



# NEW ENGLAND COLLEGE

STEPPING STONE TOWARDS YOUR BRIGHT FUTURE



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New England College is the trading name of New England Institute of Technology Pty Ltd

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## DOCUMENT CONTROL

### Version History

Version	Date	Description
V1.0	08.11.2015	Released
V2.0	08.12.2015	Updated with Minor changes
<b>V3.0</b>	<b>09.01.2016</b>	<b>Updated with minor changes after discussion with Compliance consultant</b>
<b>V4.0</b>	<b>18.04.2018</b>	<b>Updated as per National Code 2018</b>

### Review Process:

This policy shall be reviewed annually in compliance with education industry standards including the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

Next Review Due: **01 Dec 2019**



## Contents

Purpose: .....	5
Scope.....	5
Internal Transfer: .....	5
Student Transfer (from another Provider) Policy .....	5
Additional requirements for enrolling overseas students who are under 18 years of age:.....	6
Student Transfer (to another Provider) Policy.....	6
3.1 When you need to obtain a release from New England College before you transfer.....	6
3.2 How to apply for a release .....	6
3.3 Grounds for granting your application for a release .....	7
3.4 Grounds for rejecting your application for a release.....	8
3.5 Assess Process Time frame .....	9
3.6 Outcome Notification and Records.....	9
3.7 Record Keeping: .....	9
4. PROCEDURE .....	9
4.1 Documentation required includes (Transfer out):.....	9
4.2 When Denying a Request to Transfer:.....	10
4.3 Refunds .....	10
Transfer Procedure Flowchart .....	11



## Purpose:

The purpose of this policy and procedure is to define the system used to assess student transfer requests within the restricted period (i.e. the first six months from the commencement of the student's principal program). It will also include an outline of the circumstances in which the College will allow both the enrolment of transferring students and the release of students from the College to another provider as per the National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standard 7. The restriction applies to any prerequisite courses in a package of courses as well as the first six months of the principal course

## Scope

This Policy applies to all students enrolled at New England College and must be followed by all staff managing enrolments or admissions.

## Internal Transfer:

A student may transfer to another course at New England College and pay any cost difference if the new course is more expensive. If the course is less expensive, the student will be granted a refund. If the student wishes to transfer to another New England College course, she/he has to apply in writing to the New England College Administrative Manager before the end of the first week of each new term/semester. The Administrative Manager at New England College may need to discuss with the student his/her transfer request and other academic matters before making the final decision. The Administrative Manager will provide the student with the final decision in writing in within 5-10 working days.

Both the student application for the transfer to another course internally and Administrative Manager's decision will be recorded and placed in the student's file and an adjustment will be made to the student's information in the NEC's computer database.

## Student Transfer (from another Provider) Policy

New England College will not enrol students transferring from another college prior to the student completing six months of their principal course of study.

Students wishing to transfer from another college prior to the completion of the first six months of their principal course must present New England College with a LETTER OF RELEASE from their training provider.

### Exceptions are where:

- The student's original registered training provider has ceased to be registered or the course in which the student was enrolled has ceased to be registered.
- The student's original registered training provider has had sanctions imposed on its registration by the Australian Government or State or Territory Government that prevents you from continuing your principal course
- The releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS.



- The Student is government sponsored and that government sponsor provides written support for the change as it considers the change to be in the Student's best interests;

### Additional requirements for enrolling overseas students who are under 18 years of age:

1. Written consent from the student's parent or legal guardian must be supplied by the student or their agent, or otherwise obtained by NEC; and
2. In the event that the student is not being cared for in Australia by a parent or suitable nominated relative, NEC will accept responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with the National Code and the NEC's Younger Overseas Student policy

## Student Transfer (to another Provider) Policy

This Student Transfer Policy and Procedure (the Policy) applies to you if you are a student who is enrolled at New England College

- in a principal course of study, and you have not yet completed six months of that course; or
- in a prerequisite or enabling course that forms a package with the principal course of study

If the Policy applies, you are only entitled to transfer to a course provided by another Registered Provider in the circumstances set out in this Policy. In some circumstances you will not need a release from New England College in order to transfer.

### 3.1 When you need to obtain a release from New England College before you transfer

If you are a student covered by this Policy, you must obtain a release from New England College before you can change to a course provided by another Registered Provider, unless one or more of the following circumstances applies:

- New England College has ceased to be registered as a provider or the course in which you are enrolled has ceased to be registered;
- New England College has had sanctions imposed on its registration by the Australian government or a State or Territory government, which prevents you from continuing your principal course; and/or
- You are a government sponsored student and your government sponsor considers the change to be in your best interests and has provided written support for that change.

If one of these circumstances applies, you do not need to obtain a release from New England College before you can change to a course provided by another Registered Provider. New England College Refund Policy will determine the extent, if any, to which you are entitled to a refund of tuition fees.

### 3.2 How to apply for a release

If you are required to obtain a release from New England College before changing to a course provided by another Registered Provider, you must:

- a) First consult with New England College Administrative Manager (the outcome of the consultation will be recorded and placed in the student's file); and



- b) Then lodge a written “Suspension of Studies/Deferral/Cancellation of Enrolment Application Form”, using the form of application form available on NEC website/ form available at the office. You must ensure that your application form is fully completed and that all required supporting material is provided when your application form is lodged.

#### You must:

- Clearly and fully state on the application form, the reason(s)/ground(s) for seeking a transfer;
- Provide New England College with a letter from the registered provider of the course to which you wish to transfer, confirming that a valid enrolment offer has been made; and
- Provide New England College with all other documentary evidence in support of your application or that is referred to in your application.

Failure to comply with these requirements may adversely affect the outcome of your application.

### 3.3 Grounds for granting your application for a release

New England College (NEC) considers that it is reasonable to grant an application for a release, and will grant an application for a release, if you have made an application in accordance with the Policy and one or more of the following circumstances apply:

- New England College considers that there are compassionate or compelling grounds for granting your application; would necessitate the student transferring to another provider, and these can be evidenced;
- New England College fails to deliver the course as it is outlined in the student’s written agreement; or
- There is evidence that the overseas student’s reasonable expectations about their current course are not being met; or
- There is evidence that the overseas student was misled by New England College (NEC) or one of its education agents regarding NEC or its course offering and the course is therefore unsuitable to their needs and/or study objectives;
- An appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student; or
- New England College considers that your principal course (or a prerequisite or enabling course that forms part of a package with your principal course) is inappropriate for, and does not adequately meet, your needs;
- New England College considers that your personal difficulties or educational problems cannot be addressed by its resources; or
- There are medical grounds requiring you to transfer and they are evidenced by a letter or certificate from an Australian registered medical practitioner that explains the medical grounds that require you to transfer;
- New England College considers that it is in your best interests to grant your application.
- The transfer is considered beneficial to the student’s academic progression, including circumstances such as:



- a. the transfer allows the student to complete a higher level tertiary qualification.
- b. The student is transferring to a qualification not offered at NEC, due to the inability to cope academically and upon being able to clearly demonstrate or prove that they made a genuine attempt at their studies.
- c. NEC is no longer able to provide the program or support in which the student is due to commence or has enrolled.

A letter of release, if granted, is to be issued at no cost to the student and must advise the student of the need to contact immigration to seek advice on whether a new student visa is required.

The overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with NEC's intervention strategy to assist the overseas student to meet their progress and/or attendance obligations.

Please refer to NEC's policies and procedures page at the NEC website ([www.nec.edu.au](http://www.nec.edu.au)) for detailed information on monitoring student progression and attendance; or

### 3.4 Grounds for rejecting your application for a release

New England College considers that it is reasonable to refuse an application for a release, and will refuse an application for a release, in the following circumstances:

- A student has not had a valid enrolment offer from the receiving provider.
- Where the student applies for a release from a course provided by New England College in order to transfer to a course provided by another Registered Provider and New England College considers the other course to be the same, similar or equivalent, except where New England College considers that exceptional circumstances exist in relation to your welfare;
- Where New England College considers that granting a release may adversely affect the student's welfare;
- Where New England College considers that the best interests of the student would not be served by granting the request, such as (without limitation) where New England College has Concerns about: the suitability of the intended course for you; your present or future academic performance or achievement; or your welfare;
- Where New England College considers that granting a release may result in you avoiding being reported to a government authority for a failure to meet any attendance, academic progress or other requirement of New England College, the law, the National Code of Practice or any government authority;
- New England College considers that any fact or belief offered in support of your application is untrue;
- The student's application does not comply with any requirement of this Policy (including the requirement to first consult New England College Administrative Manager before lodging the application form); or
- Student is experiencing course schedule conflict with personal, work, or other non-study commitments;



- New England College does not consider that your application is supported by sufficient documentary evidence, or you have failed to provide any document that is required by law, a government authority or by the National Code of Practice.

### 3.5 Assess Process Time frame

New England College will advise you in writing of the outcome of your application within 5-10 business days of the date on which New England College receives your application form.

### 3.6 Outcome Notification and Records

(a) If New England College grants your application for a release, you will be:

- Advised of the outcome of the transfer request. This shall be done via **e-mail**.
- Advised to contact the department of home affairs (DoHA) to seek advice about student visa requirements @ <https://www.border.gov.au/trav/stud/more/changing-courses>.
- Sent a withdrawal form from the studies/course/subjects; and
- Advised about the extent of your entitlement (if any) to a refund of tuition fees under New England College Refund Policy.

(b) If New England College refuses your application for a release, you will be:

- provided with written reasons for the refusal; and
- given 20 working days to access the College's complaints and appeals process. When the appeals process is initiated, New England College will maintain the student's enrolment until the appeals process is complete. Refer to the College Complaint and Appeals Policy for further details.

If the student has been approved, he will be provided with written approval.

### 3.7 Record Keeping:

NEC will maintain records of all requests from overseas students for a release and the assessment of, and decision regarding, the request for two years after the overseas student ceases to be an accepted student.

## 4. PROCEDURE

At each stage of the Transfer between Registered Providers process, the following procedures should be adopted. All requests for transfer to another provider must be submitted in **writing** on the approved Suspension of Studies/Deferral/Cancellation of Enrolment Application Form located on NEC's website ([www.nec.edu.au](http://www.nec.edu.au))

### 4.1 Documentation required includes (Transfer out):

1. Completed and approved Suspension of Studies/Deferral/Cancellation of Enrolment Application Form.
2. Unconditional offer letter from the CRICOS registered provider confirming a valid offer of enrolment has been made.
3. Written evidence that the student's parent or legal guardian supports the transfer and/or written confirmation from the proposed provider that they accept responsibility for approving the student accommodation, support and general welfare arrangements for all students under 18 years of age.



4. All requests for release will be assessed by **Administrative Manager** or his/her nominee. After the assessment has been completed a recommendation on whether to release will be made to the administration Officer who will then respond in writing to the applicant within 10 working days in accordance with point 3.6(a).

Transfer request outcomes will be recorded in PRISMS accordingly.

If NEC refuses to release a student or if NEC does not respond during the timeframe set out in this policy, the student can appeal through NEC's Complaints and Appeal process in accordance with point 3.6 (b). Where the **Administrative Manager** is unable to come to a decision, he/she may seek advice from the **Director**.

## 4.2 When Denying a Request to Transfer:

1. Applications will be assessed as per "Circumstances for which a letter of release will NOT be granted" section above. The outcome will be advised in writing, within 5-10 working days from receipt of the application and all supporting documentation.

2. If the request for transfer is denied for any of the reasons detailed above, the student will be advised of these reasons in writing and will be informed of their right to appeal the decision within 20 working days in accordance with NEC's Complaints and Appeals Policy.

When the appeals process is initiated, New England College will maintain the student's enrolment until the appeals process is complete and will not update the refusal status on PRISMS until:

- any appeal against the refusal lodged by the overseas student is finalised and upholds the registered provider's decision not to release the student; or
- the overseas student did not access the registered provider's complaints and appeals processes within 20 working days of being notified of the refusal; or
- The overseas student withdraws their appeal against the refusal.

3. The application and a copy of the response are to be kept on the student's administration File and TEAMS.

4. The student is under 18 and there is no written evidence that the student's parent or legal guardian supports the transfer, and/or no written confirmation that the new provider will accept responsibility for approving a student's accommodation, support and general welfare arrangements.

## 4.3 Refunds

If a student's transfer to another provider is approved, he or she is subject to the normal conditions of NEC's Refund Policy which is available in the Student Handbook and downloadable from NEC's website: [www.nec.edu.au](http://www.nec.edu.au)



## Transfer Procedure Flowchart

