

ELICOS and International Foundation Program Attendance Procedure

Section 1 - Context

(1) This procedure supports the Commonwealth legislative requirements regarding attendance of international students in English Language Intensive Courses and International Foundation Courses. The University is legally obliged to impose those requirements, and international students must comply with the requirements in order to retain their enrolment and student visa.

(2) To ensure that students and staff understand their responsibilities in relation to these requirements and the consequences of poor attendance, this procedure: (i) outlines the steps the University will take to monitor and report attendance; and (ii) indicates the appeals process available to students whose attendance has been identified as unsatisfactory.

Section 2 - Attendance Requirements

(3) Under the provisions of the ESOS Act and the National Code, ELICOS and International Foundation students must, as a condition of their Student Visa, maintain a minimum rate of 80% attendance over their course of study. If attendance falls below 80% and it is clear that the student will not be able to reach 80% by the end of the course, the University is required to report the student to DIAC.

Section 3 - Monitoring Attendance

Notice on Attendance Requirements

(4) ELICOS and IF students are to receive the Attendance Requirements Information Sheet together with an explanation of its importance from the Co-ordinator of their course at the orientation meeting for new students.

Recording of Attendance

- a. Rolls are marked every hour by the teacher. If the student is absent from classes or lectures for any reason, he/she will be marked absent on the roll.
- b. If the student is late for class by more than 15 minutes, leaves the class more than fifteen minutes before the end of class, or is absent from the class for more than 15 minutes, he/she will be marked absent for that hour.
- c. Sick leave is counted as an absence. If the student submits a medical certificate, it will be copied and kept on the student's file and the original returned to the student.

Monitoring of Attendance Records

(5) Each fortnight the students' attendance records are reconciled and assessed for non-compliance by the ELICOS team.

Calculation of Attendance

ELICOS

(6) The 80% attendance requirement is measured over the duration of the student's course. For example, a student with a COE duration of 20 weeks of ELICOS tuition (i.e. 500 study hours based on 25 hours per week) has an 80% threshold of 400 hours, or an allowable number of hours of non-attendance of 100 hours. If, prior to the completion of the 20 week enrolment, the student has had absences exceeding 100 hours he/she will not be able to meet the 80% attendance.

International Foundation (IF)

(7) The 80% attendance requirement is measured over the duration of the IF student's course. Hours of attendance will vary for IF students in different courses. Each student will therefore receive advice at the commencement of the course of the minimum hours of attendance required and the allowable number of hours of non-attendance.

Attendance Certificate

(8) Students who satisfy the minimum requirements for their course will be awarded an Attendance Certificate by the Pathways and Academic Learning Support Centre. This Certificate is essential should the student wish to extend their visa for further study.

Section 4 - Leave of Absence

(9) If student has been on an approved Leave of Absence and does not return to ELICOS or International Foundation when expected, ELFS will try to contact student by email to identify when they intend to return to study and ascertain if they have compassionate or compelling circumstances.

(10) If the student does not respond within 10 working days then the ESOS Student Compliance Unit must be contacted.

(11) The ESOS Student Compliance Unit will try to contact the student to find out if they are in Australia or not. If there is no response then the student's enrolment in the current term will be withdrawn and the CoE reported as Cessation of Studies.

(12) If the student is in Australia and has not provided a compassionate or compelling reason for not attending ELICOS or IFP then the unsatisfactory attendance procedure will continue.

(13) If the student wishes to return to study in the future they must apply to International Admissions.

Section 5 - Identifying Students at Risk

Students with Consecutive Non-approved Absences

(14) If a student is absent from class for three consecutive days without approval, the ELFS staff will attempt to contact the student by telephone and email.

(15) If, after two further working days, contact has not been made with the student or if the student continues to absent him or herself from class without approval, International Student Support will be notified and requested to attempt to contact the student for intervention.

(16) Records of any contact with the student or any counselling provided to the student will be maintained by the

respective units.

(17) The student's absence will be recorded as part of the regular monitoring of attendance procedure.

First Warning Letter

(18) When actual attendance falls below 90%, an early warning letter will be given to the student informing them of their current level of attendance and warning them that they are at risk of being reported for non-compliance should they continue to be absent.

(19) The student must sign and date the file copy of the letter acknowledging its receipt.

Final Warning Letter

(20) When actual attendance falls below 85%, a final warning letter will be given to the student by the Co-ordinator/Head Teacher, Co-ordinator, ELICOS Programs or Co-ordinator, International Foundation.

(21) The student will be required to meet with the Co-ordinator/Head Teacher to discuss their attendance. The Co-ordinator/Head Teacher will emphasise the importance of complying with the University's attendance requirements as well as DEEWR/DIAC regulations and the consequences of non-compliance.

(22) The student will sign and date the file copy of the warning letter acknowledging its receipt.

(23) Comments on the interview will be written by the Co-ordinator/Head Teacher, on the file copy of the letter.

Notification of Breach of Attendance Requirements

(24) When it is clear a student will not attain an 80% attendance rate by the end of his/her course, the student will receive written notification from ELICOS team of their breach of the attendance requirements and the University's intention to report the student to DEEWR/DIAC for unsatisfactory attendance.

(25) The notification will include advice that the student may appeal to the English Language and Foundation Studies (ELFS) Appeals Committee against this decision within the timeframe specified in the letter.

(26) The notification will also include advice:

- a. as to whom to contact if the student wishes to discuss the implications of their breach of the attendance requirements and the appeals process, for example, the Dean of Students or the International Student Engagement Team;
- b. that, if lodging an appeal, it is the student's responsibility to clearly identify at that time all the information they hold or are aware of in support of their appeal;

(27) A copy of the Breach of Attendance letter is to be placed on the student file and sent to the ESOS Student Compliance Unit.

Section 6 - Reporting and Appeals Procedure

(28) A student has 20 working days from the date of receipt of the Breach of Attendance letter to lodge an appeal to the ELFS Appeals Committee.

(29) Appeals must be made in writing to the Director, Centre for English Language Foundation Studies, and must include in one page or less:

- a. the reasons for the non-attendance (supported by documentary evidence);
- b. any additional information in support of their case.

(30) Students who are lodging an appeal can request to appear before the Appeals Committee. They may be accompanied by a companion. The companion may not speak unless invited to do so by the Chair of the Committee.

(31) The Appeals Committee will meet within 10 working days after the end of the appeal period. All reasonable measures will be taken to finalise the process as soon as practicable.

(32) The Language Centre Appeals Committee will comprise the following staff:

- a. The Director, Centre for English Language Foundation Studies (Chair)
- b. The Deputy Director, Centre for English Language Foundation Studies
- c. The Co-ordinator, ELICOS Programs or the Head Teacher, ELICOS, Sydney CBD.

(33) The IF Appeals Committee will comprise:

- a. The Director, Centre for English Language Foundation Studies (Chair)
- b. The Deputy Director, Centre for English Language Foundation Studies
- c. The Co-ordinator, International Foundation.

(34) The Committee will consider:

- a. whether the decision to report the student for unsatisfactory attendance was based on the correct procedures;
- b. any mitigating circumstances advanced by or on behalf of the student; and
- c. whether the appeal should be upheld or dismissed.

(35) During the internal appeals process the student will remain enrolled in all courses and continue to attend classes.

(36) Where the student has chosen not to access the appeals processes within the 20 working day period, or withdraws from the process, the ESOS Student Compliance Unit will be notified and will issue the Intention to Report letter to the student which will outline the options to access the University's [complaints procedure](#) and the external authority ([NSW Ombudsman](#)) to appeal.

Section 7 - Outcomes of the Appeals Procedure

(37) The Student will be notified of the outcome of the internal appeals process within ten (10) working days of hearing the appeal.

- a. If the ELFS Appeals Committee determines that processes have not been appropriately followed, or that circumstances (eg extended illness) have prevented the student from attending, and if attendance has not fallen below the discretionary minimum allowed under Standard 11 of the National Code and the [Education Services for Overseas Students Act 2000](#), it may uphold the appeal and not report the student's non-attendance to DEEWR/DIAC. The Chair of the Committee will notify the student that the appeal has been upheld.
- b. If the ELFS Appeals Committee determines that due process has been followed and that there are no mitigating circumstances, it will dismiss the appeal and advise the ESOS Student Compliance Unit to issue the student with the University's Intention to Report letter. The Intention to Report letter will outline the options to access the University's [complaints procedure](#) and the external authority ([NSW Ombudsman](#)) to appeal. The student's enrolment at the University will be cancelled from the end of the current term if fees have been paid for that term.

Section 8 - Complaints and Final Appeals

(38) If the student is not satisfied that the ELFS appeal process has been properly conducted, the student may lodge a complaint with the University Complaints Office.

(39) Students also have the right to refer their complaint to the [NSW Ombudsman](#) if they are dissatisfied with the conduct of the appeals process.

(40) If the student intends to appeal to University's Complaints Office or the External Authority ([NSW Ombudsman](#)) they must do so within 10 working days from the date advised in the Intention to Report Letter and must advise the ESOS Student Compliance Unit in writing that they have lodged an appeal.

(41) After 10 working days, if the student has not lodged an appeal or if ESOS Student Compliance Unit has not been notified of an appeal, the student will then be reported through PRISMS. This will result in the student receiving a Section 20 Notice. This requires the student to contact Department of Immigration and Citizenship (DIAC) within 28 days or make arrangements to leave the country. This breach results in a possible exclusion from Australia for three (3) years.

Status and Details

Status	Historic
Effective Date	4th December 2009
Review Date	31st December 2019
Approval Authority	Academic Senate
Approval Date	4th December 2009
Expiry Date	1st December 2020
Responsible Executive	Anna Bennett Director, Pathways and Academic Learning Support Centre anna.bennett@newcastle.edu.au
Enquiries Contact	Anna Bennett Director, Pathways and Academic Learning Support Centre anna.bennett@newcastle.edu.au <hr/> Pathways and Academic Learning Support Centre

Glossary Terms and Definitions

"University" - The University of Newcastle, a body corporate established under sections 4 and 5 of the University of Newcastle Act 1989.

"Risk" - Effect of uncertainty on objectives. Note: An effect is a deviation from the expected, whether it is positive and/or negative.

"Class" - When referring to a class attended by Students, a class is any teaching and learning activity of a course. For all other uses of this term, the generic definition applies.

"Working day" - Any day other than Saturday, Sunday, or a public holiday in Newcastle, on which business may be conducted.

"Complaint" - As defined in Australian/New Zealand Standard - Guidelines for complaint management in organisations.

"Course" - When referring to a course offered by the University, a course is a set of learning activities or learning opportunities with defined, assessed and recorded learning outcomes. A course will be identified by an alphanumeric course code and course title. Course types include core courses, compulsory courses, directed courses, capstone courses and electives. For all other uses of this term, the generic definition applies.

"Student" - A person formally enrolled in a course or active in a program offered by the University or affiliated entity.

"Lecture" - Any timetabled activity labelled 'lecture' in the University's timetabling and room booking system.

"Staff" - Means a person who was at the relevant time employed by the University and includes professional and academic staff of the University, by contract or ongoing, as well as conjoint staff but does not include visitors to the University.