



## Releasing & Student transfer [National code 7]

### 1.0 Purpose

- 1.1 The purpose of this procedure is to address standard 7 of the National Code 2007 transfer between registered providers

As a registered provider, Melbourne College of Hair & Beauty (MCOHB) must not knowingly enroll a student visa holder wishing to transfer from another provider prior to the student completing **six months** of his/her **principal course**.

MCOHB is required to assess all such requests in accordance with Standard 7 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (The National Code) and MCOHB's documented policy and procedures.

A Fact Sheet provided by the Department of Education, Employment and Workplace Relations [DEEWR] can be found at: [http://aei.gov.au/AEI/ESOS/QuickInfo/Std7\\_FactSheet\\_pdf.pdf](http://aei.gov.au/AEI/ESOS/QuickInfo/Std7_FactSheet_pdf.pdf)

### 2.0 Responsibility

- 2.1 The PEO 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.

This policy applies to students enrolled within all vocational education and training programmes offered by MCOHB.

### 3.0 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 will be charged to the student by the College for issuing a letter of release
- 3.3 MCOHB is 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.

### 4.0 Definitions

- 4.1 **Principal Course** - The principal course of study is the main course of study to be undertaken by an overseas student where a student visa has been issued for multiple courses of study, i.e. a 'package' of courses. The principal course would ***normally be the final course of study and that which leads to the highest qualification in the 'package'***. Where a study visa has been issued for only one course that course is the student's principal course of study.
- 4.2 **Letter of Release** - A letter provided by a current provider indicating agreement to release a student a) who is on a student visa and b) has not completed the first 6 months of his/her principal course, to transfer to study at another institution. It also provides information about whether or not the student;
- demonstrated a commitment to the student's studies during the course; and
  - had a good attendance record for the course; and
  - paid all fees for the course



## 5.0 **Method**

### **Letter of Release**

- 5.1 Students must apply for a letter of release on the appropriate form (form 72)
- 5.2 Applications for a letter of release will be considered by the DoS or PEO and responded to within 14 days of being received by the college.
- 5.3 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.
- 5.4 A letter of release will normally be granted, within 5 working days of the application, in the following situations:
  - The college 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 college 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.
- 5.5 A letter of release will normally not be granted in the following situations:
  - The requirements of the written agreement have not been met by the student; or
  - 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 student has unsatisfactory academic progress and has been or is about to be reported to DIAC; or
  - The student has unsatisfactory behaviour and has been or is about to have their enrolment suspended or cancelled and be reported to DIAC; or
  - The student cannot provide a letter from another registered provider confirming that a valid enrolment offer has been made.
- 5.6 If a letter of release is refused, reasons for the refusal will be documented in writing and the student will be informed of their rights of appeal using the college complaints and appeals procedure.
- 5.7 A copy of the student's letter of release application; notes recording the assessment of the application and a copy of the response letter sent to the student by the college will be placed in the student's file

### **Enrolling a transferring student from another Registered Provider**

- 5.8 In accordance with the National Code 2007, MCOHB will not knowingly enrol any international student visa holders who seek to transfer from another registered provider prior to their having completed six months of their principal course at that provider, except where:
  - 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.



- 5.9 In the event that the college 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. The approval of transfer of a student to another institution does not remove the requirement for the student to pay any outstanding fees nor does it indicate the agreement to provide any refund. Refunds are governed by the Cancellation and Refund policy, independent of this policy.
- 5.10 The College **will not 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.

**Please Note:**

If a student transfers or cancels his or her enrolment, and they have not maintained satisfactory attendance and/or course progress **up to the time** of the transfer or cancellation, the process of reporting the student to the Department of Immigration and Citizenship (DIAC) will continue, even though you are no longer officially enrolled with MCOHB. A student who ceases attending a course or does not return from leave, and is not contactable by MCOHB, has "inactively" advised the provider of his/her failure to continue studying.