

Transfer between Registered Providers Policy

1. PURPOSE

The purpose of this policy is to ensure that international students wishing to transfer between registered training providers do so in accordance with the guidelines of the National Code 2018.

Registered providers are restricted from enrolling transferring students prior to the student completing six months of his or her principal course of study except for the circumstances outlined below. Registered providers from which the student is seeking to transfer are responsible for assessing the student request to transfer within this restricted period. It is expected that the student request will be granted where the transfer will not be to the detriment of the student.

2. SCOPE

This policy applies to all international students.

3. DEFINITIONS

Complaint – A complaint can be defined as a student’s expression of an unsatisfactory or unacceptable experience within the control or responsibility of JMC Academy. This includes operations, services, facilities, decisions or the conduct of JMC Academy staff and/or students.

Complainant – means the student(s) submitting a complaint under the Student Complaints and Appeals Procedure.

Student – This includes all enrolled students (commencing and continuing), as well as ‘potential students’. A JMC Academy student may be either a domestic or overseas student.

For definitions not listed here please refer to *JMC Academy Glossary*.

4. POLICY

4.1 JMC Academy will not seek to recruit an overseas student within the first six months of his or her principal course unless:

- The original registered provider has ceased to be registered, or the course in which the student is enrolled has ceased to be registered,
- The original registered provider has agreed to the student’s release and recorded the date of effect and reason for release in PRISMS, or
- The original registered provider has had a sanction imposed on its registration by the Australian Federal, State or Territory Government that prevents the student from continuing his or her course with the original registered provider, 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.

4.2 All current overseas students who are within six months of the commencement of their principal course and who wish to transfer to another provider must seek the approval of JMC Academy.

4.3 Transfer requests will only be approved by JMC Academy if the transfer is determined to be in the student’s best interest on the following grounds:

- There is evidence of compassionate or compelling circumstances,
- The student, after engaging with the JMC Academy’s intervention strategy, is unable to achieve satisfactory course progress because the level they are studying is deemed to be inappropriate,

- JMC Academy fails to deliver the course as outlined in the written agreement,
- There is evidence that the student's reasonable expectations about his or her current course are not being met,
- There is evidence that the student misinterpreted the information provided by JMC Academy or an education or migration agent regarding JMC Academy or its course and the course is therefore unsuitable to the student's needs and/or study objectives,
- An appeal (internal or external) results in a decision or recommendation to release the student.

4.4 Transfer requests from JMC Academy will not be approved where:

- The student has outstanding debts or fines,
- The student has academic and/or non-academic sanctions,
- The student changes their mind about the intended course, claims financial hardship, or wishes to transfer to another provider with lower tuition fees,
- The student requests a transfer to study a course at an academic level that is considered lower than the current principal course of study,
- The student requests a transfer to a course with another provider, and that course is available at JMC Academy,
- The student's actions have caused JMC Academy to form the view that they are not a Genuine Student or Genuine Temporary Entrant (e.g. absence from orientation events, low attendance rate, failure to access support services, significant change in academic direction),
- The student has been excluded or suspended from their course,
- The student has not exhausted access to either JMC Academy's support services for assistance with study or personal issues, or for students enrolled in a package of courses, the services offered by the package provider,
- The student has already accepted and paid for a course with another registered provider,
- The student cites work commitments or demands of employment as a reason for transfer,
- JMC Academy believes that the student is attempting to avoid being reported to the Department of Home Affairs (DoHA) for not meeting course requirements,
- JMC Academy does not agree that the transfer is in the best interests of the student's academic progress or future study plans,
- JMC Academy believes that the student has made decisions post-enrolment regarding accommodation, employment or travel that are not aligned with the requirements of their principal course.

4.5 A student's request to transfer to another institution will be approved unconditionally when or if:

- There is a provider default due to JMC Academy no longer offering the course,
- Sanctions are imposed on JMC Academy by the Australian government prevent the student from continuing in the course,
- A government sponsor deems that the transfer is in the best interest of the student.

4.6 The Director International Services will make any final decision as to whether to approve a transfer request for any overseas student.

4.7 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 as specified in the student's Acceptance Agreement, independent of this policy.

4.8 A conditional offer of enrolment may be made by Admissions to a student who is currently enrolled in another provider's course, subject to the current provider's grant of the

student's transfer request. A Confirmation of Enrolment cannot be issued to the student unless the current provider approves the student's transfer request and record the student's release in PRISMS.

JMC Academy will assess and respond to a student's request to transfer within 10 working days of the request being submitted.

4.9 If transfer requests are refused, the response to students will provide the reason for refusing the transfer requests and students' right to access the appeal process within 20 working days in accordance with the JMC Academy's Student Complaints and Appeals policy. The students' refusal status in PRISMS will not be finalised until:

- Any appeal against the refusal lodged by the student is finalised and upholds the JMC Academy's decision not to release the students, or
- The student did not access the JMC Academy's appeal processes within 20 working days of being notified of the refusal, or
- The student withdraws their appeal against the refusal.

4.10 The records of student transfer requests will be kept for two years after the student ceases to be an accepted student.

5. COMPLAINTS and APPEALS

Students may access the Student Complaints and Appeals Policy and its associated procedures to appeal against any decisions made under this policy.

6. POSITIONS RESPONSIBLE FOR IMPLEMENTING POLICY

- Campus Managers
- Director of Education
- Director of International Services
- Chief Executive Officer
- International Services Division staff

7. RELATED DOCUMENTS

- Transfer between Registered Providers Procedure
- JMC Academy Glossary
- Diversity, Equity and Inclusion Policy

8. RELATED LEGISLATION

This Policy supports JMC Academy's compliance with the following legislation:

- Education Services for Overseas Students (ESOS) Act 2000 (Cth),
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018
 - ESOS National Code 2018, Part B, Standard 7.

9. POLICY REVIEW DATE

28th February, 2021

10. VERSION CONTROL TABLE

Title	<i>Transfer between Registered Providers Policy</i>			
Maintained By	International Division			
Approving Authority	Academic Board			
Approved Date	22/03/2018			
Version Number	Modified By	Modifications Made	Date Modified	Status
H 05.01	P. Gainey		04/07/2013	Superseded
2.0	S. Stanford	Updated by Director, International Services to reflect new EOS requirements; refined responsibilities and put into new format	05/12/2017	Approved by the Academic Board on 22/03/2018 Superseded
2.1	G. Jedlinska	Reformatted, added related documents and related legislation sections	10/09/2018	Superseded
2.2	M. Hafda	Updated section 5, Complaints and Appeals	11/10/2018	Current