An overseas student will be deemed not to have met Marriott Academy's course satisfactory progress requirements where the student, after having been provided with support, which may include re-assessment, does not satisfactorily complete course assessment(s) within the time specified and, as a result, will not be able to complete the course requirements within the nominated course duration. Where there are no extenuating circumstances\*, failure to meet course requirements may result from the student:

- not satisfactorily completing any assessment(s), and therefore being graded 'Not Yet Competent' for one or more course Units, after any reassessment
- not submitting completed assessments, in accordance with the instructions for the assessment(s) and/or by the due date, after any extension has been granted
- not having submitted assessments authenticated by Marriott Academy as a result of the student breaching Marriott Academy rules regarding academic honesty

A student who does not meet Marriott Academy's 'Satisfactory Progress' requirements shall be deemed to be a 'Student at Risk' (STAR). Trainers must report students, who do not meet the satisfactory progress requirements, to the RTO Manager and the SSCM. The RTO Manager and SSCM shall complete a Student at Risk Report and add this to the student's file. A copy of the STAR Report must be provided to the RTO CEO.

### 2.0 Satisfactory Attendance

2.1 All Marriott Academy trainers are required to maintain records of student attendance and participation using the Marriott Academy Register of Student Attendance. Where there are no extenuating circumstances\*, the minimum requirement for attendance is 80 per cent of the scheduled contact hours for the course, calculated over a four (4) week block of scheduled classes. A student shall also be deemed not to have met course attendance requirements where the student is absent for more than five consecutive days without approval.

'Attendance' shall be calculated by Marriott Academy on a continuous participation model, where a student's attendance rate is calculated on the basis of scheduled course class hours attended and hours delivered over a four (4) block of scheduled classes.

*Course hours attended / Course hours delivered = Attendance rate*

*Example: 66 hours attended / 80 hours delivered = 83% Attendance Rate*

A student who does not meet Marriott Academy's 'Satisfactory Attendance' requirements shall be deemed to be a 'Student at Risk' (STAR). Trainers must report students, who do not meet attendance requirements, to the RTO Manager and the SSCM. The RTO Manager shall complete a Student at Risk (STAR) Report and add this to the student's file. A copy of the STAR Report must also be provided to the RTO CEO.

\* 'Extenuating circumstances' may include, but are not limited to, medical and health issues, personal issues such as a bereavement in the family, factors beyond a student's control such as complying with government imposed COVID restrictions.

### 3.0 Students at Risk

3.1 Marriott Academy may also decide not to act where a student's attendance rate falls below 80% over a four (4) week block, but remains above 70%, and the student is making satisfactory progress. In any case, the RTO Manager shall complete a STAR Report, in consultation with the student's trainer(s) and the SSCM. Whilst the RTO Manager shall make the final decision, the decision should be made in collaboration with the student's trainer(s) and the SSCM. The RTO Manager shall record, in the student's STAR Report, reasons for the decision, and any feedback provided by the student's trainer(s) and the SSCM.

3.2 The RTO Manager shall inform Marriott Academy's CEO whenever a decision to accept a student attendance rate below 80% is made. Marriott Academy's CEO may decide not to approve the RTO Manager's decision where the CEO believes that such a decision will have a negative effect on other students, such as encouraging other students to attend less than 80% of required scheduled classes, without acceptable reason(s).

3.3 If, after a thorough review by Marriott Academy, it is determined that a student has been identified as a STAR, due to unsatisfactory course progress and, consequently may not be able to complete their course within the nominated duration period then:

- a) The student shall be issued a formal warning in writing, and shall be advised of actions required for redemption, which shall include mandatory meeting(s) with Marriott Academy's Student Support and Careers Manager (SSCM);  
The Marriott Academy SSCM shall schedule meetings with the student, as required, in order to monitor the student's progress in meeting redemption requirements. Students who require an extension to their study plan will be advised to complete the Application for new Confirmation of Enrolment (COE) form;
- b) The Marriott Academy SSCM, where appropriate, shall arrange for Marriott Academy trainer(s) to provide the student with additional training and/or an opportunity for reassessment;
- c) Should it become evident that, during the implementation of Marriott Academy's STAR intervention strategy, that the student will not be able to complete the course requirements within the nominated duration period, then the student shall be advised in writing that their enrolment shall be terminated.

3.4 Marriott Academy acknowledges that overseas students may experience a range of challenges during their time studying in Australia. Such challenges may include, but are not limited to:

- accommodation problems;
- academic standards and expectations;
- cultural shock, home sickness;
- local customs and etiquette;
- balancing work commitments and studies.

3.5 Intervention strategies that may be actioned by the SSCM may include, but are not limited to:

- transition support;
- study skills support (e.g., developing a study plan, time management, assessment expectations, class attendance and participation, reading and note taking skills, academic referencing and plagiarism, research methods, web searching, library skills, engaging a tutor etc);
- welfare support;
- reduction in course load (extension of course end date will require a new CoE);
- increased contact
- Developing a STAR Individual Learning Support Plan for the student
- referral to external agencies or specialists.

3.6 The SSCM shall ensure that documentary evidence of the measures implemented, as part of intervention strategies, must be placed in student's file. Student should receive a copy.

3.7 Marriott Academy shall report to Immigration via PRISMS any changes to student CoEs. Reporting the student, and issuing a new CoE, shall occur as soon as it is known the student cannot reasonably complete his or her program within the expected duration as specified on the student's CoE, and circumstances warrant an extension to be granted to the student. Where Marriott Academy extends the duration of a student's enrolment, Marriott Academy shall advise the student, in writing, to contact Immigration in order to seek advice on any potential impacts on their visa, including the need to obtain a new visa.

3.8 Marriott Academy shall not extend the duration of an overseas student's enrolment if the overseas student is unable to complete the course within the expected duration, unless:

- a) there are compassionate or compelling circumstances, as assessed by the registered provider on the basis of demonstrable evidence, or
- b) Marriott Academy 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
- c) 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).

## 4.0 Student Appeals

4.1 Student may appeal any decision made by Marriott Academy with regards to 'satisfactory progress' and/or 'satisfactory attendance'. Whilst Marriott Academy's Complaints and Appeal Policy and Procedure shall apply, in cases where decisions being appealed related to 'progress' and/or 'attendance', then the student must lodge their appeal within twenty (20) working days of being notified by Marriott Academy.

4.2 In all cases, Marriott Academy shall take into consideration circumstances where there are compassionate or compelling reasons for the student's breach of progress and/or attendance requirements.

## 5.0 Reporting overseas student visa holders

5.1 Where a student has been supported through Marriott Academy's intervention strategies, but still fails to meet course progress and/or attendance requirements, and there are no special or extenuating circumstances, then the student shall be informed in writing that Marriott Academy intends to report the student to Immigration. Marriott Academy shall advise the student that they have the right to access Marriott Academy's internal complaints and appeals process within 20 working days.

5.2 If the registered provider has assessed that the overseas student is not meeting course progress or attendance requirements in accordance with its policies, the registered provider must give the overseas student a written notice of its intention to report. The registered provider also needs to advise the overseas student of their right to access the registered provider's internal complaints and appeals process within 20 working days.

5.3 Marriott Academy shall only report unsatisfactory course progress or unsatisfactory course attendance in PRISMS in accordance with section 19(2) of the ESOS Act if:

- a) Marriott Academy's internal, and any external, complaints and appeals processes have been completed and the decision or recommendation supports and upholds Marriott Academy's decision, or
- b) the overseas student has chosen not to access Marriott Academy's complaints and appeals process within the 20 working day period, or
- c) the overseas student has chosen not to access the external complaints and appeals process, or
- d) the overseas student withdraws from the internal or external appeals processes by notifying the registered provider in writing.

## 6.0 RTO Documents:

ESOS\_10.0 Complaints and Appeals Policy and Procedure v 1.0

## 7.0 Reassessment

Students will have an opportunity to undertake two supplementary assessments in each unit for which they have been deemed Not Yet Competent (NYC). These reassessment services will be provided to students at no additional charge, and will be conducted during the scheduled 'Supplementary Classes'.

If students are still assessed as NYC after their second reassessment, then the NYC result will stand. Students may access Marriott Academy's Complaints and Appeals Policy should they wish to appeal an assessment result.

## 8.0 Student Code of Conduct

You MUST take responsibility for your learning by:

- Attending your scheduled classes, workshops and activities
- Arriving on time for classes and remain in the class for the duration of the session
- Reporting your reasons for being absent within one week of that absence
- Using equipment supplied or approved by Marriott Academy in the manner in which it is intended
- Obtaining prior written permission for the use of electronic or recording devices during classes
- When completing coursework and assessments, not engaging in plagiarism, cheating, or any form of academic dishonesty
- Taking responsibility for your support needs by communicating with your trainers or student support staff.

You MUST contribute to a healthy and safe learning environment by:

- Engaging in safe behaviour at all times
- Never, whilst on campus, using or being under the influence of, alcohol, drugs and other substances that may adversely affect your co-ordination, response rate or judgement
- Keeping food and drink out of classrooms
- Complying with Marriott Academy's smoke free campus policy.

You MUST respect yourself and others by:

- Ensuring that you respect the rights and welfare of other members of the Marriott Academy community
- Refraining from any activities or behaviours that may be construed as harassment, intimidation, discrimination or bullying
- Reporting any incidents of harassment or bullying you experience or witness whether caused by students or staff
- Using appropriate language when communicating with other students, staff and campus visitors
- Expressing your points of view in a way that respects the opinions, beliefs and values of other learners and trainers
- Showing respect and consideration for other students, staff and visitors.

You MUST show respect for your learning environment by:

- Only using Marriott Academy property which you are entitled to access, in a responsible and careful manner
- Complying with the law, and Marriott Academy policies and procedures, at all times
- Raising concerns about any matter which you believe hinders your learning
- Accessing the Marriott Academy computer network and equipment only for learning purposes and do not allow others access to your passwords.

Students who breach this Code of Conduct may be subject to penalties including suspension or expulsion and termination of enrolment, in the most serious cases. Behaviour such as verbally or physically threatening others, property damage or drugs are a criminal matter and will be referred to the police for investigation. Students who are found in breach may access Marriott Academy's Complaint's and Appeals Policy and Procedure.