

POLICY.

Technical Institute of Victoria will comply to the requirement under Standards of The National Code 2018 which states that registered providers are restricted from enrolling a student on to a course of study, where that student is transferring from another provider and has not yet studied six months of their principal course of study.

PURPOSE

This policy outlines to ensure TIV meets the requirements of the Education Services for Overseas Students (ESOS) Act 2000 National Code of Practice 2018 (The National Code) in respect of managing requests from international students who seek to transfer between CRICOS registered providers of education and training services (registered providers).

SCOPE

This policy/procedure current international students of TIV of education studying on-shore, holding a student visa.

REQUIREMENTS, PROCESS AND PROCEDURE

Student Request to Transfer from TIV to another Registered Provider

- 1. An international student requesting a transfer from TIV to another registered provider prior to completing six (6) calendar months of their principal course of study, must obtain approval from TIV in the form of a request for a letter of release. A letter of release will not be required where:**
 - 1.1 An international student has completed six months or more of their principal course of study. Where this is the case TIV will approve the request to study with another registered provider without restriction;
 - 1.2 The course for which the student has received an eCOE will not be offered by TIV, and/or has been ceased to be registered on CRICOS.

- 2. In accordance with The National Code 2018, and recognising student's right to exercise freedom of choice as consumers, as a principle, TIV will grant a student's request to transfer to another provider, where it will not be detrimental for the student.**

TIV considers the following factors as detrimental to the student, and therefore, as reasonable grounds for refusing a transfer request:

- The request is considered detrimental to the student's wellbeing;
- The student has not started studying or has studied with TIV (attending and participating in the classes) for less than four (4) weeks and has not had an opportunity to experience the program of study, and/or the range of support services available at TIV. In this situation TIV will re-address the issue within a timeframe negotiated with the student;
- The student has requested a transfer to a course with another registered provider that is considered by TIV to be unsuited to student's academic capabilities, study plans or career aspirations. This includes where a student wishes to transfer from a higher-level qualification to a lower level qualification (e.g. Diploma to Cert IV);
- The transfer may jeopardise the student's progression through a package of courses;
- The intended course will not provide adequate preparation for further study, and/or is not recognised by higher education or VET providers as meeting their entry requirements;
- TIV forms the view that the student is trying to avoid being reported to the Department of Home Affairs DHA (Formally DIBP) for failure to meet the academic progress requirements;
- The student is indebted to TIV and/or has outstanding disciplinary issues.

TIV may agree to approve a request for a release if the student can demonstrate that the transfer would be in their best interests. If issued, there will be no cost to the student in obtaining the letter. When finalised and accepted, changes to student enrolment will be updated in PRISMS.

- **Where appropriate TIV will counsel students, to consider their personal or academic reasons for transferring. Outcomes of counselling may include the identification of alternative academic programs within TIV**

Institute, and/or the recommendation of appropriate student support or study skills support as an alternative to the transfer. Where the student is eligible for a release, this will not affect their right to transfer.

- **As required by the National Code 2018, TIV will only grant a release where the student has provided a letter from another registered provider confirming that a valid enrolment offer has been made (i.e. a letter of offer). In addition to this TIV requires the student to outline in writing their reasons for requesting a transfer to another registered provider.**
- **Where TIV grants a release, Student will be released from the system through PRISM and a letter of release will be issued at no cost to the student, pursuant to standard 7.4 of The National Code 2018.**
- **Where TIV does not grant a student's request for a release, TIV will provide written reasons for refusing the request. In accordance the National Code, the student will be informed of their rights of appeal against the decision. All appeals will be carried out in line with TIV's Complaints and Appeals Policy and Procedure.**

Student Request to transfer from another Registered Provider

TIV will not actively recruit or enrol a student wishing to transfer from another registered provider's course prior to the student completing six (6) months of their principal course of study, except in limited circumstances. These are as follows;

- The original registered provider has provided a written letter of release, or
- The course in which the student is enrolled has ceased to be registered by another registered provider on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), or
- The original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing their principal course.

NOTE:- *In some instances, TIV may recruit or enrol a student wishing to Study at TIV prior to the student completing six (6) months of their principal course of study if it is a concurrent enrolment and student agrees to comply with all the requirements of the course(s) he/she is enrolled in.*

Education Agents

TIV will not accept students from, or enter in to an agreement with an education agent, where it knows or suspects that the education agent has attempted to recruit a student where this conflicts with the obligations under Standard.

Fee Refunds

Where a student is granted a letter of release, their entitlement to a refund of course fees will be assessed in accordance with TIV's Fee Refund Policy.

Procedure

Procedure for assessing students wishing to Transferring to TIV

- The Student Admissions Officer receives an application from a student who is on-shore and who has indicated that they are currently studying at another institution.
- The Student Admissions Officer uses PRISMS to decide if the student has completed 6 months of their principal course. They also use the copy of the student visa in the passport to ascertain when they arrived in Australia.
- If they have, the application process proceeds as for all off-shore students.
- If they have not, they are asked to provide an appropriate letter of release as an evidence in support of their application. They can be provided with a "conditional" offer which clearly states that an offer of a place is contingent on their obtaining a letter of release from their current provider.
- If no satisfactory letter of release is obtained from such students, the application process is halted

and the student informed that they are unable to transfer at this time. They are welcome to re-activate their application when the six (6) month period has passed.

- Note that in the very rare circumstances where the original institution or course has ceased to be registered, or sanctions have been placed on the original institution by the Australian government which do not allow the student to continue with the course, no release evidence is required.

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Procedure for assessing transfer applications from students wishing to transfer OUT of TIV

- Students make a written request (e-mail is satisfactory) using Request for a Letter of Release Form to the Student Admissions to transfer to another provider.
- The student is asked to provide a valid offer of enrolment from the new institution.
- With these documents sighted, the Student Admissions Officer will forward this application with evidence to the Administration Manager.
- The Administration Manager will assess the transfer request considering the following criteria:
 - The student requesting a transfer has an inaccurate understanding of what the transfer represents to their study options;
 - The student still owes TIV course fees or other fees;
 - It is suspected that the student is seeking transfer only to avoid being reported to Department of Home Affairs DHA (Formally DIBP) for failure to meet academic progress requirements;
 - The RTO considers this transfer to be detrimental to the student's interests;
 - The reasons stated for the request to transfer have not been adequate;
 - The transfer does not appear to be for the purpose of an educational or career-oriented benefit;
 - The course you have requested transfer to is the same as your currently enrolled principal course;
 - The primary reason for a transfer request is for a different class schedule which is more suited to the student's current or anticipated work commitments;
 - It appears the primary reason for a transfer request is to achieve or avoid a migration outcome.
- If the answers to all of the above statements is "No" and are satisfactory and in accordance with this policy, **the letter of release will be granted at no charge to the student**. The student will also be advised of the need to contact DHA and obtain a new visa if the course they transfer to is not a Higher Education/VET course.
- The RTO Manager reports students' termination of studies through PRISMS.
- If any of the answers to the criteria statements is "Yes", the release is not granted according to this policy and the RTO Manager sends the student a **Release Denied**, the template for which is contained in TIV document management system.

- If any of the answers to the criteria statements are unclear, they should be referred to the CEO by phone or email, so the CEO can interview the student and gain a fuller understanding of the circumstances.

RECORDS

- The above assessment procedure should not take more than 48 hours once the student has provided the necessary documentation;
- All requests, considerations, decisions and copies of letters of release should be placed on student's file;
- The approval of transfer of a student to another institution does not indicate the agreement to provide any refund. Refunds are governed by the refund policy of TIV.

TIV will maintain records of all requests from students for a letter of release and the assessment of, and decision regarding, the request on the student's file. All records will be kept for a minimum of two years from the date student has ceased to be an enrolled student.

RESPONSIBILITY

Administration Manager is responsible for verifying and maintaining a student's enrolment status on PRISMS. Administration Manager is responsible for reviewing and approving all the requests and appropriate delegations for due diligence.

RTO Manager is responsible for effective implementation and management of this policy as well as provision of information on ways to resolve complaints of breaches of this policy.

The CEO has overall responsibility for the implementation and review of this policy, including issuance of the release letters.

Any complaints or breaches in relation to this policy should be reported to the Chief Executive Officer in person or by email to: ceo@techinstitute.vic.edu.au