



THE UNIVERSITY  
*of* ADELAIDE  
COLLEGE

# Transferring Between Education Providers Policy

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## Scope

This Policy applies to all students enrolled with the University of Adelaide College (“the College”) operated by Kaplan Higher Education Pty Ltd under the terms of the Preferred Pathway Provider Agreement entered into with the University of Adelaide (“the University”).

This policy (and associated procedures) meet the requirements of the National Code 2018 (<https://www.legislation.gov.au/Details/F2017L01182>) and the ESOS Act 2000 (<https://www.legislation.gov.au/Details/C2017C00292>).

Students enrolled at the **Melbourne Campus** in University of Adelaide **Award programs** delivered by the College (e.g. Bachelor of Information Technology / Master of Accounting) are bound by University of Adelaide policies.

## Purpose and Responsibilities

The purpose of this policy is to provide information on the:

- conditions under which the College will consider an international student’s request for a transfer to or from another registered provider; and
- procedures for students to follow in relation to changing their provider.

This policy aligns with the policy of the University of Adelaide’s policy, with the National Code of Practice for Providers of Education and Training to Overseas Students 2018 ([National Code 2018](#)).

## College and University of Adelaide Responsibilities

The College is responsible for processing a release request made by a student:

- during their College program;
- at the end of their College program if they have not met University of Adelaide entry requirements.

Release from the College is considered by the Student Services Manager who may consult with relevant College and University staff in considering eligibility for release.

The University of Adelaide is responsible for processing a release request made by a student:

- at the end of their College program if they have met University of Adelaide entry requirements;
- who will be under 18 years old on transition to the University. These students can submit their application for release to College Student Services staff who will forward it on to the University Admissions services.

## Background

According to the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018 – <https://www.legislation.gov.au/Details/F2017L01182>), registered providers are restricted from releasing students or enrolling transferring students prior to the student completing six months of their principal course of study, unless the student has met an exception under Standard 7 of the National Code 2018. More information regarding Standard 7 can be found at following link: <https://internationaleducation.gov.au/RegulatoryInformation/Documents/National%20Code%202018%20Factsheets/Standard%207.pdf>.

## Definitions

**Six months** is defined as six calendar months of the principal program of study from the date that the student commences the principal program. A student's **commencement date** is the start date specified on their Confirmation of Enrolment (CoE).

The **principal program** is the highest qualification (normally the final program) covered by the student's visa.

**CAAW** means Confirmation of Appropriate Accommodation and Welfare.

**HA** means the Department of Home Affairs.

**PRISMS** means Provider Registration and International Student Management System.

**ESOS Act** means the Education Services for Overseas Students Act 2000.

## Transferring from the College to another Provider

### Transfer before the six months of the principal course is complete

According to the National Code of Practice for Providers of Education and Training to Overseas Students 2018, "for an overseas student to transfer before completing six months of their principal course, the overseas student must either obtain a release from their registered provider, or meet one of the following conditions:

- the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered;
- the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing their course with that registered provider;
- the releasing registered 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. This usually applies where the overseas student's study in Australia is sponsored by the government of another country.

Release may be granted if there is evidence that there are compassionate or compelling circumstances which are generally beyond the control of the overseas student and which have an impact upon the overseas student's course progress or wellbeing. These could include, but are not limited to:

- serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes;
- bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);
- major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies;
- a traumatic experience, which could include involvement in, or witnessing of a serious accident; or witnessing or being the victim of a serious crime, and this has impacted on the overseas student (these cases should be supported by police or psychologists' reports);
- the student provides evidence that he/she is under a real threat to his/her mental or physical health by remaining in the course or provides evidence of other significant personal reasons.

The College may also consider permitting an overseas student to transfer to another registered provider prior to completing six months of their principal course in certain circumstances, which may include (but is not limited to) the following:

- the overseas student will be reported because they are unable to achieve satisfactory course progress
- where the registered provider was unable to offer a pre-requisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol
- inability to begin studying on the course commencement date due to delay in receiving a student visa
- the student has packaged courses/CoEs and has not met the entry requirements for their principal program.
- the College is unable to deliver the course
- there is evidence that current courses do not meet the international student's expectations
- there is evidence that the international student was misled by the registered provider or an education agent, or
- an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student;
- the student has completed their **current** pathway program(s) and they have not met the entry requirements for their principal program.

*Students who have chosen to repeat or extend their pathway program(s) will be assessed in relation to completion of the program(s) on their current packaged CoEs.*

Where the College considers the student eligible for release, the College will forward the request with recommendation to the University for subsequent approval, or in the case of students not being eligible to progress to the university at the end of their program, process the release in PRISMS.

**Please note:** *From 1<sup>st</sup> January 2018, all student releases will be recorded in PRISMS and formal letters of release will no longer be provided.*

Release may be refused if:

- tuition fees or other charges are owed to the College
- the request is based on change of mind or personal preference such as wishing to experience living in another city in Australia, wishing to live and/or study with friends enrolled at another registered provider, or wishing to save time or expense by enrolling in a shorter or lower cost course
- the change will jeopardise the student's progression through a package of programs
- the student has not accessed support or academic services offered by the College or University and the application is based on not being able to achieve satisfactory course progress
- there is evidence to suggest the student can be successful in completing their current course of study
- the student has failed to meet student visa conditions including their obligation to ensure they have sufficient financial capacity to fund their study and living costs
- the student wishes to transfer to a similar program or program of the same AQF level offered by the College or the University
- the request is an attempt to avoid being reported to the Department of Home Affairs (HA) due to a failure to achieve satisfactory attendance or satisfactory course progress as per student visa requirements
- the change of provider is deemed as detrimental to the student's personal and/or academic welfare
- the student has not made a genuine attempt to participate in their program by missing classes and/or not meeting assessment requirements of the program.

Where the College does not consider the student eligible for release, the student will be advised of the reasons for the decision, and his/her right to access the complaints and appeals process.

### Transfer after six months of the principal course is complete

The College will not prevent a student from transferring to another provider after he/she has completed six months of the principal course.

### Transfer Process

To make a valid application for a release, overseas students must follow the steps outlined below:

1. Students must request a transfer/release using the Application for Release Form available at Reception.
2. Students must attach to the application a valid offer of enrolment from another registered provider, a written statement outlining the reasons for the release request with reference to the circumstances for granting release outlined in this policy and any supporting documentation.
3. Students under the age of 18 must also have written permission from their parent or legal guardian to transfer and evidence that the new provider accepts responsibility for the student's accommodation, support and general welfare requirements (CAAW from other provider).
4. The College will acknowledge the request within 5 working days given that the request is not within the restricted period (ie 6 months of the principal course).
5. College staff will meet with the student to discuss and assess their request.
6. If release is requested during the current program, where no university progression outcome has been determined, and the College considers the student eligible for release, secondary approval is sought from University of Adelaide Admissions.
7. The College will provide the student with a written response within 10 days from the receipt of the Application for Release, outlining the reasons for the decision. A copy of this notification is stored in the student's electronic file.

8. If approved, the College will record the release in PRISMS. Please note that from 1<sup>st</sup> January 2018, releases will be recorded in PRISMS and formal release letters will no longer be provided. The student will also be advised to contact the Department of Home Affairs to seek advice on whether a new student visa is required.
9. Where the student is close to completion of a subject or near the end of a study period/term, the College will advise the student to complete the term, including relevant examinations.
10. Where the student is struggling with the academic work, the College will provide additional support as part of an intervention strategy.
11. All fees must be paid up to date.
12. The College will provide information on the refund of fees.
13. The College cannot process a release unless a letter from another registered provider is provided confirming that a valid enrolment offer has been made.
14. Records of interviews and correspondence will be documented in the student's file and relevant information entered into PRISMS.
15. All records of overseas students for a release (including the assessment of and the decision regarding the request) will be kept on file for two years after the student ceases to be an accepted student.
16. If the release is granted, it will be at no cost to the overseas student.

**Please note:** *It is the student's responsibility to ensure they remain compliant with their student visa conditions at all times, including during a change of education provider. Students may be required to apply for a new student visa if their release is granted. This may involve returning to their home country and voluntary visa cancellation especially where they are downgrading to a lower level program. Students should contact the HA for further information on visa requirements.*

## Transferring to the College from another Provider

The College will not knowingly and willingly enrol students from another registered provider prior to the six months requirement except under the following circumstances:

- the other registered provider has released the student
- the registered provider has ceased to be registered, or the course in which the student is enrolled has ceased to be registered or is no longer being offered.
- a government sponsor of the student considers the change to be in the student's best interest and has provided support for the change.

Any request to transfer to the College must be in writing and may include the College conducting an interview with the student prior to admission.

The College may then proceed to:

- ask permission to contact the registered provider concerned
- check the student's commencement date
- request that the student get the principal provider to report the release, where the student is on a packaged offer.

Where a release from the provider cannot be provided, the College will check the status of the student with the registered provider and enquire if exceptional circumstances exist, such as:

- the original registered provider has ceased to be registered;
- the course in which the student is enrolled has ceased to be registered;
- 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/her principal course;
- any government sponsor of the student considers the change to be in the student's best interest and has provided written support for the change (this usually applies where the overseas student's study in Australia is sponsored by the government of another country),

in determining whether a transfer to the College will be approved.

## Review of Decision

If a student disagrees with a decision made in relation to their eligibility for release, then they may appeal the College's decision within 20 working days from the date of the decision. Further information can be found in the Complaints and Appeals Policy.

Appeals should include:

- evidence showing how the decision did not comply with the College's 'Transferring between Education Providers Policy and Procedure'
- additional or new evidence to support the appeal for release request.

The College will not finalise the refusal in PRISMS until the student has been given an opportunity to access the complaints and appeals process within 20 working days, the student withdraws from the process or if the process finds in favour of the College.

## Relevant Legislation and Policies

As a registered provider, the University of Adelaide College operates under strict laws and regulations. Policies and procedures are in place to ensure compliance with such laws.

Below, please find the most relevant legislations, policies and procedures which apply to the "Management and Monitoring of under 18 Students Policy":

Education Services for Overseas Students Act 2000 (ESOS Act 2000)

<https://www.legislation.gov.au/Details/C2017C00292>

Education Services for Overseas Students Regulations 2001

<https://www.legislation.gov.au/Details/F2016C00681>

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

<https://www.legislation.gov.au/Details/F2017L01182>

Standard 7 of the National Code 2018 Factsheet

<https://internationaleducation.gov.au/Regulatory-Information/Documents/National%20Code%202018%20Factsheets/Standard%207.pdf>

Other College policies associated with the “Transferring between Education Providers Policy” (to be found at following link <https://college.adelaide.edu.au/about/policies-and-procedures/>)

- Admissions Policy
- Critical Incident Policy
- Bullying and Harassment Policy
- Course Progress Monitoring Policy
- Attendance Monitoring Policy
- Deferral, Suspension or Cancellation of Enrolment Policy

## Amendments

The College reserves the right to amend this policy at its discretion. All changes and amendments to our policies are published on the College’s website at following link:

<https://college.adelaide.edu.au/about/policies-and-procedures/>

## Questions

If you have any questions or comments about the Transferring between Education Providers Policy, please contact Student Services or Reception. If you do not have any questions the College presumes that you understand and are aware of the rules and guidelines in this policy and will adhere to them.

## Version Control and Accountable Officers

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

<b>Policy Category</b>	Academic
<b>Responsible Officers</b>	Vice President, Academic
<b>Implementation Officer</b>	National Campus Director, The University of Adelaide College
<b>Review Date</b>	April 2023
<b>Approved by:</b>	
Joint Academic Board	

Version	Authored by	Brief Description of the changes	Date Approved	Effective Date
5.0	Kaplan Australia Quality, Regulations and Standards Team.	<p>Reviewed and updated policy to meet criteria of ESOS framework and National Code 2018.</p> <p>Reviewed, updated and included both options of transfers, <u>“to and from”</u> Education Providers.</p> <p>Added reference to legislation and relevant policies.</p> <p>Added the “Version Control” section to provide ongoing information on updates and reviews of the policy for continuous improvement purposes</p>	30 <sup>th</sup> April 2020	30 <sup>th</sup> April 2020



**The University of Adelaide College**  
132 Grenfell St  
Adelaide SA 5000 AUSTRALIA  
**Tel:** +61 (0)8 8313 3430  
**Tel:** +61 (0)8 8313 3877  
[college@adelaide.edu.au](mailto:college@adelaide.edu.au)