Agent Management Policy and Guidelines

Scope

This policy applies to Kaplan Business School, Kaplan Higher Education Pty Ltd (trading as Murdoch College and Kaplan International College Adelaide), The University of Newcastle College of International Education, and Kaplan International NZ Limited operating as Massey University College (Kaplan).

This policy applies to:

- all staff who work with admissions and who work directly with Education Agents.
- students who have enrolled via an Approved Agent.
- Approved Agents appointed to represent Kaplan, both onshore and offshore.
- Approved Agents representing prospective or enrolled students of Kaplan, both onshore and offshore.
- Education Agents with a Kaplan Referral Letter.
- Education Agents seeking to become an Approved agent of Kaplan.

Purpose

The purpose of this Policy is to provide information as to how Kaplan:

- adheres to a strict process of application and approval in the recruitment and selection of Approved Agents
- ensures the consistent, effective and compliant management of Approved Agents who work with Kaplan
- follows a firm practice in the monitoring and suspension or termination of Approved Agents who do not act in a legal and appropriate manner, ensuring all agents are honest and professional in their representation of Kaplan programs and courses.

In addition, this policy outlines the conditions when an agent Referral may be used.

Definitions

Agent Agreement	The written agreement which Kaplan enters into with each Approved Agent it engages to formally represent it.
Approved Agent	An Education Agent who has entered into an Agent Agreement with Kaplan.
CoE	Confirmation of Enrolment (Australia only).
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students (Australia only).
Education Agent	A person or organisation (in or outside Australia) who recruits International Students and refers them to education providers. In doing so, the Education Agent may provide education counselling to International Students as well as marketing and promotion services to education providers. Education Agent does not refer to an education institution with whom an Australian or New Zealand provider has an agreement for the provision of education (i.e., teaching activities).
Education Code of Practice 2021	The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 (New Zealand only)
ESOS Framework	Includes the Education Services for Overseas Students Act 2000, the ESOS Regulations 2019 and the National Code 2018 (Australia only).
International Student	In Australia - a student from overseas studying a CRICOS registered course in Australia on a student visa.

	In New Zealand - a person who is not a domestic student.
National Code 2018	The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Australia only).
NZ Education Framework	Includes the Education Act 1989, Education and Training Act 2020 and Education Code of Practice 2021 (New Zealand only).
Referral	An unsolicited referral of a student for enrolment. Kaplan has not engaged the Education Agent to represent it and there is no ongoing relationship between the Education Agent and Kaplan.

Policy Principles

Responsibilities of Kaplan

Kaplan must operate in compliance with the associated framework and legislation which includes, but is not limited to:

- for Australia, the ESOS Framework, the Higher Education Standards Framework (Threshold Standards) 2021, the Foundation Program Standards 2021, the ELICOS Standards 2018 and the Migration Act 1958.
- for New Zealand, the NZ Education Framework and Immigration Act (2009).

Kaplan is responsible for the following regarding Education Agents and Approved Agents:

- The Education Agent application and approval process for an Agent Agreement.
- Initial and ongoing training, to procure that Approved Agents have an appropriate understanding and knowledge of the:
    - responsibilities of Kaplan and responsibilities of Education Agents
    - international education system in Australia and New Zealand
    - Australian International Education and Training Agent Code of Ethics
    - New Zealand's Statement of Principles for the Ethical Recruitment of International Students by Education Agents and Consultants
    - Australia Modern Slavery laws
    - the ESOS Framework
    - the NZ Education Framework
- Monitoring and ensuring compliance with the Agent Agreement including performance, bonuses, warnings, suspensions and terminations.
- Monitoring and ensuring compliance in regard to Genuine Student requirement evaluations and any corresponding evidence (Australia only).

Kaplan will not accept students and will take corrective action, if there is evidence, or Kaplan suspects, an Approved Agent of acting in an illegal or unethical manner such as:

- providing migration (visa) advice unless authorised to do so under Australian migration law
- engaging in dishonest recruitment practices now or previously
- engaging in practices in breach of laws such as the Modern Slavery Act 2018
- actively recruiting a student that is in contravention of Standard 7 of the National Code 2018
- actively recruiting a prospective student they believe will not comply with conditions of their visa
- using PRISMS to create CoEs that are not bona fide 'in good faith'
- attempting to engage in, or engaging in, tax fraud or evasion in connection with a commission or payment received, or to be received, from Kaplan.

For more information, see the Terms and Conditions of the Agent Agreement.

Responsibilities of Approved Agents

Approved Agents must act in a legal and an ethical manner and in the best interest of International Students, as well as uphold the reputation of Australia's and New Zealand's international education sector. All Approved Agents must understand and abide by the requirements and responsibilities set out in their Agent Agreement. Failure to do so will result in prompt corrective action which may include termination of the Agent Agreement.

Approved Agents must satisfy the following requirements:

- enter into an Agent Agreement with Kaplan appointed as an authorised Approved Agent
- not provide migration (visa) advice unless authorised to do so under relevant migration law
- not give false or misleading information, or engage in any deceptive practices, in the marketing and promotion of Kaplan's programs and courses including:
    - association with any other persons or organisations the registered provider has arrangements with for the delivery of the program or in which the student intends to enrol or may apply to enrol
    - any work-based training a student is required to undertake as part of the program
    - prerequisites, including English language proficiency, for entry to the program
    - any other information relevant to Kaplan, its program, or outcomes
- not claim to commit to securing a migration outcome by undertaking a Kaplan Program
- not claim that a Kaplan program will guarantee any specific career or job outcome for a student
- not claim that a Kaplan program will guarantee an assessment outcome
- not actively recruit a student that has not completed the first six months of their principal program (except as permitted by Standard 7 of the National Code)
- not accept or recruit students into Australia or New Zealand that are reasonably suspected to be non-genuine students for the primary purpose of undertaking an education course
- not charge or receive any commissions or fees from students where prohibited
- provide students with sufficient information to enable them to make informed decisions about studying through Kaplan in Australia or New Zealand
- declare in writing and take reasonable steps to avoid conflicts of interests with their duties as an authorised Approved Agent
- observe appropriate levels of confidentiality and transparency in their dealings with International Students or prospective International Students
- comply with requirements imposed by the Simplified Student Visa Framework (SSVF) (Australia only)
- act honestly and in good faith, and in the best interests of the student
- use Kaplan approved marketing and promotional materials in its 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, and New Zealand, including the Statement of Principles for the Ethical Recruitment of International Students by Education Agents and Consultants
- notify Kaplan as soon as there are any changes to their Agency contact details and business information (i.e., registered address, email and/or director/owner details)
- not actively recruit a prospective student they believe will not comply with conditions of their visa, including whether a student meets the Genuine Student requirement (Australia only)
- use PRISMS to create CoEs that are not bona fide 'in good faith' - an example would be providing fraudulent student documentation (Australia only)
- comply with the Modern Slavery Act 2018 and take steps to prevent exploitation in their operations and supply chain
- remain informed of and comply with all relevant legislative and regulatory changes, promptly updating their practices and advice to students accordingly.

For more information, see the Terms and Conditions of the Agent Agreement.

Sub-Agents

If Kaplan becomes aware that a sub-agent of an Approved Agent is acting illegally or unethically, Kaplan must instruct the Approved Agent to cease dealing with the sub-agent in connection with the provision of services to Kaplan in accordance with the requirements of the National Code 2018 (Australia) and the Education Code of Practice 2021 (New Zealand). For more information, see the Terms and Conditions of the Agent Agreement.

AUSTRALIA SPECIFIC INFORMATION

CRICOS registered name and number

The CRICOS registered name and number of the Kaplan entity and/or University (as appropriate) must be provided by an Approved Agent on any written or online materials relating to:

- providing, or offering to provide, a Kaplan or University program or course to an International Student
- inviting a student to undertake or apply for a Kaplan or University program
- indicating Kaplan is able or willing to provide a program to International Students.

Approved Agent data in PRISMS

Kaplan will collect and maintain the following information regarding Approved Agent data in PRISMS as prescribed by the ESOS Framework:

- agent name
- address of agent's principal place of business
- address of body corporate's registered office (if existing)
- agent's postal address, phone number, email address and website (if any)
- agent's ABN or ACN (if any)
- agent's trading name or names (if any).

Approved Agents must notify Kaplan of any changes to their contact information within 14 calendar days.

Website listing

Kaplan is required by the ESOS Framework to maintain a list of current Approved Agents on its website, which is updated continuously.

Agent Approval Procedures

Agent Application

Applications from new Education Agents may be sourced using any of the following methods:

- Actively sourced based on development markets.
- With assistance, from:
    - Adelaide University, The University of Newcastle, Murdoch University or Massey University
    - existing Kaplan Approved Agents
    - Kaplan entities in Australia or overseas.
- A direct enquiry from the Education Agent's CEO, owner or Director.

Education agents seeking to become an Approved Agent must provide the following background information for Kaplan to conduct a due diligence check on the prospective agent:

- company profile
- business registration evidence
- bank account details
    - including a declaration and explanation when an E-money institution is provided
- agency branch details

- information regarding the authorised signee
- previous and proposed student recruitment activities
- any disclosures concerning any involvement with a government official(s) or government agency by the agent or its employees
    - if the agent declares affiliations to government, details of at least two referees for Kaplan to contact may be requested.
- explanation on high visa rejection rates, if requested
- information regarding Modern Slavery practices

Kaplan will only approve the application of an Education Agent to become an Approved Agent where:

- the due diligence checks were satisfactory; and
- there is a need, or additional need, for representation in the agent's country and/or potential for increasing student enrolments in that country; and
- Kaplan believes after reviewing and assessing the agent's application that the agent has:
    - appropriate knowledge and understanding of the Australian international education system including the Australian International Education and Training Agent Code of Ethics
    - a proven track record in student recruitment representation, preferably with Australian or New Zealand universities of comparable standing
    - professional, knowledgeable, and well-trained counselling staff
    - high quality infrastructure, in particular an accessible office located in a reputable location, an adequate resource centre/library for prospective students and adequate local and international communication facilities
    - a reputation for ethical business behaviour and credibility in the local community
    - a reasonably sufficient and consistent period in operation or reasonable experience relating to the industry; and
    - demonstrated success in placing students in Australia.

If a prospective agent's application is not approved, the agent is notified in writing by an Agent Experience Officer.

Agent Approval

In accordance with the National Code 2018 (Australia) and the Education Code of Practice 2021 (New Zealand), Kaplan will enter into a written agreement with each agent it engages to formally represent it.

If Kaplan decides to continue with the application of a prospective agent, an agent account is generated in the management system and compliance checks are conducted.

Engagement is only finalised once the agreement is signed and approved by Compliance.

No agent activation or payments will occur without a fully executed agreement, and approved agent details are maintained in systems (e.g. PRISMS) and published as required.

If at any stage the agent's application is not approved, the agent is notified via email by the Agent Experience Officer.

For further information, refer to the Agent Onboarding Procedures document.

Approved Agent Training

All Approved Agents will be provided with sufficient tools and resources by Kaplan to ensure that accurate and up-to-date information is given to prospective students at all times, and to ensure compliance with the relevant laws, regulations, standards and codes.

New Approved Agents must attend a one-on-one briefing with Kaplan student recruitment staff (either by Skype/Zoom, phone or face-to-face depending on the agent's location) to outline their responsibilities as an Approved Agent and non-permitted practices and activities.

As soon as reasonably practicable, and no later than three months from becoming an Approved Agent, all Approved Agents will be provided with appropriate training on Kaplan and its programs and courses (including but not limited to entry requirements, admissions process, scholarships and support services). Kaplan will procure that Approved Agents are aware of and understand their obligations and responsibilities under the ESOS Framework, NZ Education Framework and the requirements of Kaplan. To manage potential visa risks, including in relation to the Genuine Student requirement status of all prospective students into Australia, a student's reasons for seeking to study in Australia or New Zealand will also be clarified.

All Approved Agents will be provided with Kaplan's current prospectus/brochure and approved marketing and promotional materials, as well as supporting documentation such as fact sheets, application forms, fee sheets and Kaplan brand guidelines, which include any University guidelines where required.

Kaplan will ensure there is ongoing training, tools and resources made available to Approved Agents through agent familiarisation visits, workshops and briefings held in-market and other training sessions, via online or face-to-face.

Agent Referrals

A referral is an unsolicited referral of a student for enrolment, where Kaplan has not engaged the education agent to represent its specific Business Unit and there is no ongoing relationship between the education agent and Kaplan.

If Kaplan decides to accept an agent referral, a new agent account will be generated in the management system to record all of the relevant information.

Once approved by the relevant manager, the referral application will be submitted for compliance checks.

Once all checks have been completed, Kaplan will issue a Referral Letter to be signed electronically.

The Agent Referral Letter includes terms and conditions including conditions that apply to any commission payable. Utilisation of the referral process by an agent is subject to a cap of three commencements and:

- each commencement is a different student who may have multiple CoEs.
- each commencement is a referral for a single student at a time by an education agent to Kaplan.
- Kaplan only includes CoEs which have commenced.
- there may be referrals which are not counted if the student has never commenced.
- no more than three commenced referrals may be approved.

For a referral, the agent is not obliged to fulfil the obligations of an Agent Agreement. No training, agent communications or marketing collateral will be provided by Kaplan.

After the referral of three approved commencements, from then onwards, the agent would need to enter into a formal Agent Agreement with Kaplan.

Approved Agent Updates

Kaplan will ensure that Approved Agents are provided with up-to-date and accurate promotional material and informed of any changes to programs and courses and/or any legislative or regulatory requirements (where applicable), through a range of communication means including update emails and newsletters, training webinars, regular agent meetings and agent visits.

- If the Approved Agent is based in Australia or New Zealand, the relevant manager will regularly visit the agent.
- If the Approved Agent is based in another overseas location, the relevant manager will, where possible, arrange for a Kaplan representative who may be travelling to that specific region to visit the agent.
- The relevant manager will procure that all Approved Agents have current information on applicable promotional prices, new procedures and enquiry/enrolment information.

Approved Agent Payments

Payment of commission is made in accordance with the Kaplan Agent Agreement. In addition, Approved Agents may be eligible to take part in a Kaplan Bonus Incentive Scheme which is reviewed annually, at which time Approved Agents may be invited to participate.

Monitoring and Reviewing Approved Agent Performance

Kaplan monitors and reviews the performance and conduct of all Approved Agents for the purposes of evaluating their activities against the ESOS Framework and NZ Education Framework.

For Approved Agents based in Australia or New Zealand, Kaplan student recruitment staff will undertake regular visits to the agent and its premises.

For Approved Agents not based in Australia or New Zealand, Kaplan student recruitment staff will, where possible, arrange for a Kaplan representative who may be travelling to that specific region to visit the agent and its premises.

Kaplan specifically monitors and reviews the performance of all Approved Agents through an annual agent review. During this time, Kaplan collects information about each Approved Agent's performance from multiple sources including the agent website, Australian and New Zealand government agency reporting systems, local government agencies around the world, student feedback, student performance metrics including progression and attrition, and if available, from other Kaplan schools and offices.

As a result of this annual agent review, Approved Agents will be categorised by Kaplan as 'continuing' or marked for suspension. An Approved Agent that is marked for suspension will be further reviewed by Kaplan and may be suspended if a certain performance criterion has not been satisfied by the agent and Kaplan does not believe, in its absolute discretion, that the agent should remain as an Approved Agent. In making this determination, Kaplan may consider factors such as the potential strategic relationship between the agent and University or to the broader Kaplan group, the need to maintain or develop engagement, support or a presence in strategic markets of Kaplan, the duration of the agent relationship or the need to diversify agents.

Agent Marketing

Kaplan will monitor the compliance of all Approved Agents with the terms of their Agent Agreement, ESOS Framework and/or NZ Education Framework, and in respect of marketing and promotional activities related to Kaplan programs and courses, and that all advertising and use of the Kaplan brands are approved by Kaplan prior to publication. In addition, Kaplan will procure that all Approved Agents must, and all Approved Agents must themselves:

- use the Kaplan name, logo and individual Kaplan entity branding, as well as Kaplan branding in a consistent, compliant and professional manner
- only advertise the programs and courses with the written permission from Kaplan, demonstrated through a signed Agent Agreement
- ensure the CRICOS registered name and number of Kaplan and/or University (as appropriate) appear in all written and electronic marketing material (Australia only)
- ensure that all advertising and use of the Kaplan brands are approved by Kaplan prior to publication.

All requests for use of the Kaplan brand are sent by email to marketinganz@kaplan.com

Failure to abide by these obligations will result in a review process which may result in the warning and termination of the Agent Agreement.

Warning and Termination

All Approved Agents must adhere to the terms of their Agency Agreement and this policy.

Where Kaplan becomes aware of, or reasonably suspects, that an Approved Agent (or their staff or subcontractor) has engaged in a material or significant breach of the terms of its Agent Agreement or is engaging in false or misleading recruitment practices, Kaplan may, in its absolute discretion, either immediately terminate the Agent Agreement without any right to show cause or request that the agent immediately terminates its relationship with its staff or subcontractor who engaged in those practices. A material or significant breach may include fraud, dishonesty, false or misleading recruitment practices, consistently low levels of student performance such as rates of attrition and/or progression that fall short of minimum acceptable benchmarks, and/or a negative notice received from Kaplan's global compliance monitoring systems and database.

In all other cases where Kaplan becomes aware of, or has reason to believe, that an Approved Agent (or their staff or subcontractor) is in default of the terms of its Agent Agreement and/or in contravention of any applicable regulatory requirement (including the ESOS Framework or NZ Education Framework), Kaplan will take immediate corrective action and:

- The agent must cooperate with Kaplan's investigations into the default or breach, in consultation with the Compliance Team, to determine an appropriate corrective action.
- In the case of a minor default or breach (e.g. where the agent can demonstrate an isolated occurrence and/or no potential for regulatory action, which Kaplan accepts), Kaplan may impose a sanction of additional training and/or monitoring of the agent's conduct or a suspension on accepting enrolments from the agent. Kaplan may also terminate the Agent Agreement at any time (at its sole discretion) where in Kaplan's opinion the agent's conduct will bring Kaplan into disrepute and/or where the agent has multiple occurrences of a default or breach.
- Ensure that all corrective action is recorded against the Approved Agent in the management system and notified to the Approved Agent in writing.
- When an Approved Agent has breached the terms of its Agent Agreement, the Compliance Team must be notified by the Global Engagement Team and a letter informing the agent of the circumstances of the default must be sent to the agent.
    - This notice must also provide the agent with a right to submit their reason(s) as to why Kaplan should not proceed to terminate the Agent's Agreement (i.e. show cause).
- Ensure that any Approved Agent that no longer holds an Agent Agreement has their details removed from any corresponding Kaplan website, and procure that the agent immediately ceases to use any promotional materials and returns any such materials to Kaplan by registered mail or a reputable international courier.

Relevant Legislation

As a registered education provider (Australia) and private training establishment (New Zealand), Kaplan operates under strict laws and regulations. Policies and procedures are in place to maintain compliance with the legislative instruments referenced below:

For Australia

- Education Services for Overseas Students Act 2000 (ESOS Act 2000)
- ELICOS Standards 2018
- ESOS Regulations 2019
- Foundation Program Standards 2021
- Higher Education Standards Framework (Threshold Standards) 2021
- Migration Act 1958
- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- Modern Slavery Act 2018
- Privacy Act 1988

For New Zealand:

- Education Act 1989
- Education and Training Act 2020
- Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021

- Immigration Advisers Licensing Act 2007
- Immigration Act 2009
- Privacy Act 2020

Version Control and Accountable Officers

It is the joint responsibility of the Implementation Officer and Responsible Officer to ensure compliance with this policy.

Policy Category	Sales and Marketing
Responsible Officer	General Manager – Global Engagement and Partnerships
Implementation Officer	General Manager – Global Engagement and Partnerships
Review Date	June 2029
Approved by	
KBS and KHE Academic Boards	

Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
1.0	Legal and Compliance	Policy created to strengthen current agent management documentation and to align better to National Code 2018 requirements.	09.03.2018	12.03.2018
1.1	Quality, Regulations and Standards team	Alignment of guidelines to current practice and introduction of referrals and New Zealand requirements.	09.11.2021	16.11.2021
1.2	Quality, Regulations and Standards team	Inclusion of Murdoch College as trading name for Kaplan Higher Education	20.10.2022	01.11.2022
1.3	Quality, Regulations and Standards team	Replaced Genuine Temporary Entrant with Genuine Student requirement	17.04.2024	17.04.2024
1.4	Quality, Regulations and Standards team	Scheduled review that included amendments to the use of Definition words, removal of KIL and updating the Agent Application section.	20.06.2024	21.06.2024
1.5	Quality, Regulations and Standards team	Policy re-branded for new Kaplan college and amended to refer to pathway colleges in relation to Kaplan Higher Education.	10.07.2025	11.07.2025
1.6	Quality, Regulations and Standards team	Procedural amendments made including reference requirements	16.06.2026	17.06.2026