



## Student Transfer Policy and Procedure (National Code Standard 7)

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### 1. Purpose

- 1.1 The purpose of this procedure is to ensure Melbourne Institute of Vocational Studies (MIOC) complies with standard 7 of the National Code of Practice 2007 part D standard 7.

### 2. Responsibility

- 2.1 The Training Manager is responsible for the implementation of this procedure and to ensure that staff and students are aware of its application and that staff implement its requirements.

### 3. Requirements

- 3.1 The RTO must not actively recruit students where the recruitment would conflict with the requirements of this procedure and/or Standard 7 of the National Code.
- 3.2 No fee can be charged to the student by the Institute for issuing a letter of release
- 3.3 Registered providers are restricted from enrolling transferring students in the first six months of their principal course of study except in accordance with Standard 7 of Part D the National Code.
- 3.4 If a letter of release is refused by a registered provider a student may appeal the provider's decision.

### 4. Definitions

#### Principal course

The principal course of study is the highest qualification (normally the last course) covered by the student's visa, Standard 7 also applies to all courses of study prior to the student's principal course.

#### 6 months of principal course

This means completion of six calendar months of the principal course of study from the date that the student commences the course.

### 5. Method

#### Letter of Release

- 5.1 Students must apply for a letter of release on the appropriate form.

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- 5.2 Students must apply for a letter of release if they wish to transfer to another provider but have not completed 6 months of their principal course of study.
- 5.3 Applications for a letter of release will be considered by the Training Manager and responded to within 5 days of being received by the Institute.
- The student must provide verifiable documentary evidence in support of their application for release. This must include a letter of offer from another provider.
- 5.4 A letter of release will be granted in accordance with this procedure and only if the student can provide written confirmation that a valid enrolment offer has been made by another registered provider.
- 5.5 A letter of release will normally be granted, within 5 working days of the application, in the following situations:
- The Institute is unable to continue to provide the course; or
  - The student can demonstrate they are experiencing threat to physical or mental health or safety by remaining at the Institute and can demonstrate clearly how this will be alleviated through a transfer; or
  - The current course of study is clearly not consistent with documented course requested for on their application.
  - In exceptional compassionate circumstances beyond the students control, such as serious illness or death of a close family member (independent evidence of the exceptional circumstances is required) and the exceptional compassionate circumstances has led to a permanent change in the student's circumstances that makes continued enrolment inappropriate.
  - The student can demonstrate that MIOC has breached the terms of the written agreement.
  - The student can provide evidence that they were provided inaccurate or incomplete information prior to enrolling in the course.
- 5.6 The circumstances in which the Institute declines an application from a student to transfer to another provider prior to completing six months of their principal course are as follows:
- The student has simply changed their mind about the course of study they wish to follow
  - The application is lodged within 2 weeks of the course commencement– students should seek counseling in the event of homesickness and other personal issues
  - The student has secured a job that clashes with the timetabling of scheduled course hours
  - Where the primary reason for the request is based on a personal preference such as wishing to experience living in another city in Australia, or wishing to live and/or study with friends enrolled at another registered provider
  - where the primary reason for the request is that the program in which you are enrolled has not met your expectations or requirements and the institute offers an alternative program that meets your stated requirements
  - The requirements of the written agreement have not been met by the student; or

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- The student does not satisfy any of the situations which normally lead to a letter of release being granted; or
  - The proposed transfer will jeopardise the student's progression through a package of courses; or
  - The institute assesses that the transfer would not be in the best interests for the educational progress of the student
  - The student has unsatisfactory academic progress or attendance and has been or is about to be reported to DIBP; or
  - The student has unsatisfactory behaviour and has been or is about to have their enrolment suspended or cancelled and be reported to DIBP; or
  - The student cannot provide a letter from another registered provider confirming that a valid enrolment offer has been made.
  - The student does not meet any of the criteria for granting letters of release.
- 5.7 Each application is assessed against the criteria for granting and refusing applications stated in this policy. The process for dealing with applications is as follows:
- The applicant's Principal Course is identified– if the principal course is not the course that the applicant is studying at MIOC, then the applicant is informed that they will need to consult with the Principal Course provider to determine the impact of any transfer.
  - The application will not proceed until this occurs and the students communicates the outcome to the Institute
  - The Training Manager is consulted with regards to any information needed to support the processing of the application, including information about the applicant's attendance and course progress.
  - The Finance department is consulted to identify if all outstanding fees have been paid
  - The students file is checked to identify if any notices/ intention to report have been issued.
  - Upon completion of above steps, the application is passed with the supporting documents/ information to the Training Manager for assessment.
- 5.8 A meeting may be arranged with the student to provide the opportunity to represent supporting evidence (if appropriate).
- 5.9 The student is informed of the impact of changing providers either at the meeting or in writing prior to their CoE being cancelled on PRISMS. (if the release application is granted)
- 5.10 Decisions are communicated in writing to the student within 5 working days from lodging their application. Reasons for refusals are stated along with their right to access the Institute complaints and appeals process.
- 5.11 During the process of assessing letter of release application, the student remains a student at MIOC and must adhere to attendance and course progress policies.



- 5.12 If the application is refused the student may be placed on an intervention strategy to assist them in successfully completing their course.
- 5.13 If the application is granted the student is informed in the letter granting the application that they must contact DIAC within 28 days to amend their student visa.
- 5.14 Letters of release are supplied free of charge.
- 5.15 If the application is granted the students enrolment is cancelled on PRISMS within 5 working days of granting the release.
- 5.16 All documentation is placed in the students file for granting and refusing applications.
- 5.17 The student's entitlement to a refund is assessed in accordance with the Institute's refund policy

### **Enrolling a transferring student**

- 5.18 The following procedure applies to International students who apply for a course at MIOC and is currently studying on-shore with another registered provider.
- 5.19 The Institute will not knowingly enrol a student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study except where:
  - The student supplies a valid letter of release from the original provider
  - the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered; or
  - the original registered provider has provided a written letter of release; 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 his or her principal course, or
  - any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.
- 5.20 In the event that the Institute knowingly enrolls a student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study documentary evidence of at least one of the four conditions listed above must be obtained and placed in the transferring student's file.
- 5.21 The Institute will not seek to enrol a student who has not yet completed six months of their principal course of study with another registered provider unless the requirements of the National Code are met and then only in accordance with this procedure.
- 5.22 For this procedure to be completed the applicant must provide a copy of their Student Visa and appropriate student number (to look up PRISMS). Once this information is obtained the following steps are taken:
- 5.23 MIOC accesses the student information via PRISMS and provides information to Enrolment Officer. They are to ascertain if the length of studies completed in their current Principal course of study is greater than 6 months. They also use the copy of the student visa in the passport to ascertain what the principal course is and when they arrived in Australia.
- 5.24 In completing this process they would print a copy of the PRISMS record and attach to the student's Application form.

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- 5.25 If the student has completed more than 6 months of their principal course of study, the application process proceeds as for all off-shore students.
- 5.26 Where a student has **not** completed 6 months of their principal course of study, they are asked to provide an appropriate Letter of Release or letter from Government sponsor with their application form.
- 5.27 To support the student's application to their current provider, they can be provided with a Conditional Offer Letter which clearly states that an offer of a place is contingent on their obtaining a Letter of Release. *Note: If they are in receipt of a Government scholarship, they should provide written support from this government agreeing to the change which will stand in lieu of any Letter of Release.*
- 5.28 If such a Letter of Release is received, the application proceeds as for all off-shore applicants.
- 5.29 If no 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 Form when the 6 month period has passed.
- 5.30 Note that in the 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 Letter of Release is required. Evidence of this occurrence would need to be placed in the Student file.
- 5.31 All documentation is placed in the students file in compliance with the MIOC Enrolment policy and procedure.

## 6. Monitoring practice

- 6.1 The Institute undertakes training and monitoring activities with all recruitment staff and education agents to ensure compliance with this policy and procedure.
- 6.2 The Institute terminates the agreement of an education agent who does not comply with the conditions and has knowingly recruited a student in contravention of this policy.
- 6.3 The CEO monitors enrolments to ensure compliance with the National Code of Conduct Standard 7.
- 6.4 The CEO provides further training to recruitment staff who breach the terms of this standard. Disciplinary action is implemented for repeat offences.
- 6.5 This policy and procedure is reviewed annually in accordance with the Institute Continuous Improvement policy and procedure.

## Revision history

Revision Date	Comment	Revised by
27/11/15	Policy and procedures created	CEO