

EDUCATION AGENT MANAGEMENT FRAMEWORK

ACQ-STU-01

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Objects of Excelsia College

Motivated by the Christian faith, as expressed by the Apostles' Creed and Nicene Creed, with fidelity to the Scriptures as the Word of God, the objects of the College are the advancement of the Christian faith and higher education.

1 Policy statement and principles

This framework sets out College's policy and procedures in relation to the effective and diligent management of the education agents it appoints to recruit overseas students to study with the College in Australia. The purpose of this policy and procedure is to ensure consistent and effective management of education agents, and to ensure the College complies with the following legislation when appointing, managing, and reviewing suitable international education agents to represent the College locally and internationally:

- i. [Education Services for Overseas Students Act 2000 \(ESOS Act 2000\)](#) (Cth)
- ii. [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) (National Code 2018) (Cth)
- iii. [Higher Education Standards Framework \(Threshold Standards\) 2021](#) (Cth)
- iv. [Higher Education Support Act 2003](#) (Cth)
- v. [Migration Act 1958](#) (Cth)
- vi. [Tertiary Education Quality and Standards Agency Act 2011](#) (Cth)

The College's approach to this policy framework is guided by the following principles.

1.1 Agent selection and management

- i. The College is committed to:
 - a. appointing high quality international education agents that are committed to abiding by the standards outlined in the *ESOS Act 2000* and National Code 2018
 - b. providing adequate training and information to agents, including their obligations under the *ESOS Act 2000* and National Code 2018
 - c. providing adequate support to agents, including timely and relevant communication on matters such as courses, admission requirements, policies, training, complaints and issues requiring corrective action
 - d. managing and building the agent relationship in a professional, ethical, and responsible manner
 - e. managing and mitigating reputation and other risks associated with agents
 - f. only paying commissions to agents who have an agreement with the College
 - g. taking corrective action (which may include termination of an agreement) with any agent that does not perform satisfactorily or does not comply with the terms and conditions of the Agent Agreement and the National Code 2018.

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- ii. The College will not accept students from, or enter into an agreement with, any agent that it knows or reasonably suspects to be:
 - a. engaged in, or to have previously engaged in, dishonest recruitment practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 of the National Code (Overseas student transfers)
 - b. facilitating the enrolment of a student that the agent believes, or should know, would not comply with the conditions of their student visa
 - c. negligent, careless, incompetent or engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the reputation of the College or the Australian international education industry
 - d. misusing PRISMS to create confirmations of enrolment for other than bona fide students
 - e. providing migration advice, unless that education agent is authorised to do so under the *Migration Act 1958*.

1.2 Agent responsibilities

1.2.1 Agent Agreement

- i. The duties and responsibilities of the agent are stipulated at length in the Agent Agreement. The Agreement outlines an agent's obligations in relation to the rules and regulations as set out in the *ESOS Act 2000* and National Code 2018, recruitment rules, promotional activities, fees, privacy and ethical conduct.
- ii. Agent obligations are also outlined in the Agent Practices and Responsibilities Statement (Appendix A).
- iii. Failure to abide by these obligations will result in a review process which may result in a warning, or termination of the Agent Agreement.

1.2.2 Use of the College logo

- i. Agent use of the College name and logo should adhere to the College's Marketing and Communications Framework and the College's Branding Style Guide.
- ii. A College registered agent agrees to only advertise the provision of courses with the written permission from the College. All printed and electronic marketing material should include the College ABN, business name, TEQSA Provider Number and CRICOS Provider Code.
- iii. All advertising and use of the College logo must be approved by the College prior to publication.
- iv. All requests for use of the relevant College logo are to be emailed to the Chief Global Engagement and Partnerships or Student Acquisition team member at excelsiacollegeapplications@excelsia.edu.au

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1.3 Third parties

- i. Where a course is marketed and delivered by a third party, and where acquisitions or marketing services are delegated to the third party, the College must ensure that the third party has appropriate resources and processes in place to adhere to the College's policies and procedures.

1.4 Framework approval and monitoring

The College will, via Management Committee:

- i. approve amendments to the processes used by the third parties where necessary for:
 - a. selection and recommendation of agents
 - b. training, induction of, and communications to agents
 - c. monitoring and recommendations for renewal of agent agreements
 - d. records and compliance and
 - e. referral of complaints and issues to the College.
- ii. request regular reporting on agent management matters.

Non-compliance with this policy framework may result in disciplinary action in accordance with College by-laws.

2 Scope

This policy framework applies to:

- i. those education agents the College has appointed to represent it and its programs, both onshore and offshore
- ii. those education agents representing prospective or enrolled students of the College, both onshore and offshore
- iii. those education agents seeking to become College registered agents.
- iv. all College staff and partners who deliver the College's awards and manage international education agents on the College's behalf.

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3 Roles and responsibilities

The following stakeholders have a responsibility in relation to this policy framework.

Role	Responsibility
Agent	<ul style="list-style-type: none"> • Abide by the duties and responsibilities stipulated in the Agent Agreement, including obligations in relation to the <i>ESOS Act 2000</i> and the National Code 2018 • Abide by the obligations outlined in the Agent Practices and Responsibilities Statement (Appendix A) • Abide by the obligations outlined in the Australian International Education and Training Agent Code of Ethics; act ethically, honestly and in the best interests of overseas students, including declaring and taking all reasonable steps to avoid conflicts of interest with its duties as an education agent of the College • Abide by the stipulations regarding the use of the College logo and marketing material as outlined in this framework
International Student Recruitment Officer (Onshore and Offshore)	<ul style="list-style-type: none"> • Notify agents whose application to the College is unsuccessful • Arrange for Australia-based agents to have a meeting and tour of a campus (where location allows) • Meet with new overseas agents to view their premises and practices, and inform them about College courses and facilities • Provide approved agents with up-to-date and accurate promotional materials • Conduct and document due diligence and assess prospective agents' suitability to represent the College • Send up-to-date details of appointed agents to Marketing • Ensure that communication between the College and its agents is efficient and effective
Chief Global Engagement and Partnerships	<ul style="list-style-type: none"> • Determine for each agent the outcome of their annual performance review: continuation; renewal; non-renewal; termination; or further training or corrective action • Report agent assessments, appointments, ongoing monitoring and performance reviews to Management Committee • Provide recommended actions to Management Committee regarding agent performance review outcomes • Issue a warning or immediately terminate the agreements of agents deemed to be unsatisfactory in their performance or in severe breach of the Agreement • Report all instances of warnings and terminations to Management Committee • Verify the legitimacy of a signed Agent Agreement and send a copy to the Finance Department • Ensure that communication between the College and its agents is efficient and effective

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Management Committee	<ul style="list-style-type: none"> • Review and approve recommendations included in report summarising the performance of the College’s agent network • Reviewing the reply of any agent whose Agreement has been terminated • Approve amendments to the processes used by the third parties where necessary for: <ul style="list-style-type: none"> ○ selection and recommendation of agents ○ training, induction of, and communications to agents ○ monitoring and recommendations for renewal of agent agreements ○ records and compliance and ○ referral of complaints and issues to the College • Request regular reporting on agent management matters
Quality Assurance and Improvement Committee (QAIC)	<ul style="list-style-type: none"> • Review agent appeals

4 Definitions

For the purpose of this policy framework, the following definitions apply.

Term	Definition
Agent Agreement	The formal contract between the College and the agent outlining the terms and conditions under which the services of the agent are provided.
Agent Code of Ethics	The Australian International Education and Training Agent Code of Ethics.
conflict of interest	A situation in which an individual’s personal interests could compromise their professional responsibilities. Examples of conflicts of interest include, but are not limited to: <ul style="list-style-type: none"> • when the agent charges services fees to both overseas students and registered providers for the same service • where an education agent has a financial interest in a private education provider • where an employee of an education agent has a personal relationship with an employee of the education provider.
CRICOS	The Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), the register prescribed under section 14A of the <i>ESOS Act 2000</i> .
education agent (agent)	A person or organisation engaged by the College via a formal agreement to undertake approved international student recruitment activities on behalf of the College, where they are paid a commission for a successful placement.
<i>ESOS Act 2000</i>	<i>The Education Services for Overseas Students Act 2000 (Cth).</i>

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genuine temporary entrant (GTE)	International student applicants who are required to provide evidence as temporary entrants into Australia.
marketing	Any promotion of the institution about its courses and facilities to prospective overseas students and their parents or guardians, agents, international organisations and other interested parties such as alumni
National Code 2018	The National Code of Practice for Providers of Education and Training to Overseas Students 2018 made under section 33 of the <i>ESOS Act 2000</i> .
overseas students	As defined by the <i>ESOS Act 2000</i> , overseas or international students (within or outside Australia) who hold a student visa but does not include students of a kind prescribed in the ESOS regulations.
PRISMS	The Provider Registration and International Student Management System used to process information given to the Secretary of the Department of Education by registered providers.

5 Procedures

Management Committee have delegated the assessment, recruitment, monitoring and management of the activities of agents to the Chief Global Engagement and Partnerships and the International Student Recruitment Officer (Onshore and Offshore).

Agents are engaged to represent the College and recruit students for the College. A person or organisation wishing to apply to be an approved agent of the College shall contact the Chief Global Engagement and Partnerships.

5.1 Agent assessment and selection

5.1.1 Assessment

- i. The International Student Recruitment Officer (Onshore and Offshore) and Team Leader Student Acquisition will conduct and document due diligence and assess prospective agents' suitability to represent the College against criteria that may include and is not limited to:
 - a. the location of the agent and the country or countries the agent will recruit from
 - b. demonstrated understanding of Australian legislation in regards to student recruitment, student visa requirements, data management and privacy, the Australian international education industry and the College
 - c. relevant prior training completed, including whether any of the agency staff have completed a recognised Education Agent Training Certification
 - d. evidence of experience in the recruitment of genuine quality international students
 - e. relevant agent network registration and accreditation
 - f. reference checks

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- g. any history of non-compliance with the *ESOS Act 2000*, National Code 2018 or agent agreements
 - h. any history of false or misleading recruitment practices, illegal provision of migration advice, dishonest recruitment practices or misuse of the Provider Registration and International Student Management System (PRISMS)
 - i. agent's reputation, including through publicly available sources, and evaluation of any previous dealings
 - j. agent's fees and charges structure
 - k. agent performance data available through PRISMS and other sources
 - l. certification for Qualified Education Agent Counsellors
 - m. approval from Chief Global Engagement and Partnerships to appoint.
- ii. The International Student Recruitment Officer (Onshore and Offshore) or their delegate requests the agent to provide two referees.
 - iii. If the agent is deemed suitable after completion of assessment, the International Student Recruitment Officer will generate an Agent Agreement. The duties and responsibilities of the agent are stipulated in the Agent Agreement.
 - iv. If the agent's application is not approved, the agent is notified in writing by the International Student Recruitment Officer.

5.1.2 Processing selected agents

- i. In accordance with the National Code 2018, when the College decides to continue with the agent application, the International Student Recruitment Officer generates an Agent Agreement which details the duties and responsibilities of the agent and other matters including:
 - a. compliance with the *ESOS Act 2000* and National Code 2018
 - b. the requirements of the agent in representing the College
 - c. the College's processes for monitoring the education agent's activities and ensuring the education agent gives overseas students accurate and up-to-date information
 - d. the corrective actions that may be taken and the grounds for termination of the written agreement with the education agent
 - e. the circumstances in which information about the College may be shared by the College and Commonwealth or state and territory agencies.
- ii. The Agreement is sent electronically to the prospective agent.
- iii. The agent has three months to digitally sign the Agreement before it is voided.
- iv. When the agent signs digitally, the Chief Global Engagement and Partnerships is notified by email. The agent also receives an electronic copy of the counter-signed contract.

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- v. The Chief Global Engagement and Partnerships or their delegate then ensures the Agreement is legitimate by checking the signatures of the two parties and sends a copy to the Finance Department for their records and commission calculations when applicable.
- vi. The details of the agent are entered into and maintained in PRISMS by the Chief Global Engagement and Partnerships or their delegate.

5.2 Reporting

- i. The Chief Global Engagement and Partnerships regularly reports to the Management Committee on prospective agent assessment, agent recruitment, ongoing performance, agent training, and other relevant information.
- ii. Marketing publishes details of appointed agents on the College website.

5.3 Approved agent training

- i. All approved agents will be provided with sufficient tools and resources by the College to ensure that accurate and up-to-date information is provided to prospective students at all times, and to ensure compliance with the relevant laws, regulations, standards and codes.
- ii. A standard Agent's Ethical Practices and Responsibilities Statement (Appendix A) must be provided to all new agents to ensure that the agent has an appropriate understanding and knowledge of the *ESOS Act 2000* and the National Code 2018.
- iii. As soon as reasonably practicable, and no later than three months from becoming an approved agent, the International Recruitment Officer or the Chief Global Engagement and Partnerships will provide all new agents with appropriate training on:
 - a. College courses (including, but not limited to, entry requirements, admissions process, scholarships and support services)
 - b. the agent's obligations and responsibilities under the National Code 2018 and the *ESOS Act 2000*
 - c. the requirements of the College in relation to status of all prospective students, aimed at managing potential visa risks arising from a student's reasons for seeking to study in Australia
- iv. Training may be provided in person, online, over the phone or through email.
- v. Training is actively initiated by the College and is completed with new agents as well as on an ongoing basis.
- vi. If the new agent is based in Australia, the Chief Global Engagement and Partnerships or International Student Recruitment Officer will arrange for the agent's director or manager to have a meeting and tour of a campus (where location allows). This meeting should include information regarding the courses and facilities available at the College.
- vii. If the new agent is overseas, the Chief Global Engagement and Partnerships or their delegate will, where possible, arrange for a College representative – who may be travelling to that specific

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region – to meet with the agent, view their premises and practices, and inform them about College courses and facilities.

- viii. Ongoing training is also provided through:
 - a. agent familiarisation visits to Australia
 - b. agent training and workshops held in market
 - c. various training sessions.

5.4 Agent updates

- i. The Chief Global Engagement and Partnerships and International Student Recruitment Officer will ensure that communication between the College and its agents is efficient and effective.
- ii. The Chief Global Engagement and Partnerships or International Student Recruitment Officer will ensure that approved agents are provided with up-to-date and accurate promotional material and information through a range of communication means, including update emails and newsletters, training webinars, regular agent meetings and agent visits, and advice on:
 - a. changes to courses
 - b. procedures and enquiry or enrolment information
 - c. changes to legislative or regulatory requirements, including legal or regulatory conditions for Australian student visa requirements
 - d. news, events and other relevant information about the College
 - e. changes to any privacy requirements consistent with the obligations of the College under any applicable privacy legislation
 - f. the use of any electronic and online systems used to process applications
 - g. taking corrective action to address any issues that may have been identified.

5.5 Agent payments

- i. Payment of commission is made in accordance with the College Agent Agreement.
- ii. Only agents who have an agreement with the College will be paid commission.
- iii. Where a commission is being claimed, it must be claimed within two years from the student's course start date.

5.6 Monitoring and reviewing of agent performance

- i. The College monitors and reviews the performance of all approved agents on an ongoing basis, through a formal annual review and at the end of agent contracts, to ensure the College is only using reputable and productive agents.

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- ii. Ongoing monitoring and formal performance reviews will be undertaken by the Chief Global Engagement and Partnerships in accordance with the terms of the Agent Agreement and this framework, and may include but are not limited to:
 - a. international student surveys
 - b. application audits
 - c. visits to the offices of the agent
 - d. conversion rates (number of applications, offer and commencements)
 - e. the number of visa applications submitted by the agent that resulted in a student visa being granted or rejected
 - f. confirmation by the agent of receipt of communications sent by the College
 - g. the academic progress and performance of international students recruited by the agent
 - h. a review of the accuracy and currency of information provided to prospective international students
 - i. compliance with the terms of the Agent Agreement
 - j. any other indicators or measures set by the College from time to time.
- iii. Information and data for the review and monitoring of agent performance will be collected through qualitative and quantitative mechanisms. This includes, but is not limited to Australian government agencies and their reporting systems, local government agencies around the world, internal College data, PRISMS data, reviews of publicly- and non-publicly available materials and resources, meetings and discussions with agents and their staff, informal feedback from industry colleagues, student surveys and questionnaires, observations of events and interactions with prospective students, as well as student feedback, including those who change agents.
- iv. The monitoring processes used to evaluate the activities of the Agent are outlined in the Excelsia College Agent Agreement.

5.6.1 Annual agent performance reports

- i. Following the annual review of each agent, or determination of deficiency or non-compliance through ongoing monitoring, the Chief Global Engagement and Partnerships will provide a report to Management Committee summarising the performance of the College's agent network and recommended actions for approval.
- ii. Each agent will be classified as one of the following:
 - a. Non-Performing
 - b. Performing
 - c. New (registered with Excelsia College for under 12 months).

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- iii. Agents who are 'Non-Performing' may have their contracts terminated or not renewed, or have further training or corrective action.
- iv. Agents who are 'Performing' will have their contract continued or renewed based on maintaining consistent enrolments and demonstrating a proven ability to continue to abide by all regulatory requirements.
- v. 'Performing' agents may be provided additional marketing support and resources.
- vi. Agents who have not worked in a professional manner and/or have not abided by all regulatory requirements, will have one or all of the following actioned:
 - a. issued with a warning letter
 - b. suspension of Agent Agreement (no enrolments allowed until performance improves); and/or
 - c. termination of Agent Agreement (criminal activities and serious non-compliance).
- vii. Agents who satisfy standard requirements will be issued a new Agent Agreement.
- viii. The agent has three months from the renewal date to digitally sign the Agent Agreement before it is voided, however automatic reminders are sent to the agent on a weekly basis. Failure to sign the Agreement within the three-month period may result in temporary suspension until the signed Agreement is returned.

5.7 Agent warnings and terminations

Excelsia College will take the following action prior to terminating an Agent Agreement.

- i. If it is established that an agent is deemed to be unsatisfactory in their performance or in severe breach of any items stipulated in the Excelsia College Agent Agreement or regulatory requirements including the National Code 2018, the Chief Global Engagement and Partnerships will issue a warning in the first instance or immediately terminate the agent's Agreement.
- ii. If the education agent becomes aware of, or reasonably suspects, false or misleading recruitment practices engaged in by an employee or subcontractor of the education agent, the education agent must terminate its relationship with those individuals.
- iii. When an agent has been deemed to be in severe breach of an item stipulated in the Excelsia College Agent Agreement then a letter informing the agent of termination is sent and the agent is given the right of reply to Excelsia College.
- iv. It is at the discretion of Management Committee to decide whether the agent's response justifies the situation in question.
- v. The Chief Global Engagement and Partnerships reports all instances of warnings and terminations to the Management Committee.

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5.8 Agent appeal

- i. The College supports an agent's right to appeal any decisions made by the College regarding their Agent Agreement. Agents must address their appeal in writing to the College with any supporting documentation.
- ii. Agent appeals will be reviewed by the Quality Assurance and Improvement Committee, which will establish if the agent is eligible for a probationary extension of the Agent Agreement valid for three to six months.

6 Appendix A: Agent's ethical practices and responsibilities statement

Australia offers a high-quality education experience to overseas students across all sectors, including English language and foundation programs through to higher education. By providing a fair and accessible system that supports overseas students, Australia has gained an enviable reputation as a popular study destination.

The *Education Services for Overseas Students (ESOS) Act 2000* is a robust framework that protects and enhances the experiences of overseas students in Australia. An integral part of the legislation is the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code 2018). The National Code 2018 provides nationally consistent standards for the conduct of registered providers and the registration of their courses.

Education institutions such as Excelsia College must comply, and ensure that its education agents comply, with the National Code 2018 to maintain their registration to provide education services to overseas students.

Under the National Code 2018, education agents must act ethically, honestly and in the best interests of overseas students, as well as uphold the reputation of Australia's international education sector. In order to comply with these regulations, it is imperative that all education agents contracted to Excelsia College understand and abide by the requirements and responsibilities set out in this statement. Failure to do so will result in corrective action which may include termination of your education Agent Agreement.

Education agents must:

- enter a written agreement with Excelsia College to be appointed as an authorised education agent
- not provide migration (visa) advice unless authorised to do so under Australian migration law
- not give false or misleading information, or engage in any deceptive practices, in the marketing and promotion of Excelsia College's courses
- not claim to commit to securing a migration outcome from undertaking an Excelsia College course
- not claim that an Excelsia College course will guarantee any specific career or job outcome for a student

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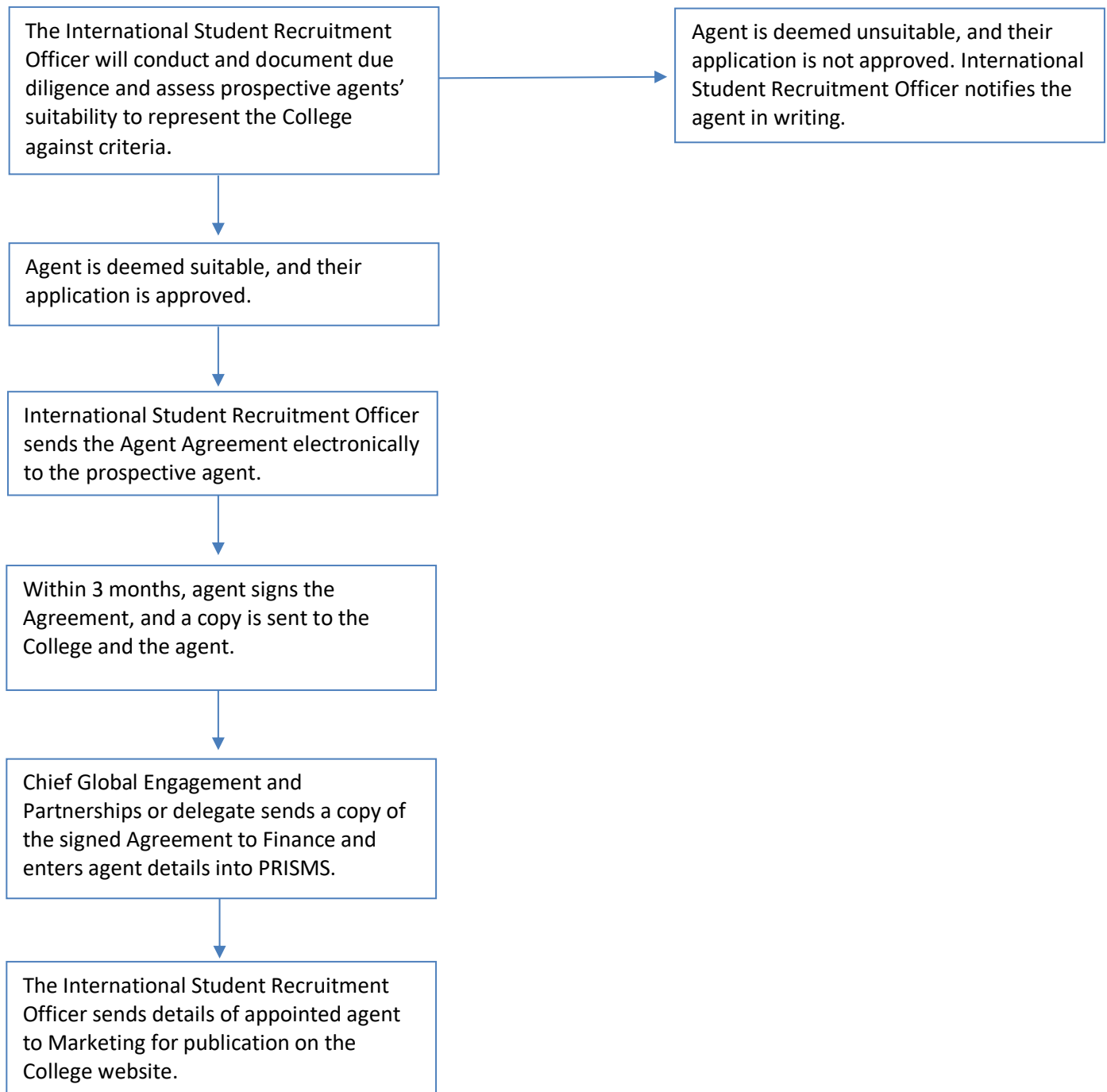
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- not actively recruit a student that has not completed the first six months of their principal course (except as permitted by Standard 7 of the National Code 2018)
- not accept or recruit students reasonably suspected to be non-genuine entrants into Australia
- provide students with sufficient information to enable them to make informed decisions about studying with Excelsia College in Australia
- declare in writing and take reasonable steps to avoid conflicts of interest with their duties as an authorised Excelsia College education agent
- observe appropriate levels of confidentiality and transparency in their dealings with overseas students or prospective overseas students
- use Excelsia College approved marketing and promotional materials in their recruitment activities
- have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics
- notify Excelsia College as soon as there are any changes to their agency contact details and business information (i.e. registered address, email and/or director or owner details).

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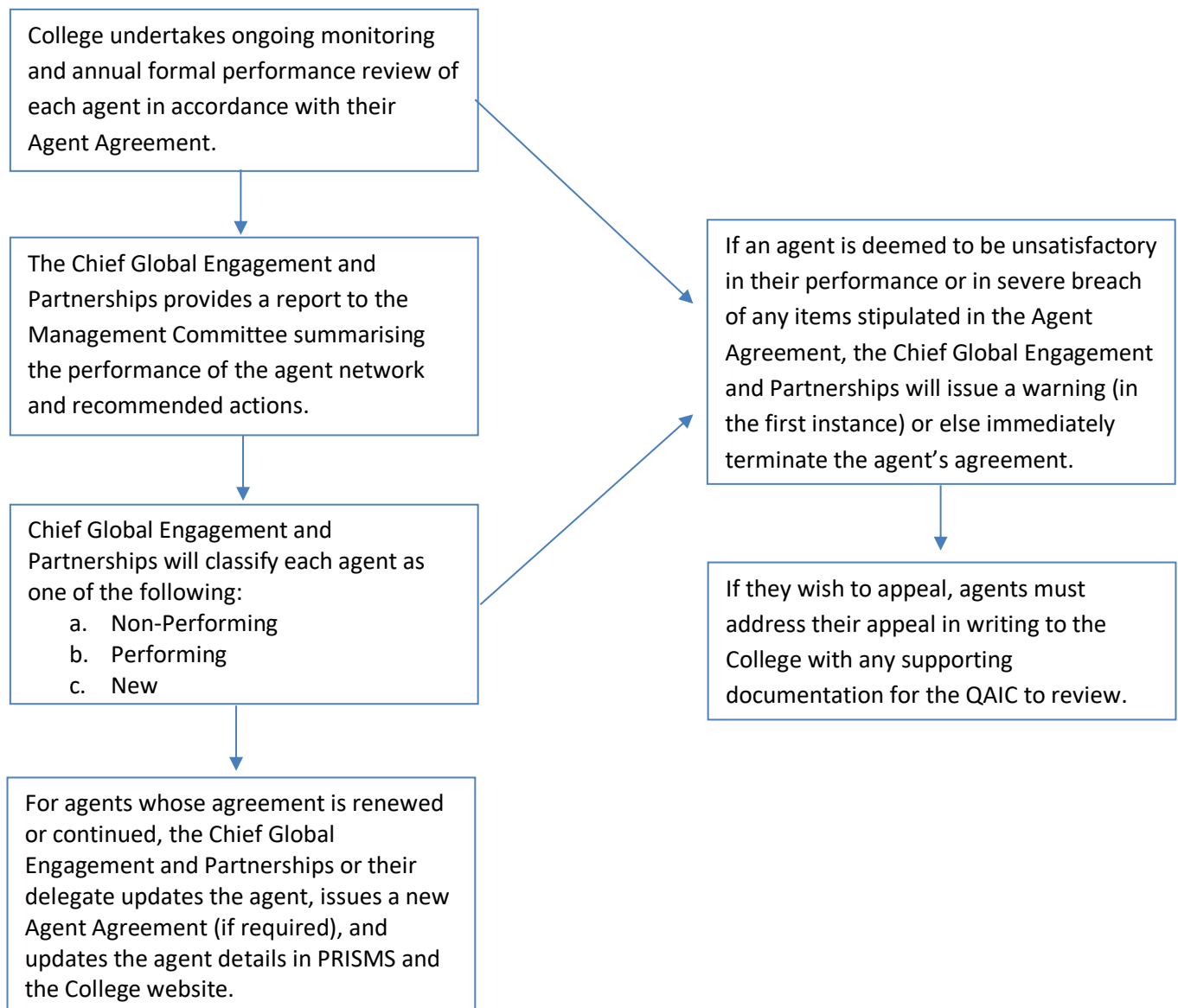
7 Appendix B: Agent Assessment and Selection Flowchart



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8 Appendix C: Agent Performance Management Flowchart



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9 Document status and governance

Responsible Officer	Chief Global Engagement and Partnerships	Date created: November 2023 Date of last review: November 2023
Approving Authority	Management Committee	Meeting date: 8 December 2023 Agenda item number: 08.2
Publication	Version 1 (Public)	December 2023
Related documents and references	<p>External documents</p> <p>Australian International Education and Training Agent Code of Ethics</p> <p>Education Services for Overseas Students Act 2000 (Cth)</p> <p>Higher Education Standards Framework (Threshold Standards) 2021</p> <p>Higher Education Support Act 2003 (Cth)</p> <p>Migration Act 1958 (Cth)</p> <p>National Code of Practice for Providers of Education and Training to Overseas Students 2018</p> <p>Tertiary Education Quality and Standards Agency Act 2011 (Cth)</p> <p>Internal documents</p> <p>Agent Agreement</p> <p>Branding Style Guide</p> <p>Marketing and Communications Framework</p>	
HESF	7.1, 7.2	
Review date	Review of Version 1	December 2026

10 Document history

This policy framework has been amended as follows:

Version	Approved by and date	Sections amended

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