

## Student Transfer Policy and Procedure

### Background

This policy and procedure has been developed to ensure that the Institute complies with Standard 7 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code).

This policy and procedure is a part of a suite of policies related to student enrolment for overseas students. Each policy and procedure is designed to stand alone, however it is recommended that this policy and procedure be read in conjunction with the Admission Policy and Procedure, ESOS Compliance Framework Policy and the Student Academic Progress Policy and Procedure where relevant.

Under Standard 7 of the National Code, international students must remain with their original education provider for the first six months of their principal course unless there are compelling or compassionate circumstances as outlined in the Standard. Where a student enrolls in packaged programs, which includes enabling program such as English Language or pathway programs, the principal course, is the final course in the offer. After this period, students are free to transfer to another provider without a release letter.

### 1. Purpose

The purpose of this policy and procedure is to establish the conditions under which a student transfer may be granted.

### 2. Scope

This policy and procedure applies to all international students.

### 3. Definitions

| Term                                      | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Compassionate or compelling circumstances | Are generally those circumstances beyond the control of the student and which have an impact upon the student's course progress or wellbeing. These include, but are not limited to:<br>serious illness or injury, where a medical certificate states that the student was unable to attend classes or requires a reduced study load;<br>bereavement of close family members such as parents or grandparents;<br>serious mental illness where a psychologist's or psychiatrist's report states that the student was unable to attend classes or requires a reduced study load;<br>major political upheaval, natural disaster or pandemic in Australia or the |

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| Term                      | Definition                                                                                                                                                                                                   |
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|                           | home country which has impacted on the student's personal circumstances to continue study as usual.                                                                                                          |
| ELICOS                    | means English Language Intensive Courses for Overseas Students                                                                                                                                               |
| Associate Director-OSAE   | is the person(s) holding the position as the Institute Associate Director – Office of Student Administration and Experience or nominee.                                                                      |
| PRISMS                    | The Provider Registration and International Student Management System (PRISMS) is the system used to process information given to the Secretary of DET by registered providers.                              |
| Principal Course of Study | The principal course of study refers to the course of study to be undertaken by an overseas student, or where a student visa has been issued for multiple courses of study it is the final course of study . |

#### 4. Policy Statement

- 4.1 The Institute will accept an application from students wishing to transfer to the Institute or transfer from the Institute to another education provider after six months of study in their principal course.
- 4.2 Students are restricted from transferring to another Australian education provider from the Institute if they have yet to complete the first six months of their principal course, except where the following circumstances occur:
- the releasing provider, or the course in which the overseas student is enrolled, has ceased to be registered;
  - the releasing provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider;
  - the releasing provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS;
  - any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change.
- 4.3 Transferring from the Institute to another education provider  
To be eligible to apply for a transfer to another provider within the first 6 months of a student's principal course or during his or her enrolment in prerequisite courses within a package of courses, a student must have met the conditions of offer and be able to demonstrate one or more of the circumstances detailed in clause 4.3.2 below to justify the transfer.

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#### 4.4 Circumstances where a release will be provided

- Students will receive a release if they have not met the condition(s) of their offer. In order for a request for a release to be considered, the student must provide the evidence that they have attempted and not successfully completed their preliminary program e.g. ELICOS, pathway program.
- Reasonable grounds of compassionate or compelling circumstances.
- Students will be provided with a release if they can demonstrate compassionate or compelling personal reasons or academic circumstances. It will normally be expected that such circumstances were unexpected and beyond the control of the student. In order for a request for a release to be considered, the student must provide relevant supporting documentary evidence which might include a personal statement and a statement of support from an independent professional (e.g. medical, legal, counselling, academic).
- Academic grounds where the student will be reported in PRISMS because they are unable to achieve satisfactory course progress at the level they are studying, even after complying with the Institute's INSPIRE guidelines; or
- Being in the best interests of the student where:
  - the Institute fails to deliver the course as outlined in the written agreement with the student; or
  - there is evidence that the student's reasonable expectations about their current course are not being met; or
  - there is evidence that the student was misled by the Institute or an education migration agent regarding the Institute or its course and the course is, therefore, unsuitable to the student's needs and/or study objectives; or
  - an appeal (internal or external) on another matter results in a decision or recommendation to release the student.
- If a release is granted, it will be at no cost to the student.

#### 4.5 A release will not be granted where:

- The student has not completed the first four weeks of the course in which he or she is enrolled; or
- The Institute forms the view that the student is trying to avoid being reported to the Department of Home Affairs for failure to meet the Institute's attendance or academic progress requirements; or
- The transfer may jeopardise the student's progression through a package of courses; or
- The transfer would be detrimental to the student's future study, welfare, and/or

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career objectives; or

- The student applies for a release from a course provided by the Institute in order to transfer to a course provided by another Registered Provider and the Institute considers the other course to be the same, similar or equivalent; or
- The student has not accessed the Institute's student support or welfare services after having been requested to do so; or
- The documents provided by the student do not, in the Institute's view, adequately support grounds upon which the transfer is requested; or
- The student has outstanding debts to the Institute.

4.6 All records related to student transfers will be maintained for a period of at least two years after the student ceases to be an accepted student of the Institute, or longer in accordance with the Records Management Policy and Procedure.

## 5. Procedure

5.1 Where a student requests a transfer within the period of six months of commencement of his or her principal course the Institute will assess the request for transfer against this policy and procedure. Students seeking to apply to transfer prior to completing the first six months of their principal course with the Institute are required to apply in writing on the approved Release Application form and have attached supporting documents as well as the offer letter for the proposed new education provider.

5.2

| Process                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Responsibility | Timeline                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------------------------------------------------------------------------------------|
| <p>Complete Release Application form</p> <p>Students must complete, sign, date and lodge the Release Application form to the Student Counsellor and Advocacy Officers.</p> <p>The following documents must be attached to the Release Application form:</p> <p>An explanation of the reasons behind their request to transfer to another Provider and how they will benefit from the transfer; and</p> <p>The offer letter from the other Provider confirming that a valid enrolment offer has been made unconditionally at that Provider; and</p> <p>Documented evidence as detailed under clause 4.4 must be attached or outlined in the letter of application. Failure to present evidence may</p> | Student        | Prior to any transfer and prior to payment of any tuition fees to another education provider. |

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| Process                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Responsibility                        | Timeline                                           |
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| adversely affect the outcome of the Release Application;<br><br>If all of the above documentary requirements are not met the application will be rejected.                                                                                                                                                                                                                                                                                                                |                                       |                                                    |
| Interview appointment<br>Upon receipt of the Release Application form and supporting documents, the Institute will make an appointment with the student to attend an interview with an Institute Student Counsellor & Advocacy Officer.                                                                                                                                                                                                                                   | Student Services                      | Within 2 working days from receipt of application. |
| Interview<br>The Student Counsellor & Advocacy Officer will interview the student to determine:<br>The circumstances surrounding the release;<br>How the student may benefit from a transfer to another education provider; and<br>Whether the transfer would be detrimental for the student or their future studies.<br><br>If the student fails to respond or attend an interview within the timeframe, the assessment will progress in the absence of that information | Student Counsellor & Advocacy Officer | Within 5 working days from receipt of application  |
| Consider students options<br>The Student Counsellor & Advocacy Officer will consider the options available to the student to achieve their learning goals, including any support services offered by the Institute to assist students to adjust to study and life in Australia.                                                                                                                                                                                           | Student Counsellor & Advocacy Officer | Within 2 working days of the interview             |
| Refer student to support services<br>Where it is in the student's interests, refer the student to appropriate support services for:<br>Academic skill support;<br>Additional English support;<br>Additional tutoring & study group support;<br>Increased monitoring;<br>A mentor program;<br>Referral to personal counselling;<br>The purpose of discussing the suitability of the course;<br>Consideration of reduction in course load;                                  | Student Counsellor & Advocacy Officer | Within 2 working days of the interview             |

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| Process                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Responsibility                        | Timeline                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|---------------------------------------------------------------------------|
| The purpose of implementing an intervention strategy for the student in accordance with the InSPIRE Program Guidelines (InSPIRE).                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                       |                                                                           |
| <b>Recommendation</b><br>A recommendation to the AD- OSAE is made as to whether a transfer would be detrimental to the student or their future studies and whether a release should be granted.                                                                                                                                                                                                                                                                                                                                                                                         | Student Counsellor & Advocacy Officer | Within 2 working days of the student's interview                          |
| <b>Review of recommendation</b><br>Considers the Release Application and supporting documents in light of:<br>The student's educational goals and individual circumstances; and<br>The recommendation made by the Student Counsellor & Advocacy Officer; and<br>Whether the transfer would be detrimental to the student or his or her future studies;<br>The AD-OSAE reserves the right to refer the student to a medical practitioner of the Institute's choice, provided that this process is undertaken within the overall timeframe outlined in the request and appeals processes. | AD- OSAE                              |                                                                           |
| <b>Final decision</b><br>Make and record a decision as to whether to grant a release and recorded in the student's file.                                                                                                                                                                                                                                                                                                                                                                                                                                                                | AD-OSAE                               | Within 8 working days of the lodgment of a Release Application            |
| <b>Successful Decision communicated</b><br>Students will be advised in writing of the outcome of the application and a release will be recorded in PRISMS.<br>The following shall be included in the written correspondence:<br>Confirmation the release has been granted;<br>Advice that the student's Electronic Confirmation of Enrolment has been cancelled and they must contact The Department of Home Affairs to seek advice on whether a new student visa is required;<br>Advice that the student may apply for a refund in accordance with the Refund Policy.                  | Student Services                      | Within 10 working days of the lodgment of a complete Release Application. |
| If the decision is not to grant a release, office staff should immediately write to the student enclosing:                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Student Services                      | Within 10 working days of the lodgment                                    |

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| Process                                                                                                                                                                                                                                                                                                                                                                    | Responsibility | Timeline                           |
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| <ul style="list-style-type: none"> <li>▪ The reasons for the decision not to grant a release;</li> <li>▪ Advice the student may freely transfer after completion of 6 months of their principal course; and</li> <li>▪ Information on the student's right to appeal the decision in accordance with the Student Complaints and Grievances Policy and Procedure.</li> </ul> |                | of a complete Release Application. |

5.3 If the student is not satisfied with the decision not to grant a release, the student has the right to appeal the decision in accordance with the MIT Student Complaints and Grievances Policy and Procedure. In the event of an appeal, the Institute will maintain the student's enrolment in the course or courses in which he or she is enrolled to study until the appeals process is completed. An appeal must be lodged, in writing, to the Academic Registrar within 20 working days from the date of the refusal letter.

5.4 If the decision is to not grant a release, the students enrolment will be maintained and they will be advised to continue with their studies. If the student does lodge an appeal, no changes are to be made to PRISMS until the appeal has been heard and the time for subsequent appeals is exhausted.

## 6. Responsibilities

### 6.1 The Institute-

The Institute is committed to the welfare of its students and provides appropriate support to ease the transition into life and study in Australia. Where students experience difficulties or obstacles in achieving their learning goals the Institute will counsel students and provide support.

### 6.2 Student Services-

Student Services will maintain records of all applications for transfer in the relevant student file. Where a transfer has been approved the file will be retained for not less than two years from the date the student ceases to be enrolled with the Institute.

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## 7. Implementation and communication

This policy and procedure will be implemented and communicated through the Institute via:

- Announcement on the Institute's webpage;
- Internal circulation to staff;
- as part of Staff professional development and meetings.

## 8. Legislation and references

*Education Services for Overseas Students Act 2000.*

*National Code of Practice for Providers of Education and Training to Overseas Students 2018*  
(National Code)

ELICOS Standards 2018

Department of Home Affairs

Supporting documents:

MIT Student Complaints and Grievances Policy and Procedure

MIT Admission Policy and Procedure

MIT Records Management Policy and Procedure

MIT ESOS Compliance Framework Policy

MIT Student Academic Progress Policy and Procedure

[INSPIRE Program Guidelines](#)

Release Application Form

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