

NEW ZEALAND MINISTRY OF EDUCATION CODE OF PRACTICE FOR THE RECRUITMENT, WELFARE AND SUPPORT OF INTERNATIONAL STUDENTS

Notwithstanding that compliance with certain aspects of the Code of Practice is a mandatory requirement for the registration of a provider by the New Zealand Qualifications Authority

IT IS AGREED between the Ministry of Education and the International Education Consultative Committee on behalf of the education industry¹ in New Zealand that the Code of Practice for the Recruitment, Welfare and Support of International Students² is endorsed and applied by the education industry thereby ensuring appropriate pastoral care of international students:

1 *Delivery of education and training services*

- 1.1 All providers will adopt policies and management practices which maintain high professional standards in the delivery of education and training services and which safeguard the educational interests and welfare of all international students.
- 1.2 Providers will have the capacity to deliver courses and programmes offered to international students, provide a high standard of facilities, and use methods and materials appropriate to the expectations³ and/or learning needs of international students.
- 1.3 Providers will maintain a learning environment that is conducive to the success of international students.
- 1.4 Providers will ensure that all staff involved with the provision of education services for international students are appropriately qualified, committed to improving the skills of their students, and who are sensitive to the culture(s) of the students being taught, and will provide for the professional development of such staff as required.

2 *Recruitment of international students*

- 2.1 The recruitment of international students will be conducted in an ethical and responsible manner.

¹ defined as state and private sector providers of education services for international students.

² defined as full fee paying international students who generally return to their country of origin on completion of their education programme, and excludes New Zealand citizens/permanent residents who have recently arrived from another country.

³ for instance: an experienced international postgraduate student could expect, in most circumstances, to be treated on the same basis as a domestic student.

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The International Education Appeal Authority, c/- Ministry of Education, P O Box 1666, Wellington, NEW ZEALAND

- 2.2 Any prospectus or other promotional material will give a fair and accurate presentation of a provider.
- 2.3 Offers of course placement will be based on an assessment of the extent to which the proficiencies and aspirations of the applicant are matched by the educational opportunities offered by the provider.
- 2.4 Proficiency in English will be specifically evaluated as appropriate.
- 2.5 Providers will ensure that the assessment of intending students is undertaken by suitably qualified and trained staff and/or agents. Offers of course placements will include requirements for English language and bridging courses to be specified where these are deemed necessary.
- 2.6 Institutions will endeavour to ensure that staff members and representatives contracted by providers and working overseas will be carefully selected and will be:
- a sympathetic and clear communicators with a full knowledge of the providers' programmes and procedures and the New Zealand education system generally;
 - b sensitive to the culture and customs of the target country, and aware of its historical and political background and its education system;
 - c knowledgeable, experienced, and competent in education administration and in dealing with international students.

3 *Contractual and financial obligations of providers*

- 3.1 The contractual and financial dealings between providers and their international students will be conducted by providers in an ethical and responsible manner.
- 3.2 There will be adequate documentation of the contractual and financial arrangements between the international student and either the provider or their agents, and the provider or their agents will make available to the student a copy of this documentation as appropriate.
- 3.3 Providers will safeguard all fees paid by international students in accordance with New Zealand legislation⁴.
- 3.4 Providers unable to deliver courses and programmes nominated by international students will refund fees paid in accordance with New Zealand legislation⁵.
- 3.5 Providers will include a statement on withdrawal and refund procedures in the form in which it accompanies all fees and enrolment documentation given to students⁶.

⁴ an explicit requirement of registration by NZQA (Registration of Private Training Establishments. NZQA, 1995)

⁵ *ibid.*

⁶ *ibid.*

4 *Information provided to international students*

- 4.1 Providers and/or their agents will supply accurate, timely and current information to international students and prospective international students on all relevant matters.
- 4.2 Providers and/or their agents will inform students of the immigration requirements governing entry of international students to New Zealand. The information will include, but may not be limited to:
- a advice on visa conditions;
 - b study obligations as an international student;
 - c rights to supplementary employment in New Zealand;
 - d arrangements for accompanying dependents, including their education in New Zealand;
 - e reporting obligations.

Providers and/or their agents will also inform students of the desirability of taking out cover for health insurance in New Zealand⁷.

- 4.3 The information on education services offered by providers will include, but may not be limited to:
- a detailed and realistic estimates of costs for students and accompanying dependants of tuition, accommodation and living expenses;
 - b admission requirements, procedures, and criteria;
 - c conditions of acceptance;
 - d English language proficiency requirements where appropriate;
 - e bridging courses, pre-sessional and in-sessional English language programmes where appropriate;
 - f withdrawal arrangements; termination of tuition; refund entitlements; credit transfers;
 - g available facilities and equipment, living conditions and staffing;
 - h availability and standards of accommodation available on and off campus;
 - i internal and external grievance procedures;

⁷ Although desirable, this is not an immigration requirement.

- j non-academic student support services provided for international students.
 - k any special legal requirements for students as a consequence of their age.
- 4.4 The information listed in paras 4.2 and 4.3 above will be made available to students before they enter into any commitments.
- 4.5 Providers will review regularly all information provided to international students to ensure its accuracy and relevance.

5 Support services

- 5.1 Where providers make arrangements, either themselves or with a third party, for support services for international students, they will ensure that these are sensitive to cross-cultural issues and meet any special needs of international students, especially those who are vulnerable because of their youth/inexperience.
- 5.2 These services will include but may not be limited to
- a adequate orientation;
 - b information and advice on accommodation;
 - c counselling on concurrent assistance, bridging courses, and welfare facilities.
- 5.3 Providers will establish an appropriate infrastructure to be the focal point for all inquiries from international students and to ensure both the effective delivery of their education programmes and the provision of all necessary support services.
- 5.4 Providers will designate a person who is responsible for the welfare of international students.

Explanatory Note:

Circulars 1994/35 and 1995/19 outline conditions on the use of schools' operations funds (which includes revenue from tuition fees paid by international students), either to employ separate additional staff (i.e. not entitlement teachers on the Collective Employment Contract (CEC)) or the secondary employment under separate Individual Employment Contracts (IECs) of entitlement teachers who are under the CEC.

Circular 1994/35, in accordance with the requirement of s 75(2) of the State Sector Act 1988, requires Boards of Trustees appointing staff under IECs to 'advertise' the position, appoint the person most suitable, and obtain State Services Commission (SSC) approval for every IEC entered into, and carry out these functions on an annual basis.

The Ministry advises that the requirement to 'advertise' could be appropriately satisfied by verbal notice at a staff meeting and the placement of a written notice on the staff noticeboard. The Ministry has developed, in conjunction with the SSC, a standard IEC contract that meets SSC requirements and which will not require schools to obtain SSC approval for each IEC entered into unless they deviated from the standard contract.

- 5.5 Providers will deliver or arrange the delivery of a programme of social and cultural events that enable international students to develop their English language skills in social settings and to experience the culture of New Zealand.
- 5.6 Providers will ensure that the support services and social environment offered to international students encourages them to have a positive attitude to New Zealand's education services, and New Zealand as a country, when they return home at the conclusion of their studies.
- 5.7 Where providers or their agents arrange accommodation for international students, providers will guarantee that host families will be visited before any international students are placed with them and undertake such other checks as deemed necessary to ensure their suitability.

6 *Grievance procedures*

- 6.1 Providers will ensure that international students have access to fair and equitable internal procedures for dealing with their grievances in the first instance.
- 6.2 Students on acceptance of their enrolments will be advised on the procedure for lodging complaints that will allow them to freely access the procedures available to them for dealing with their grievances.
- 6.3 Providers will advise international students of external bodies with whom complaints may be lodged if the internal procedures do not result in a satisfactory resolution of concerns⁸.
- 6.4 International students who are not satisfied by the service they receive from a state or private provider will be able to contact an independent International Education Appeal Authority, who will give a hearing to both parties and may recommend remedial action that must then be binding on both parties.
- 6.5 In consultation with the International Education Consultative Committee, the Ministry of Education will appoint and resource a one-person International Education Appeal Authority⁹ who will carry out the functions listed above. This person will receive prominence in Ministry information for international students held by providers, who will be expected to make this information available as a condition of listing on a register of providers who subscribe to the Ministry's Code.

7 *Sanction procedures*

- 7.1 The Ministry will maintain a register of providers who subscribe to the Ministry's Code and who apply to be on it. Registration/accreditation¹⁰ by the New Zealand Qualifications

⁸ an explicit requirement of registration by NZQA (Registration of Private Training Establishments. NZQA, 1995)

⁹ modelled on the current Student Allowances Appeal Authority.

¹⁰ a student may not be enrolled by a provider in a course of more than 3 months duration unless the course is an approved course and the provider is accredited to provide the course (*Education Act 1989, ss 224[7], 232[1]*).

Authority or an interinstitutional body (New Zealand Polytechnic Programmes Committee (PPC), Colleges of Education Accreditation Committee (CEAC)¹¹) will be taken as evidence of a provider's ability to meet the requirements of the Code of Practice. Providers may use the following standard wording that records that they subscribe to the Code of Practice approved by the New Zealand Ministry of Education in any of their promotional material.

“This organisation is a signatory to the New Zealand Ministry of Education Code of Practice for the Recruitment, Welfare and Support of International Students”

- 7.2 The International Education Appeal Authority may receive and adjudicate on complaints received from international students. A breach of the Ministry's Code (after reasonable time allowance for remedying the breach to the satisfaction of the Appeal Authority) may result in the provider being struck off the Ministry's register.
- 7.3 Where the issue is one of quality of delivery, the Appeal Authority may refer a complaint to NZQA, NZPPC, CEAC etc who may independently decide to cancel the provider's accreditation/registration. In that instance, the course may then not be lawfully delivered, and the provider would be struck off the Ministry's register. As a lesser sanction, the Appeal Authority may adjudicate that the pastoral care impact warrants removal from the Ministry's register (whether or not the registration/accreditation is terminated). The Appeal Authority would consult with NZQA, or NZPPC as appropriate prior to taking this decision. In some circumstances, the Appeal Authority may refer a complaint about a school to the Education Review Office (ERO).
- 7.4 Where the issue is one of financial practice, the Appeal Authority may refer the complaint to the provider's auditors, required to be disclosed to the Appeal Authority as a condition of listing. This may lead to court action in serious breaches. As a lesser sanction, the Appeal Authority may adjudicate that the pastoral care impact warrants removal from the Ministry's list (whether or not the financial practice is condoned by the provider's auditors). The Appeal Authority would consult with the provider's auditors prior to taking this decision, and the provider would agree in advance to such discussion as a condition of listing.

8 Implementation

- 8.1 The Ministry will maintain the Code of Practice in consultation with members of IECC and their constituent providers.
- 8.2 The Ministry will maintain a register of providers who subscribe to the Ministry's Code, who apply to be on it, and will make this register accessible within New Zealand and overseas. Registration/accreditation by NZQA, NZPPC, CEAC, etc (legally required of providers that intend to deliver courses of more than 3 months to international students) is taken as evidence of a provider's ability to meet the requirements of the Code of Practice. Providers may use standard wording that records that they subscribe to the Code of

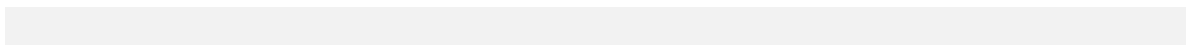
¹¹ other institutional bodies are anticipated (e.g. for wananga).

Practice approved by the New Zealand Ministry of Education in any of their promotional material.

8.3 Grievance and sanction procedures as described above will apply.

Explanatory Note:

The Association of Polytechnics in New Zealand is developing a Code of Practice that includes three sets of guidelines: quality and accreditation, pastoral care, and financial and resources. APNZ's guidelines for pastoral care are congruent with the Ministry's (except the word 'polytechnic' replaces 'provider' throughout). The Ministry and APNZ have agreed in principle to ensure commonality of their Codes of Practice for pastoral care, subject to para 8.1 above.



**NEW ZEALAND MINISTRY OF EDUCATION
CODE OF PRACTICE FOR THE
RECRUITMENT, WELFARE AND SUPPORT
OF INTERNATIONAL STUDENTS (SUMMARY TEXT)**

IT IS AGREED between the Ministry of Education and the International Education Consultative Committee on behalf of the education industry in New Zealand that the Code of Practice is endorsed and applied by the education industry thereby ensuring appropriate pastoral care of international students:

All providers will adopt policies and management practices which maintain high professional standards in the delivery of education and training services and which safeguard the educational interests and welfare of all international students.

The recruitment of international students will be conducted in an ethical and responsible manner.

The contractual and financial dealings between providers and their international students will be conducted by providers in an ethical and responsible manner.

Providers and/or their agents will supply accurate, timely and current information to international students and prospective international students on all relevant matters.

Where providers make arrangements, either themselves or with a third party, for support services for international students, they will ensure that these are sensitive to cross-cultural issues and meet any special needs of international students, especially those who are vulnerable because of their youth/inexperience.

Providers will ensure that international students have access to fair and equitable internal procedures for dealing with their grievances in the first instance.

International students who are not satisfied by the service they receive from a state or private provider will be able to contact an independent International Education Appeal Authority, who will give a hearing to both parties and may recommend remedial action that must then be binding.

The Ministry will maintain a register of providers who subscribe to the Ministry's Code, who apply to be on it, and will make this register accessible within New Zealand and overseas. Providers may use standard wording that records that they subscribe to the Code of Practice approved by the New Zealand Ministry of Education in any of their promotional material

The International Education Appeal Authority may receive and adjudicate on complaints received from international students. A breach of the Ministry's Code may result in the provider being struck off the Ministry's register.

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