



CODE OF PRACTICE FOR THE PASTORAL CARE OF INTERNATIONAL STUDENTS

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Preamble

The purpose of this Code of Practice is to provide a framework for educational providers for the pastoral care of international students. The Code is established under section 238F of the Education Act 1989. The Act requires that a provider must be a signatory to the Code to enrol international students.

The commencement date of the Code is 31 March 2002.

Definitions

In this Code, unless the context otherwise requires:

“Accommodation Agent” means the agent of a signatory engaged in managing the placement of international students in accommodation.

“Act” means the Education Act 1989.

“Administrator” means the person or organisation responsible for administering the Code.

“Boarding Establishment Employee” means a person employed to work in a boarding establishment.

“Boarding Establishment” means a school hostel or a private hostel that provides boarding accommodation to students under the age of 18; but does not include a homestay.

“Code” means this Code of Practice.

“CYFS” means the Department of Child Youth and Family Services.

“Designated Caregiver” means a person designated in writing by the parents of an international student as the caregiver for that student.

“ERO” means the Education Review Office.

“Homestay Carer” means a supplier of homestay accommodation to international students.

“Homestay” means accommodation provided to an international student in the residence of a family or household.

“IEAA” means the International Education Appeal Authority established by the Code.

“Industry” means the organisation/s responsible for representing the interests of export education providers to the Government and its agencies, and includes their agents.

“International student” means a person who:

- (a) is enrolled by a provider; and
- (b) is studying in New Zealand on a student permit under the Immigration Act 1987; and

(c) in relation to the provider, is a foreign student as defined in section 2 or section 159 of the Act (whichever is applicable).

“NZIS” means the New Zealand Immigration Service.

“NZQA” means the New Zealand Qualifications Authority.

“NZVCC” means the New Zealand Vice-Chancellors’ Committee.

“Parent” means the father or mother of an international student, and includes a legally appointed guardian.

“Private Training Establishment” means an establishment, other than an institution, that provides post-school education or vocational training, holding a current registration under Part XVIII of the Act.

“Provider” means (i) a school; or (ii) an institution as defined in section 159 of the Act; or (iii) a private training establishment.

“Recruitment Agent” means a person involved in the identification and/or recruitment of potential international students, either in an overseas market or in New Zealand.

“Residential Caregiver” means a homestay carer, a boarding establishment employee, or a designated caregiver.

“Review Panel” means the Review Panel established by the Code.

“School” means a registered school as defined in section 2 of the Act.

“Signatory” means a provider that has applied to be and has been accepted by the Administrator as being a signatory to the Code.

“Tertiary Institution” means (i) an institution, as defined by section 159 of the Act; or (ii) a private training establishment.

1. *General*

- 1.1 All information provided under this Part must be either in writing or in an electronic format.
- 1.2 Signatories must bring the existence and content of the Code to the attention of all staff directly or indirectly involved with international students.

2. *Provision of information to prospective international students*

- 2.1 Signatories or their agents must provide the following information to prospective international students before students enter into any commitments:
 - 2.1.1 Cost of tuition and all other course-related costs, so that there are no substantial hidden costs.
 - 2.1.2 Application requirements and procedures.
 - 2.1.3 Conditions of acceptance.
 - 2.1.4 Refund conditions.
 - 2.1.5 English language proficiency requirements (if applicable).
 - 2.1.6 Information on facilities, equipment and staffing.
 - 2.1.7 Information on the course/s or qualification/s the signatory offers.
 - 2.1.8 Information on whichever of the following categories of accommodation are applicable to the signatory:
 - (a) Rental accommodation.
 - (b) Homestay accommodation.
 - (c) Hostel accommodation (for students aged 18 and over).
 - (d) Boarding Establishment accommodation (for students aged under 18).
 - (e) Private Boarding accommodation.
- 2.2 Information on accommodation must include the following:
 - 2.2.1 Availability and characteristics of living accommodation options.
 - 2.2.2 Realistic estimates of the cost of accommodation on and off campus.
 - 2.2.3 Application processes for securing accommodation.

3. *Prospecti and promotional material*

- 3.1 Prospecti or promotional material must give a fair and accurate representation of the activities and services the signatory is offering to provide.
- 3.2 Prospecti or promotional material must include the information to be provided to prospective international students listed in section 2 above.
- 3.3 Signatories must include the following standard wording with any prospectus or promotional material:

CODE: “[insert provider’s name] has agreed to observe and be bound by the Code of Practice for the Pastoral Care of International Students published by the Minister of Education. Copies of the Code are available on request from this institution or from the New Zealand Ministry of Education website at <http://www.minedu.govt.nz>”

HEALTH AND TRAVEL INSURANCE: “Most students are not entitled to publicly funded health services while in New Zealand unless they are:

- A resident or citizen of Australia; or
- A national of the United Kingdom in New Zealand; or
- The holder of a temporary permit that is valid for two years or more.

If you do not belong to one of these special categories and you receive medical treatment during your visit, you will be liable for the full costs of that treatment. We strongly recommend that you have insurance that will cover the cost of medical treatment in New Zealand for the duration of your stay in New Zealand. We also strongly recommend that you obtain insurance to cover your travel to and from New Zealand.”

IMMIGRATION: “Full details of visa and permit requirements, advice on rights to employment in New Zealand while studying, and reporting requirements are available through the New Zealand Immigration Service, and can be viewed on their website at <http://www.immigration.govt.nz>.”

4. *Assessment of prospective international students*

- 4.1 Signatories must assess prospective international students and be satisfied on reasonable grounds that students have the level of English oral and written competency, prior learning, and/or any academic pre-requisites necessary for them to participate effectively in their chosen programme of study. If these competencies are met, the signatory has discretion to make an offer of placement to the student.
- 4.2 Signatories must advise prospective students prior to enrolment if course placement, or course placement at a particular level, is conditional on a given level of English language proficiency or prior learning being achieved through testing in New Zealand.
- 4.3 If a signatory is not satisfied that a prospective student meets the requirements set out in clause 4.1, they may advise the student of the English language courses and/or prerequisite course/s that must be successfully completed before the signatory will enrol them, and/or during their chosen programme of study.

5. *Accepting international students for enrolment*

- 5.1 Offers of course placement by a signatory to an international student must be based on an assessment of the extent to which the proficiencies and career intentions of the prospective international student are matched by the educational opportunities offered by the signatory.
- 5.2 When enrolling an international student, signatories must provide the international student with the following information, or ensure that the student has already received the information:
 - 5.2.1 Details of the signatory's orientation programme and support services.
 - 5.2.2 A copy of the signatory's grievance procedures.
 - 5.2.3 A copy of the summary document of the *Code of Practice for the Pastoral Care of International Students*, which is attached as Appendix 1.
 - 5.2.4 Procedures that apply when a student withdraws, and when a student is found not to be attending their course or programme for a period specified in the policy of the provider, or such other reasonable period of time.
 - 5.2.5 Circumstances in which the signatory may terminate tuition.
 - 5.2.6 Details of the signatory's fee protection and refunds policy.
- 5.3 Signatories must provide details of the following to international students if applicable to the signatory:
 - 5.3.1 Courses available for international students.
 - 5.3.2 Bridging courses and pre-sessional and in-sessional English language programmes.
 - 5.3.3 Arrangements for the recognition of prior learning.
 - 5.3.4 Details of credit transfer processes.
- 5.4 Signatories must advise international students on enrolment that they are required to notify the signatory of any change in their contact details and residential address.

6. *Staff members working overseas*

- 6.1 Staff members of signatories working overseas must:
 - 6.1.1 Have knowledge of the signatory's programmes, administrative procedures, qualifications, and assessment systems as they apply to international students.
 - 6.1.2 Be sensitive to the culture and customs of the country in which recruitment is being carried out.
 - 6.1.3 Advise prospective international students of any significant barriers relating to courses and qualifications offered by a provider being recognised for employment or further study in the student's home country when the career intentions of the student have been made known to the staff member.

7. *Annual review of information*

- 7.1 Signatories must review all information provided to prospective international students at least annually to ensure its accuracy and relevance.

8. *Immigration requirements*

- 8.1 A signatory may only enrol a prospective international student for a course lasting longer than 3 calendar months if the prospective student is the holder of a current student visa or permit which is endorsed with the institution at which the prospective student is seeking to enrol and the course of study the prospective student intends to undertake.
- 8.2 If a prospective international student applies to enrol but does not have the necessary student visa or permit, the signatory must inform the prospective student of the requirement to obtain one.
- 8.3 Signatories must comply with section 40(1) of the Immigration Act 1987 which provides that every person conducting any course of study or training commits an offence who allows or continues to allow any other person to undertake the course knowing that other person does not have the required permit.
- 8.4 Signatories must follow the procedures set out in the New Zealand Immigration Service (NZIS) guidelines and advise NZIS immediately using the NZIS electronic notification form, available at www.immigration.govt.nz, if an international student's enrolment has been terminated.

Part 2: Contracted Agents

9. *Recruitment agents*

- 9.1 Signatories must advise recruitment agents that recruitment agents must comply with the Code.
- 9.2 Signatories must direct recruitment agents to a copy of the Code, in the agent's first language where available.
- 9.3 Signatories must advise recruitment agents that their agreement may be terminated for breach of the Code by the agent. This must be stated in any written agreement between a signatory and an agent.
- 9.4 Signatories acknowledge that the ethical performance of recruitment agents is of paramount importance.
- 9.5 If a signatory becomes aware that a Recruitment Agent is:
 - (a) engaging in any false, misleading, or deceptive conduct; and/or
 - (b) contravening any of the signatory's obligations under the Code;

the signatory shall immediately advise the agent in writing that they must cease that activity.

If the agent fails to cease the activity, the signatory must immediately (a) withdraw their accreditation of that agent; (b) terminate their agreement with that agent; and (c) stop accepting students through that agent.

10. *Accommodation agents*

- 10.1 Signatories must advise accommodation agents that they must comply with the Code.
- 10.2 Signatories must provide accommodation agents with a copy of the Code.
- 10.3 Accommodation agents must not engage in any false, misleading or deceptive conduct, or otherwise contravene any obligations of the signatory in relation to the performance of any of the signatory's obligations under the Code.
- 10.4 Signatories must advise accommodation agents of the division of responsibility between themselves, the signatory, and residential caregivers.
- 10.5 Signatories must have written contracts with accommodation agents. Such contracts must confirm that the accommodation agent is aware of and agrees to conform with the Code, and state that the contract may be terminated for breach of the Code by the agent.
- 10.6 The signatory indemnifies the Administrator against all expenses, losses, damages and costs (on a full indemnity basis) incurred by or awarded against the Administrator arising out of any claim by any person in relation to:
 - 10.6.1 The accommodation agent's breach of any provision of the Code.
 - 10.6.2 The manner of the accommodation agent's performance of any of the signatory's obligations under the Code.
 - 10.6.3 Any false, misleading or deceptive conduct of the accommodation agent.

11. Contractual and financial obligations of signatories

- 11.1 Signatories must comply with all relevant provisions of the Act in their dealings with international students.
- 11.2 All contractual and financial dealings between signatories or their agents and international students must be conducted in a fair and reasonable manner.
- 11.3 All contractual and financial arrangements between signatories and/or recruitment agents on the one hand and international students on the other hand must be recorded in writing, and international students or their representatives must be given a copy of any agreement they are a party to.
- 11.4 Signatories must have a fee protection policy to safeguard fees paid by international students.

12. Indemnity

- 12.1 Each signatory is responsible for its own compliance with the Code, and indemnifies the Administrator against all expenses, losses, damages and costs (on a full indemnity basis) incurred by or awarded against the Administrator arising out of any claim by any person in relation to:
 - 12.1.1 The signatory's breach of any provision of the Code.
 - 12.1.2 The manner of the signatory's performance of any of the signatory's obligations under the Code.
 - 12.1.3 Any false, misleading, or deceptive conduct of the signatory.
- 12.2 The principles of fairness and natural justice will be applied in the consideration of any claim under this section.

13. Support services

- 13.1 Signatories must designate a person or unit as a resource for all inquiries about pastoral care issues from international students.
- 13.2 Signatories must provide support services to international students, including (but not limited to):
- 13.2.1 An orientation programme appropriate to the type of institution and the student.
 - 13.2.2 Assistance to students facing difficulties adapting to the new cultural environment.
 - 13.2.3 Advocacy procedures, to ensure students are made aware of their rights and the signatory's obligations under the Code and how to access internal and external grievance procedures.
- 13.3 In addition to the requirements in sections 13.1 and 13.2, signatories must provide the following support services to international students if applicable:
- 13.3.1 Information and advice on accommodation.
 - 13.3.2 Information and advice on driving laws and road traffic safety in New Zealand.
 - 13.3.3 Advice on courses.
 - 13.3.4 Advice on welfare facilities.
- 13.4 Support services for international students must be tailored to meet the needs of international students.
- 13.5 Signatories must hold the following information relating to each international student at all times:
- Full name.
 - Current address and contact phone number(s).
 - Passport and permit details (photocopy of title page and student permit).
 - Full names and current addresses of parents for students aged under 18, and of emergency contact persons for students aged 18 and over.

14. Cessation of attendance

- 14.1 If an international student enrolled at a registered school (as defined in the Act) fails to attend that school, the Principal must follow the procedures set out in the Ministry of Education's Circular 99/03 'Rules for Student Enrolment Records' (or any subsequent amendments) and use the Ministry of Education's NETS-1 form where appropriate.
- 14.2 Signatories must have processes in place to:
- (a) Ensure that international students are maintaining their course requirements.
 - (b) Follow up in the event that a student ceases attendance before course completion.

Part 5: Students Aged Under 18

Sections 15 and 16 in Part 5 of the Code apply to students aged under 18 only.

15. Welfare

- 15.1 Signatories must have measures in place to promote the welfare of international students, in accordance with the International Student Homestay Guidelines published by the Ministry of Education.
- 15.2 If a signatory believes an international student has been, or is likely to be, ill-treated, harmed, abused or neglected, they must notify CYFS or the New Zealand Police of their concerns in accordance with the “Breaking the Cycle” CYFS reporting protocol.
- 15.3 Signatories must contact the parents of any prospective international student prior to enrolling the student, and must establish communication arrangements with parents that can be used in the event of an emergency.
- 15.4 The Education (Stand-down, Suspension, Exclusion and Expulsion) Rules 1999 apply to all international students enrolled in state and state integrated schools, and those Rules must be complied with.

16. Accommodation

- 16.1 Signatories must ensure that they hold at all times the following information for all residential caregivers and parents:
 - Full name.
 - Current address and contact phone number(s).
 - Current occupation.
 - Relationship to student.
- 16.2 Signatories must ensure that all residential caregivers have a full understanding of their obligations relating to the signatory and any accommodation agent.
- 16.3 Signatories must determine and document that all international students are living in one of the following four categories of accommodation, and that the applicable provisions (below) are observed:
 - 16.3.1 Homestay.
 - 16.3.2 Boarding Establishment.
 - 16.3.3 Living with a designated caregiver.
 - 16.3.4 Living with parents.

16.3.1 Homestays

16.3.1.1 Signatories must have robust procedures for the selection and monitoring of homestay carers and homestay residences which are followed by themselves and any accommodation agent, including, but not limited to:

- New Zealand Police vetting of all persons aged 18 or over resident in the household, excluding other international students.
- An assessment of the homestay carer's suitability.
- An assessment of the suitability of the residential facilities.
- An assessment of whether a homestay carer will provide a safe physical and emotional environment.

16.3.1.2 Signatories or their accommodation agents must establish a support infrastructure for homestay carers, and provide them with advice and information on best practice, so they can build their capability to provide high quality residential services to international students.

16.3.1.3 Signatories must meet with students in homestay accommodation at least once a term to ensure that the accommodation is suitable.

16.3.2 Boarding Establishments

16.3.2.1 Signatories that operate a boarding establishment or place international students with a boarding establishment must have robust procedures for the selection of the boarding establishment which are followed by themselves and any accommodation agent, including, but not limited to:

- An assessment of the potential boarding establishment management and employees' suitability.
- Satisfaction that a suitable process for New Zealand Police vetting of current and prospective boarding establishment employees and contractors who work regularly at the boarding establishment is in place.
- An assessment of the suitability of the residential facilities.
- An assessment of whether the boarding establishment will provide a safe physical and emotional environment.
- Monitoring and managing any risks to the safety of international students.

16.3.2.2 Signatories that operate a boarding establishment or place international students with a boarding establishment must monitor and manage any risks of violence and abuse at the boarding establishment.

16.3.2.3 Signatories must meet with students in boarding establishments at least once a term to ensure that the accommodation is suitable.

16.3.3 Designated Caregivers

16.3.3.1 If an international student's parents select accommodation for the student, the signatory must:

- Have an indemnity document signed by the international student's parents stating that the parents take full responsibility for the placement of the student with the designated caregiver(s).
- On enrolling the student, visit the home to (a) determine that the living conditions are of an acceptable standard, and (b) meet the designated caregiver and establish communication with the caregiver.
- Meet with the student at least once a term to ensure that the accommodation is suitable.

16.3.3.2 The signatory may require that a police vet be undertaken if it considers appropriate or if this is in line with the signatory's policy.

17. *Internal grievance procedures*

- 17.1 Signatories must ensure that international students are advised of and have access to adequate and fair internal procedures for dealing with grievances.
- 17.2 Signatories must implement and document procedures to deal with complaints from international students about breaches of the Code.
- 17.3 Signatories must display information about complaints procedures available to international students and the International Education Appeal Authority in prominent positions within the institution, for example on notice boards within the institution.

18. *International Education Appeal Authority*

- 18.1 The International Education Appeal Authority (IEAA) is established to receive and adjudicate on complaints received from international students or their authorised agents/representatives concerning alleged breaches of the Code.
- 18.2 The Secretary for Education shall establish the criteria for appointment to the IEAA. Member/s of the IEAA will be appointed by the Secretary for Education after obtaining the views of interested sector groups.
- 18.3 The Secretary for Education shall specify the terms and conditions of appointment of member/s of the IEAA, following consultation with the State Services Commission.
- 18.4 The IEAA shall report its activity in written form to the Administrator:
 - in summary form every three months; and
 - with case notes and data summary and analysis annually.
- 18.5 International students who consider that the services provided by a signatory do not satisfy the requirements of the Code may seek redress through the IEAA when they have exhausted the signatory's internal grievance procedures.
- 18.6 The Administrator shall consult with the IEAA and specify the procedures the IEAA will apply to receive and adjudicate on complaints, consistent with the principles of fairness and natural justice and in compliance with relevant legislation.
- 18.7 Signatories agree to be bound by the IEAA's procedures, and agree to provide the IEAA with all information relevant to a complaint if requested to do so.
- 18.8 The IEAA may refer complaints about matters outside the scope of this Code, such as complaints about the quality of education delivery and/or quality assurance, to any relevant body empowered to investigate the particular complaint.
- 18.9 The IEAA may decide to refer complaints about misleading or deceptive conduct to the Commerce Commission or other regulatory authorities.
- 18.10 All personal information provided to the IEAA will be dealt with in accordance with the Privacy Act 1993.

19. *IEAA decisions*

- 19.1 The IEAA will notify all parties affected by a complaint of its decision in writing. The IEAA's decision will be binding on all affected parties.
- 19.2 The IEAA may impose an appropriate sanction, short of suspension or removal from the Code, on a signatory that has committed a breach of the Code that is less than a serious breach. These sanctions may include: a requirement that corrective action be undertaken; publication of the breach; or an order for restitution.
- 19.3 If a sanction has been imposed by the IEAA that requires the signatory to undertake remedial action, the signatory will be given a specified timeframe in which to undertake this action to the satisfaction of the IEAA.
- 19.4 If the signatory fails to comply with the sanction to the satisfaction of the IEAA (including failing to comply within the specified timeframe), the IEAA may recommend to the Review Panel that the signatory be suspended or removed from the Code.
- 19.5 If the IEAA finds that a signatory has committed a serious breach of the Code, it may recommend to the Review Panel that the signatory be suspended for a specified period as a signatory to the Code, or removed as a signatory to the Code.

20. *Review Panel*

- 20.1 The Review Panel shall be established by the Secretary for Education to consider complaints referred to it by the IEAA, including:
- when a sanction imposed by the IEAA has not been complied with to the satisfaction of and/or within the timeframe specified by the IEAA; and
 - where the IEAA determines that a serious breach of the Code has occurred, and recommends to the Review Panel that the signatory be suspended for a specified period as a signatory to the Code, or be removed as a signatory to the Code.
- 20.2 The Review Panel has the power to vary any sanction imposed by the IEAA and to suspend or remove signatories from the Code with respect to any complaint referred to it by the IEAA.
- 20.3 The Review Panel will comprise three independent members. The Secretary for Education will establish the criteria for appointment of the Review Panel members. Members of the Review Panel will be appointed by the Secretary for Education after obtaining the views of interested sector groups.
- 20.4 The Secretary for Education shall specify the terms and conditions of appointment of members of the Review Panel, following consultation with the State Services Commission.
- 20.5 The Review Panel shall report its activity in written form to the Administrator annually.
- 20.6 Signatories agree to be bound by the Review Panel's procedures and to provide the Review Panel with all information relevant to a complaint if requested to do so.
- 20.7 The Review Panel will determine its own procedures for receiving and adjudicating complaints in compliance with all relevant legislation. Signatories agree to be bound by these procedures.
- 20.8 All personal information provided to the Review Panel will be dealt with in accordance with the Privacy Act 1993.

21. *Review Panel decisions*

- 21.1 If the Review Panel decides to suspend or remove a signatory from the Code, the Administrator will notify all affected parties in writing of the Review Panel's decision.
- 21.2 Where a breach of the Code has not been remedied to the satisfaction of and/or within the timeframe specified by the IEAA, the Review Panel may impose additional sanctions on the signatory. These sanctions will include publication of the breach. The Review Panel will notify all affected parties to a complaint of its decision in writing. The Review Panel's decision will be binding on all affected parties.
- 21.3 Where the IEAA has recommended to the Review Panel that a signatory be suspended for a specified period as a signatory to the Code, or removed as a signatory to the Code, the Review Panel may decide to uphold or set aside the recommendation, or to substitute the sanction(s) recommended by the IEAA with another sanction.

22. Applications

- 22.1 Applications by providers to become signatories to this Code will be accepted by the Administrator from the date of commencement of the Code.
- 22.2 To become a signatory to the Code, providers must send the Administrator a completed Code application form (available from the Code Administrator) together with the prescribed fee.
- 22.3 The Administrator shall have authority to approve student exchange programme organisations to deliver aspects of pastoral care to international students.
- 22.4 The criteria for approving student exchange programme organisations shall be established by the Administrator.
- 22.5 To become approved, student exchange programme organisations must make an application to the Administrator demonstrating that they meet the criteria established by the Administrator, and pay the prescribed fee.

23. Monitoring

- 23.1 The Administrator will establish and implement procedures for the ongoing monitoring of compliance with the Code. This may involve the designation or appointment of an independent person or organisation to monitor the compliance of signatories.
- 23.2 The Administrator may undertake site checks of signatories, with a minimum of 5 working days' notice to the signatory prior to the site check.
- 23.3 Signatories are required to review their own performance to ensure compliance with the Code.

24. *Transitional arrangements*

- 24.1 Until the close of 6 months after the date of commencement of the Code, a provider may enrol persons as international students and continue to have international students enrolled even though the provider is not a signatory to the Code.
- 24.2 At the close of the 6 months after the date of commencement of the Code, a provider must not enrol a person as an international student or continue to have any international students enrolled if it is not a signatory to the Code.
- 24.3 Complaints brought to the attention of the IEAA under the voluntary Code of Practice for the Recruitment, Welfare, and Support of International Students will be dealt with under that Code.
- 24.4 The Administrator shall have the discretion to temporarily suspend any of the requirements under the Code to facilitate the introduction of the Code during the 2002 academic year.

25. *Annual fee*

- 25.1 An annual fee set by the Minister shall be payable by signatories to the Code to meet the costs of processing applications, administering, monitoring and enforcing the Code, and the costs of the IEAA and Review Panel.
- 25.2 The annual fee will be notified in the New Zealand Gazette.

26. *Amendments to the Code*

- 26.1 The Administrator must give signatories written notice of any intention to amend any of the provisions of the Code, and provide them with at least 20 working days to make submissions about the proposed amendment(s).
- 26.2 After receiving submissions, the Administrator must seek the approval in writing of the Minister of Education to the proposed amendment(s).
- 26.3 Any amendment(s) to the Code will be notified in the New Zealand Gazette.

27. *Transfer of the administration of the Code*

- 27.1 The administration of the Code may be transferred from the current Administrator to another body with the agreement of that body.
- 27.2 A representative industry body may propose to the Minister that the administration of the Code be transferred.
- 27.3 The current Administrator must give signatories notice of its intention to transfer the administration of the Code, and any consequential amendments to the Code arising from the transfer, and provide them with at least 20 working days to make submissions about the proposal.

- 27.4 The Minister of Education will make a decision on the proposed transfer and the consequential amendments to the Code, after considering the advice of the current and prospective Administrator, and any submissions made by signatories to the Code.
- 27.5 Any transfer of the administration of the Code will be notified in the New Zealand Gazette.

Introduction

When students from other countries come to study in New Zealand, it is important that those students are well informed, safe, and properly cared for.

New Zealand educational providers have an important responsibility for international students' welfare.

This pamphlet provides an overview of the "Code of Practice for the Pastoral Care of International Students" (the Code), and provides a procedure that students can follow if they have concerns about their treatment by a New Zealand educational provider or agent of a provider.

- What is the Code?

The Code is a document which provides a framework for service delivery by educational providers and their agents to international students. The Code sets out the minimum standards of advice and care that are expected of educational providers with respect to international students. The Code applies to pastoral care and provision of information only, and not to academic standards.

- When does the Code apply?

The Code commences on the 31st of March 2002. Educational providers then have six months to sign the Code. Between the 31st of March and the 30th of September 2002 you will need to check with the Ministry of Education if your provider is a signatory to the Code.

- Who does the Code apply to?

The Code applies to all education providers in New Zealand with students enrolled on international study permits. The Code is mandatory to these providers and must be signed by them.

What is an "international student"?

An "international student" is a foreign student studying in New Zealand on a student permit from the New Zealand Immigration Service.

- How can I get a copy of the Code?

You can request a copy of the Code from your New Zealand educational provider. The Code is also available online from www.minedu.govt.nz/goto/international.

- How do I know if an educational provider has signed the Code?

The New Zealand Ministry of Education will maintain a register of all signatories to the Code. This list will be available from www.minedu.govt.nz/goto/international. If the educational provider that you are seeking to enrol with is not a signatory to the Code, you will not be granted a permit from the New Zealand Immigration Service and you will not be able to study at that institution.

- What do I do if something goes wrong?

If you have concerns about your treatment by your educational provider or by an agent of the provider, the first thing you must do is contact the principal, the international student director, or another person who has been identified to you as someone that you can approach about complaints at your institution. The Code requires all institutions to have fair and equitable internal grievance procedures for students and you need to go through these internal processes before you can take the complaint any further.

If your concerns are not resolved by the internal grievance procedures, you can contact the International Education Appeal Authority (IEAA).

A summary of the Code of Practice for the Pastoral Care of International Students

The Code sets standards for educational providers to ensure that:

- high professional standards are maintained
- the recruitment of international students is undertaken in an ethical and responsible manner
- information supplied to international students is comprehensive, accurate, and up-to-date
- students are provided with information prior to entering into any commitments
- contractual dealings with international students are conducted in an ethical and responsible manner
- the particular needs of international students are recognised
- international students under the age of 18 are in safe accommodation
- all providers have fair and equitable internal procedures for the resolution of international student grievances

Full details of what is covered can be found in the Code itself.

The Code also establishes the IEAA and the Review Panel to receive and adjudicate on student complaints.

What will the IEAA do?

The purpose of the IEAA is to adjudicate on complaints from international students. The IEAA will investigate complaints and determine if there has been a breach of the Code. The IEAA has the power to impose sanctions on educational providers who have committed a breach of the Code that is not a serious breach. These sanctions include an order for restitution, publication of the breach, and / or requiring that remedial action be undertaken.

The IEAA will refer complaints that are not about pastoral care to another regulatory body if appropriate.

The educational provider will be given a reasonable time to remedy the breach. If the breach is not remedied within that time, the IEAA may refer the complaint to the Review Panel.

The IEAA can determine if it considers that a breach of the Code is a serious breach. If the breach is a serious breach, the IEAA will refer the complaint to the Review Panel.

- What can the Review Panel do?

The Review Panel can remove or suspend an educational provider as a signatory to the Code, meaning that the provider would be prevented from taking any more international students. Only the IEAA can refer complaints to the Review Panel.

What is the International Education Appeal Authority (IEAA)?

The IEAA is an independent body established to deal with complaints from international students about pastoral care aspects of advice and services received from their educational provider or the provider's agents. The IEAA enforces the standards in the Code of Practice. '

How can I contact the IEAA?

You can write to the IEAA at:

The International Education Appeal Authority,
C/- Ministry of Education,
PO Box 1666,
Wellington,
New Zealand.

Notes: