

## Private Career Colleges Act, 2005

### ONTARIO REGULATION 415/06 GENERAL

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*This is the English version of a bilingual regulation.*

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### **PART I INTERPRETATION**

#### **Definitions**

1. (1) In this Regulation,

“campus” means a location at which a private career college offers one or more vocational programs; (“campus”)

“international student” means a student at a private career college who applied for or received a temporary resident visa as a member of the student class under the *Immigration and Refugee Protection Act* (Canada); (“étudiant étranger”)

“prospective international student” means a person who is required to apply for and receive a temporary resident visa as a member of the student class under the *Immigration and Refugee Protection Act* (Canada) in order to enrol at a private career college. (“étudiant étranger éventuel”) O. Reg. 415/06, s. 1.

(2) A reference to a vocational program in this Regulation is a reference to a vocational program that has been approved by the Superintendent under section 23 of the Act. O. Reg. 377/08, s. 1.

### **PART II EXCLUDED INSTITUTIONS**

#### **Institutions excluded from application of Act**

2. (1) The institutions, agencies and entities described in paragraphs 1, 2 and 3 are prescribed under clause (e) of the definition of “private career college” in subsection 1 (1) of the Act as a class of institutions, agencies and entities that are not private career colleges and are prescribed for the purposes of clauses 8 (2) (e), 9 (2) (e) and 12 (3) (e) of the Act:

1. Institutions, agencies and entities that provide vocational programs but do not have any of the following elements of physical presence in Ontario:
  - i. A head office.
  - ii. A postal address or a telephone or fax number in Ontario.
  - iii. The occupancy of real property in Ontario for the purposes of providing or administering vocational programs.

- iv. The employment in Ontario of an agent or manager who provides or arranges the provision of vocational programs in Ontario, an employee who teaches vocational programs in Ontario, an administrator or a person who invigilates examinations in Ontario.
2. An Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*.
  3. An institution, agency or entity that,
    - i. provides vocational programs for a fee, in accordance with an agreement with a publicly-assisted university established under any Act, only to students who hold a study permit issued under the *Immigration and Refugee Protection Act (Canada)*,
    - ii. does not provide vocational programs for a fee to any other students, and
    - iii. has been designated by the Minister as a designated learning institution for the purposes of the *Immigration and Refugee Protection Regulations (Canada)*. O. Reg. 415/06, s. 2 (1); O. Reg. 377/08, s. 2; O. Reg. 240/18, s. 1; O. Reg. 468/21, s. 1.
- (2) The following institutions are prescribed under clause (e) of the definition of “private career college” in subsection 1 (1) of the Act as an institution, agency or entity that is not a private career college and are prescribed for the purposes of clauses 8 (2) (e), 9 (2) (e) and 12 (3) (e) of the Act:
1. REVOKED: O. Reg. 466/16, s. 1.
  2. The Hospital for Sick Children, Toronto.
  3. The Michener Institute for Applied Health Sciences, Toronto.
  4. The Niagara Parks Commission School of Horticulture. O. Reg. 415/06, s. 2 (2); O. Reg. 466/16, s. 1.

### **PART III REGISTRATION**

#### **Content of application**

- 3.** (1) In addition to the information that may be required by the Superintendent under section 13 of the Act, a person applying for registration with respect to a private career college shall include the following information in the application:
1. A list of the proposed vocational programs and all other programs that the private career college proposes to offer.
  2. A copy of all contract forms proposed to be used between the private career college and a prospective student, including contract forms with respect to programs that are not vocational programs.
  3. The names, addresses and telephone numbers of three persons who are not related to the applicant and who are able to provide references as to the character and reputation of,
    - i. the applicant, in the case of an applicant who is not a corporation, or
    - ii. the officers and directors of the applicant, in the case of an applicant who is a corporation.
  4. If the applicant intends to advertise,
    - i. a copy of the advertising and marketing materials proposed to be used in any form of written publication, including publication on the internet, in all the languages in which the advertisement is to appear, and
    - ii. a copy of the text of a proposed radio or television broadcast in all the languages in which the text is to be broadcast.
  5. If an advertisement or material referred to in paragraph 4 is to be published or broadcast in a language other than English or French, a translation of the text prepared by a person whose primary employment is translation or who has trained as a translator.
  6. If the applicant is not also the individual responsible for the administration of a campus of the college, the name, address, telephone number, fax number and e-mail address of that individual.
  7. Any operating or business name of the applicant registered under the *Business Names Act* if that name is different from the applicant’s legal name.
  8. If applicable, evidence that an application has been made to the Minister of Training, Colleges and Universities for an approval to use the term “college” or “institute”, or its French equivalent, under the *Business Corporations Act, Not-for-Profit Corporations Act, 2010* or the *Business Names Act* or evidence that such an approval has been given.
  9. A copy of any agreement between the applicant and any person retained to maintain or issue transcripts in accordance with paragraph 1, 3 or 4 of section 34.
  10. A copy of the college’s student complaint procedure established in accordance with section 31 of the Act.

11. Evidence of the insurance required under subsection 5 (2).
  12. A copy of any partnership or franchise agreement.
  13. In the case of an application by a corporation, a copy of an up-to-date corporation profile report filed under the *Corporations Information Act*.
  14. A copy of any fire inspection report on the buildings used by the private career college for purposes of providing instruction.
  15. A copy of the college's expulsion policy.
  - 15.1 A copy of the college's sexual violence policy.
  16. REVOKED: O. Reg. 492/18, s. 1.
  17. The projected enrolment for both domestic and international students in each program. O. Reg. 415/06, s. 3 (1); O. Reg. 132/16, s. 1; O. Reg. 466/16, s. 2; O. Reg. 492/18, s. 1.
- (2) An application for registration with respect to a private career college shall be accompanied by an application for approval for each vocational program that the college proposes to offer, made in accordance with Part IV. O. Reg. 415/06, s. 3 (2).
- (3) An application for renewal of a registration to operate a private career college shall set out in detail any change proposed to the information provided in the application for registration or in the applicant's most recent application for renewal, in addition to the information that may be required by the Superintendent under section 13 of the Act. O. Reg. 415/06, s. 3 (3).
- (4) An application for renewal of a registration to operate a private career college shall set out the college's total enrolment in each vocational program and the enrolment of international students in each vocational program during the college's last fiscal year. O. Reg. 415/06, s. 3 (4); O. Reg. 377/08, s. 3.
- (5) An application for renewal of a registration to operate a private career college shall be made within six months after the end of the college's fiscal year. O. Reg. 415/06, s. 3 (5).
- (6) If a private career college fails to apply for renewal of its registration within the time period referred to in subsection (5), the college shall pay, in addition to the renewal fee payable under subsection (7), a penalty in an amount that is 50 per cent of the renewal fee unless the Superintendent is satisfied that there were reasonable grounds for the failure to apply in time. O. Reg. 415/06, s. 3 (6).
- (7) An application for registration or for renewal of registration shall be accompanied by the fees required by the Minister under section 7 of the *Ministry of Training, Colleges and Universities Act*. O. Reg. 415/06, s. 3 (7).
- (8) A copy of the agreement referred to in paragraph 9 of subsection (1) is not required to be included in an application for registration made before the first anniversary of the day this section comes into force. O. Reg. 415/06, s. 3 (8).

**Public interest criteria**

4. For the purposes of subsection 14 (2) of the Act, the Superintendent shall consider the following criteria in determining whether it is in the public interest to issue or renew a registration for a private career college:

1. Whether sufficient information has been provided by the applicant to conduct a proper assessment of the quality of the applicant's vocational programs.
2. Whether any of the applicant's vocational programs are in respect of vocations for which employers or regulatory bodies normally require prospective employees or members of the regulated occupation or profession to have a university degree or a degree from an institution, other than a university, that is authorized to grant the degree under the *Post-secondary Education Choice and Excellence Act, 2000* or under a special Act that establishes or governs the institution.
3. Whether the vocational programs would jeopardize public health or safety. O. Reg. 415/06, s. 4.

**Conditions of registration: insurance**

5. (1) Compliance with subsections (2) and (3) is prescribed as a condition of registration. O. Reg. 415/06, s. 5 (1).
- (2) Every person who operates a private career college shall ensure that the college is insured and that the insurance coverage is sufficient to,
- (a) compensate the college for any damages to its buildings or equipment; and
  - (b) protect the college, and save harmless any of its officers, employees, agents and any volunteers, in the case of any claims made in respect of accidents that occur or personal injuries that are suffered by students while attending the college, including accidents that occur off-campus if attendance at such places is required as part of a vocational program. O. Reg. 415/06, s. 5 (2).

(3) A person who was registered to operate a private career college under the *Private Career Colleges Act* on the day before this section comes into force shall maintain any insurance coverage in effect at that time until the person complies with this section. O. Reg. 415/06, s. 5 (3).

(4) REVOKED: O. Reg. 466/16, s. 3.

#### Trust account

6. A private career college that was required by this section, as it read on December 31, 2018, to hold fees in a trust account may withdraw or disburse any remaining funds held in the trust account. O. Reg. 492/18, s. 2.

### PART IV VOCATIONAL PROGRAMS

#### Vocations

7. (1) For the purposes of the definition of “vocational program” in subsection 1 (1) of the Act and subject to subsection (2) of this section, each occupation included in the document entitled “National Occupational Classification, 2016 – Occupational Description” published by Human Resources and Skills Development Canada and Statistics Canada in 2016, is prescribed as a vocation. O. Reg. 466/16, s. 4.

(2) The following occupations are not prescribed as vocations for the purposes of the definition of “vocational program” in subsection 1 (1) of the Act, even though they are included in the document referred to in subsection (1) of this section:

1. National Occupational Classification (NOC) Code Number 3125, Other professional occupations in health diagnosing and treating.
2. NOC Code Number 3232, Practitioners of natural healing.
3. NOC Code Number 5232, Other performers, not elsewhere classified.
4. NOC Minor Group Code Number 525, Athletes, coaches, referees and related occupations.
5. NOC Code Number 6564, Other personal service occupations. O. Reg. 466/16, s. 4.

(3) Despite paragraph 2 of subsection (2), the vocation named “shiatsu therapist” or “therapist, shiatsu” under NOC Code Number 3232 is prescribed as a vocation for the purposes of the definition of “vocational program” in subsection 1 (1) of the Act. O. Reg. 222/18, s. 1.

#### Vocational programs

8. The following classes of programs are prescribed as programs that are vocational programs for the purposes of the Act and the regulations:

1. Programs that provide skills and training in the use or servicing of a product where,
  - i. the vendor or manufacturer of the product issues designations to persons who are qualified to work in areas related to the operation, maintenance, sale or servicing of the product, and
  - ii. the skills and training provided by the program are in demand by employers.
2. Programs in respect of fire protection or police work that prepare students for admission to training programs in those occupations prescribed under the *Fire Protection and Prevention Act, 1997* or the *Police Services Act*. O. Reg. 415/06, s. 8.

#### Exemptions

9. (1) The following classes of programs are prescribed as programs that are not vocational programs for the purposes of the Act and the regulations:

1. Programs that provide instruction for work in a religious vocation, whether or not the program is provided by a religious organization.
2. Programs that are less than 40 hours in duration.
3. Programs for which a fee of less than \$2,000 is charged.
4. Programs that are offered exclusively to persons under the age of 18 years.
5. Programs to which an Act of the Legislature other than the *Private Career Colleges Act, 2005* or an Act of Canada applies, if that Act contains protections similar to those in the *Private Career Colleges Act, 2005* relating to program quality and to student interests. O. Reg. 415/06, s. 9 (1); O. Reg. 492/18, s. 3.

(2) Paragraph 2 of subsection (1) does not apply to a vocational program that falls within a class of vocational programs in respect of which the Superintendent has issued a directive under section 53 of the Act requiring that such vocational programs be longer than 40 hours in duration. O. Reg. 415/06, s. 9 (2).

(3) Subsection (1) applies to a program described in that subsection even though the program may otherwise meet the requirements of a vocational program as defined in subsection 1 (1) of the Act. O. Reg. 415/06, s. 9 (3).

**Application for approval**

**10.** (1) In addition to any information that may be required by the Superintendent under subsection 23 (2) of the Act or section 43, an application for approval of a vocational program shall include the following information:

1. A description of the admission requirements for the program, including minimum educational requirements and the particulars of any qualifying test required to be taken by a prospective student.
2. Information relating to the content of the program as required under section 11.
3. Two copies, in blank, of the credential that the college proposes to issue to students who successfully complete the program.
4. A list of the equipment and facilities to be used in providing the program.
5. If the program relates to a profession or occupation that is governed by a regulatory body, or for which a professional or occupational association or organization exists, any statement relating to the program and any report on it made or prepared by or on behalf of the regulatory body of the profession or occupation or the professional association or organization.
6. Any statement relating to the program made by a representative of the government of any province, territory or country or report prepared in relation to the program by such a representative.
7. If another post-secondary educational institution recognizes the successful completion of the program by granting credits towards the completion of a program offered by that institution, a statement to that effect signed by an officer or director of the institution or a person having authority to bind the institution. O. Reg. 415/06, s. 10 (1).

(2) An application for approval of a vocational program shall be accompanied by the fee required by the Minister under section 7 of the *Ministry of Training, Colleges and Universities Act*. O. Reg. 415/06, s. 10 (2).

**Program information**

**11.** (1) An application for approval of a vocational program shall include a description of the program prepared by the applicant that contains,

- (a) the name and a brief description of every subject and module included in the program;
- (b) the number of hours of instruction required for each subject and module; and
- (c) a description of the system of evaluation for the program and for every subject and module in it. O. Reg. 415/06, s. 11 (1).

(2) A person who applies for approval of a vocational program shall ensure that the Superintendent is provided with a copy of the report of an evaluation of the program conducted by a person who has expertise in the evaluation of such programs and is approved by the Superintendent. O. Reg. 415/06, s. 11 (2).

(3) The evaluation shall be conducted at the expense of the private career college and the evaluation report shall include a copy of the description of the program initialled by the person who prepared the report. O. Reg. 415/06, s. 11 (3).

(4) The person who conducts the evaluation shall submit the report directly to the Superintendent. O. Reg. 415/06, s. 11 (4).

**Condition of approval and duration**

**12.** (1) It is a condition of an approval of a vocational program that the private career college inform each student enrolled in the program of the result of an evaluation of the student's progress,

- (a) in the case of a program described in section 27, prior to halfway through each 12-month period;
- (b) in the case of a program described in section 29, prior to halfway through the program. O. Reg. 415/06, s. 12 (1).

(2) For the purposes of subsection 23 (5) of the Act, the period during which an approval of a vocational program granted by the Superintendent is valid is a period of five years or such lesser period as may be specified by the Superintendent in the approval. O. Reg. 415/06, s. 12 (2).

**Substantial change to vocational program**

**13.** (1) For the purposes of subsection 23 (6) of the Act, the following changes constitute a substantial change to a vocational program:

1. A change in the program that would result in a change in the degree of knowledge or specialization with respect to the vocation.
2. A change in the duration of the program.

3. A change in the mode of delivering the program.
4. The introduction or deletion of a practicum.
5. A change in admission requirements.
6. A change in the requirements for successful completion of the program and for promotion within the program.
7. A change in the private career college's policies and procedures for granting advanced standing.
8. A reduction or loss of equipment, facilities and learning resources.
9. A change in the title of the program.
10. Any change that would adversely affect the private career college's ability to comply with the conditions of the Superintendent's approval. O. Reg. 415/06, s. 13 (1).

(2) In addition to any information that may be required by the Superintendent under subsection 23 (2) of the Act, an application for approval of a substantial change to a vocational program shall include a description of the proposed change and the rationale for the change. O. Reg. 415/06, s. 13 (2).

(3) An application for approval of substantial change to a vocational program shall be accompanied by the fee required by the Minister under section 7 of the *Ministry of Training, Colleges and Universities Act*. O. Reg. 415/06, s. 13 (3).

#### **Transitional**

**14.** (1) The approval of a vocational program that was issued by the Superintendent on a day before the day this Regulation comes into force continues to be valid after that day. O. Reg. 415/06, s. 14 (1).

(2) The Superintendent may give notice to a private career college that offers a vocational program that was approved on a day before the day this Regulation comes into force to apply for a renewal of the approval on or before a day specified in the notice. O. Reg. 415/06, s. 14 (2).

(3) If a private career college applies for a renewal of an approval of a vocational program in respect of which a notice is received under subsection (2), the renewal shall not be granted unless the applicant meets all the requirements of the Act and of this Regulation. O. Reg. 415/06, s. 14 (3).

(4) The approval of a vocational program in respect of which a notice of renewal is issued under subsection (2) remains valid until,

- (a) if an application for renewal is not made to the Superintendent on or before the day specified in the notice, that day; or
- (b) if an application for renewal is made to the Superintendent on or before the day specified in the notice, the day the Superintendent renews the approval or gives notice of a decision not to renew the approval. O. Reg. 415/06, s. 14 (4).

## **PART V ADVERTISEMENT**

#### **Definition**

**15.** In this Part,

“advertisement” means an advertisement in any language, whether written or oral, distributed or transmitted by any means including by publication, radio, television or the internet. O. Reg. 415/06, s. 15.

#### **Content of advertisement**

**16.** (1) Every private career college shall ensure that an advertisement of the college or of a vocational program offered at the college meets the following requirements:

1. The advertisement shall give the operating or business name registered under the *Business Names Act* or, if none, the college's legal name.
2. The advertisement shall not contain a statement, image or video that,
  - i. misleads or is likely to mislead the public,
  - ii. guarantees admission to or successful completion of a vocational program offered at the college,
  - iii. implies that employment is assured for any students who successfully complete a vocational program offered at the college,
  - iv. implies that the admission of a prospective international student to a private career college will guarantee the student the right to enter Canada under the *Immigration and Refugee Protection Act* (Canada) or to receive a visa or other document required under that Act.

3. If the advertisement refers to the fact that a person has been registered under the Act to operate the college, the advertisement must use the following words to do so: “Registered as a private career college under the *Private Career Colleges Act, 2005*” or the words, “Inscrit à titre de collège privé d’enseignement professionnel en vertu de la *Loi de 2005 sur les collèges privés d’enseignement professionnel*”.
4. If the advertisement refers to the fact that a particular vocational program has been approved by the Superintendent under section 23 of the Act, the advertisement must use the following words to do so: “Approved as a vocational program under the *Private Career Colleges Act, 2005*” or the words, “Autorisé à titre de programme de formation professionnelle en vertu de la *Loi de 2005 sur les collèges privés d’enseignement professionnel*”.
5. An advertisement that refers to a program that is not a vocational program must clearly indicate that the program is not a vocational program by using the words, “This program does not require approval under the *Private Career Colleges Act, 2005*” or the words, “Ce programme ne requiert pas d’autorisation en vertu de la *Loi de 2005 sur les collèges privés d’enseignement professionnel*”, if,
  - i. the advertisement refers to programs that are vocational programs as well as to programs that are not vocational programs and refers to the approved status of the vocational programs, or
  - ii. the advertisement refers to programs that are not vocational programs and refers to the college’s registered status under the Act.
6. If the advertisement refers to a vocational program and the program’s language of instruction is neither English nor French, the advertisement shall state the program’s language of instruction. O. Reg. 415/06, s. 16 (1); O. Reg. 466/16, s. 5.

(2) A private career college that was registered under the *Private Career Colleges Act* immediately before the day this section comes into force and that entered into an agreement for the publication or transmission of an advertisement before that day may publish or transmit the advertisement until the day the agreement expires even though the advertisement does not comply with subsection (1), provided that the advertisement was permitted under Regulation 939 of the Revised Regulations of Ontario, 1990 (General). O. Reg. 415/06, s. 16 (2).

#### **Advertising records**

17. (1) A private career college shall maintain a copy of the following material related to each advertisement:

1. The text of the advertisement, whether the advertisement is written or oral.
- 1.1 If the advertisement is a video or contains an image, a copy of the video or image in a format that can be viewed.
2. The period during which the advertisement was published or broadcast.
3. If the advertisement has been published or broadcast in a language other than English or French, a translation of the text prepared by a person whose primary employment is translation or who has trained as a translator.
4. If the advertisement contains a testimonial, endorsement or representation of opinion, a separate text of the testimonial, endorsement or representation of opinion signed by the person making it.
5. If the advertisement refers to the fact that a vocational program is recognized as a valid program for training by the regulatory body of a profession or occupation or by a professional or occupational association or organization, a statement recognizing the program signed by or on behalf of the regulatory body or the association or organization.
6. If the advertisement refers to the fact that a vocational program has been recognized by the government of any province, territory or country for a particular purpose, a statement to that effect signed by a representative of the government.
7. If the advertisement refers to the fact that another post-secondary educational institution recognizes the successful completion of a vocational program by granting credits towards the completion of a program offered by that institution, a statement to that effect signed by an officer or director of the institution or a person having authority to bind the institution. O. Reg. 415/06, s. 17 (1); O. Reg. 466/16, s. 6.

(2) Subject to subsection (3), the material referred to in subsection (1) shall be maintained at each campus of the private career college in Ontario for a period of one year after the date of the last publication or broadcast of the advertisement. O. Reg. 415/06, s. 17 (2).

(3) With the approval of the Superintendent, a private career college may maintain the material,

- (a) at its head office situated in Ontario; or
- (b) if the college does not have a head office in Ontario, at an address of the person engaged or employed by the college as agent, manager or administrator under section 37. O. Reg. 415/06, s. 17 (3); O. Reg. 377/08, s. 4.

#### **Misleading statements**

18. (1) No person, operator, officer, director, employee or agent acting on behalf of a private career college shall make or disseminate any of the following for the purpose of inducing a student or prospective student to enrol in a program or to enter into a contract with a private career college:

1. A false or misleading written or oral statement.
2. A false or misleading image or video.
3. A statement described in paragraph 2 of subsection 16 (1). O. Reg. 466/16, s. 7.

(2) If a person referred to in subsection (1) makes or disseminates a statement, image or video contrary to that subsection and the statement, image or video constitutes a fundamental breach of a contract between the student and the college, the contract is voidable by the student. O. Reg. 466/16, s. 7.

(3) If the contract is rendered void by the student, no money is payable by the student under the contract. O. Reg. 415/06, s. 18 (3).

## **PART VI ADMISSIONS REQUIREMENTS AND CONTRACTS**

### **Admission requirements**

19. (1) It is a condition of registration of an operator of a private career college that no student be admitted to a vocational program at the college unless the student meets the admission requirements for the program established by the college and those set out in subsection (3). O. Reg. 415/06, s. 19 (1).

(2) Despite subsection (1), a student who does not meet the admission requirements referred to in that subsection on the day he or she enrolls in the program may be admitted to the program as long as the student meets the requirements before the program commences. O. Reg. 415/06, s. 19 (2).

(3) An applicant for admission to the program shall meet one of the following admission requirements:

1. The applicant must,
  - i. have received a diploma from a school in Ontario that is a secondary school within the meaning of the *Education Act* or an equivalent diploma, or
  - ii. meet such other academic qualifications as are specified by the Superintendent as a condition to the approval of the vocational program under section 23 of the Act.
2. If an applicant does not meet the academic qualifications required by subparagraph 1 i, the applicant must,
  - i. be, on or before the day the program commences, at least 18 years of age or such other age as may be specified by the Superintendent as a condition to the approval of the vocational program under section 23 of the Act, and
  - ii. successfully complete a qualifying test that has been approved by the Superintendent. O. Reg. 415/06, s. 19 (3); O. Reg. 377/08, s. 5.

(4) A private career college shall not establish an admission requirement that is contrary to the requirements set out in subsection (3). O. Reg. 415/06, s. 19 (4).

(5) If the admission requirements for a vocational program that apply under this section differ from the admission requirements that applied before the day this section comes into force, a person who was admitted to a vocational program before that day in accordance with the previous admission requirements is deemed to meet the new admission requirements and his or her admission to the program is valid for all purposes. O. Reg. 415/06, s. 19 (5).

(6) A private career college shall not impose undue pressure on, coerce or otherwise require a student to obtain a product or service from a particular person, including the private career college and any of its affiliates, as a requirement for admission to a vocational program offered by the college. O. Reg. 415/06, s. 19 (6).

(7) For the purposes of subsection (6), a person or entity is affiliated with a private career college if one of them is controlled, directly or indirectly, by the other or both are controlled by the same person or entity. O. Reg. 415/06, s. 19 (7).

### **Contract terms**

20. (1) Every contract entered into by a private career college and a student for the provision of a vocational program shall include the following terms:

1. The name of the vocational program as approved by the Superintendent under section 23 of the Act.
2. The student's address and telephone number and, if applicable, his or her e-mail address.
3. The start and expected completion date for the vocational program.
4. The language of instruction for the vocational program.

5. The admission requirements for the vocational program.
6. The fees, expressed in Canadian dollars, payable by the student and a schedule indicating the time and amount of each payment.
- 6.1 If a student is required to pay for products or services, including books, equipment, processing applications or conducting admission tests or assessments, an itemized list of the fees payable for each such product or service, expressed in Canadian dollars.
7. A statement in bold face type that the private career college does not guarantee employment for any student who successfully completes a vocational program offered by the college.
8. A statement in bold face type that the contract is subject to the *Private Career Colleges Act, 2005* and the regulations made under the Act.
9. An acknowledgement by the student that he or she has received a copy of the college's fee refund policy, as required under subsection 29 (3) of the Act.
10. An acknowledgement by the student that he or she has received a copy of the statement of student rights and responsibilities developed by the Superintendent, as required under section 32 of the Act.
11. An acknowledgement by the student that he or she has received a copy of the college's student complaint procedure, as required under subsection 31 (3) of the Act.
- 11.1 An acknowledgement by the student that he or she has received a copy of the college's sexual violence policy, as required under subsection 32.1 (4) of the Act.
12. A copy of the consent to the collection and use of personal information required under subsection 50 (3) of the Act in the wording required under subsection (2).
13. An acknowledgement by the student that he or she has received a copy of the private career college's policy relating to the expulsion of students.
14. The schedule of hours of instruction.
15. The location where instruction will be provided, including the location of any practicum. If instruction or a practicum will be provided on a website, the website address.
16. A statement in bold face type that the student is entitled to a copy of the signed contract immediately after it is signed. O. Reg. 415/06, s. 20 (1); O. Reg. 132/16, s. 2; O. Reg. 466/16, s. 8 (1, 2).

(2) For the purposes of subsection 50 (3) of the Act, the following wording, or its French equivalent in the French version of this Regulation, is prescribed for a student's consent:

Private career colleges (PCCs) must be registered under the *Private Career Colleges Act, 2005*, which is administered by the Superintendent of Private Career Colleges. The Act protects students by requiring PCCs to follow specific rules on, for example, fee refunds, training completions if the PCC closes, qualifications of instructors, access to transcripts and advertising. It also requires PCCs to publish and meet certain performance objectives that may be required by the Superintendent for their vocational programs. This information may be used by other students when they are deciding where to obtain their training. The consent set out below will help the Superintendent to ensure that current and future students receive the protection provided by the Act.

I, [insert student's name], allow [insert name of private career college] to give my name, address, telephone number, e-mail address and other contact information to the Superintendent of Private Career Colleges for the purposes checked below:

- To advise me of my rights under the *Private Career Colleges Act, 2005* including my rights to a refund of fees, access to transcripts and a formal student complaint procedure; and
- To determine whether [insert name of college] has met the performance objectives required by the Superintendent for its vocational programs.

I understand that I can refuse to sign this consent form and that I can withdraw my consent at any time for future uses of my personal information by writing to [add contact information of college]. I understand that if I refuse or withdraw my consent the Superintendent may not be able to contact me to inform me of my rights under the Act or collect information to help potential students make informed decisions about their educational choices.

[Name of Student]

O. Reg. 466/16, s. 8 (3).

(3) REVOKED: O. Reg. 466/16, s. 8 (3).

#### Copy of contract

**20.1** For the purposes of subsection 28 (2) of the Act, a private career college that enters into a contract with a student for the provision of a vocational program shall give the student a copy of the signed contract immediately after it is signed. O. Reg. 466/16, s. 9.

#### Other contracts

- 21.** A private career college shall ensure that in a contract for the provision of a program that is not a vocational program,
- (a) the terms referred to in paragraphs 8, 10 and 12 of subsection 20 (1) are not included; and
  - (b) a statement that the *Private Career Colleges Act, 2005* does not apply to the program is included in bold face type. O. Reg. 466/16, s. 10.

#### Void contracts

**22.** A contract for the provision of a vocational program between a private career college and a student that does not contain all of the terms required under section 20 is voidable by the student. O. Reg. 415/06, s. 22.

#### Copies of contracts

**23.** A private career college that enters into a contract with a student for the provision of a vocational program shall retain a copy of the contract for at least three years after the date the student ceases to be a student at the private career college. O. Reg. 415/06, s. 23.

## **PART VII PROTECTION OF STUDENT INTERESTS**

#### Fee refund policy

**24.** The provisions set out in sections 25 to 33 are prescribed for vocational programs as provisions of every fee refund policy adopted by a private career college under section 29 of the Act. O. Reg. 415/06, s. 24.

#### Full refunds

**25.** (1) A private career college shall refund all of the fees paid by a student under a contract for the provision of a vocational program in the following circumstances:

1. The contract is rescinded by a person within two days of receiving a copy of the contract in accordance with section 36 of the Act.
2. The private career college discontinues the vocational program before the student completes the program, subject to subsection (2).
3. The private career college charges or collects the fees,
  - i. before the registration was issued for the college under the Act or before the vocational program was approved by the Superintendent, or
  - ii. before entering into a contract for the provision of the vocational program with the student, unless the fee is collected under subsection 44 (3).
4. The private career college expels the student from the college in a manner or for reasons that are contrary to the college's expulsion policy.
5. The private career college employs an instructor who is not qualified to teach all or part of the program under section 41.
6. The contract is rendered void under subsection 18 (2) or under section 22.
7. If a private career college fails to, or does not accurately, provide in the itemized list provided to the Superintendent under section 43 a fee item corresponding to a fee paid by a student for the provision of a vocational program, the college shall pay the student,
  - i. in the case of an item not provided by the college, the full amount of the fee for the item, and
  - ii. in the case of a fee in excess of the amount of the fee provided for the item, the difference between the amount of the fee for the item provided to the Superintendent and the fee collected. O. Reg. 415/06, s. 25 (1).

(2) A full refund is not payable in the circumstances described in paragraph 2 of subsection (1) if the discontinuance of the vocational program coincides with the private career college ceasing to operate. O. Reg. 415/06, s. 25 (2).

(3) A refund is not payable under paragraphs 1 to 6 of subsection (1) unless the student gives the private career college a written demand for the refund. O. Reg. 415/06, s. 25 (3).

(4) A refund under subsection (1) is payable by the private career college within 30 days of the day the student delivers to the college,

- (a) in the case of a rescission under section 36 of the Act, notice of the rescission; or
- (b) in the case of a refund under paragraphs 2 to 6 of subsection (1), a written demand for the refund. O. Reg. 415/06, s. 25 (4).

**Partial refund where student does not commence program**

**26.** (1) If a student is admitted to a vocational program, pays fees to the private career college in respect of the program and subsequently does not commence the program, the college shall refund part of the fees paid by the student in the following circumstances:

- 1. The student gives the college notice that he or she is withdrawing from the program before the day the vocational program commences.
- 2. In the case of a student who is admitted to a vocational program on the condition that the student meet specified admission requirements before the day the program commences, the student fails to meet the requirements before that day.
- 3. The student does not attend the program during the first 14 days that follow the day the program commenced and the college gives written notice to the student that it is cancelling the contract no later than 45 days after the day the program has commenced. O. Reg. 415/06, s. 26 (1).

(2) The amount of a refund under subsection (1) shall be an amount that is equal to the full amount paid by the student for the vocational program, less an amount equal to the lesser of 20 per cent of the full amount of the fee and \$500. O. Reg. 415/06, s. 26 (2).

(3) A refund under subsection (1) is payable,

- (a) in the case of a refund under paragraph 1 of subsection (1), within 30 days of the day the student gives notice of withdrawing from the program;
- (b) in the case of a refund under paragraph 2 of subsection (1), within 30 days of the day the vocational program commences; and
- (c) in the case of a refund under paragraph 3 of subsection (1), within 45 days of the day the vocational program commences. O. Reg. 415/06, s. 26 (3).

(4) For the purposes of paragraph 3 of subsection (1), it is a condition of a contract for the provision of a vocational program that the private career college may cancel the contract within 45 days of the day the vocational program commences if the person who entered the contract with the college fails to attend the program during the 14 days that follow the day the vocational program commences. O. Reg. 415/06, s. 26 (4).

(5) A private career college that wishes to cancel a contract in accordance with subsection (4) shall give written notice of the cancellation to the other party to the contract within 45 days of the day the vocational program commences. O. Reg. 415/06, s. 26 (5).

**Partial refunds: withdrawals and expulsions after program commenced**

**27.** (1) A private career college shall give a student who commences a vocational program a refund of part of the fees paid in respect of the program if, at a time during the program determined under subsection (3),

- (a) the student withdraws from the program after the program has commenced; or
- (b) the student is expelled from the program in circumstances where the expulsion is permitted under the private career college's expulsion policy. O. Reg. 415/06, s. 27 (1).

(2) This section does not apply to vocational programs described in sections 28 and 29. O. Reg. 415/06, s. 27 (2).

(3) A private career college shall pay a partial refund under this section only if the withdrawal or expulsion from the vocational program occurs at a time during the program determined in accordance with the following rules:

- 1. In the case of a vocational program that is less than 12 months in duration, the withdrawal or expulsion occurs during the first half of the program.
- 2. In the case of a vocational program that is 12 months or more in duration,
  - i. for the first 12 months in the duration of the program and for every subsequent full 12 months in the program, the withdrawal or expulsion occurs during the first six months of that 12-month period, and
  - ii. for any period in the duration of the vocational program remaining after the last 12-month period referred to in subparagraph i has elapsed, the withdrawal or expulsion occurs in the first half of the period. O. Reg. 415/06, s. 27 (3).

(4) If the student withdraws or is expelled from a vocational program within the first half of a period referred to in subsection (3), the amount of the refund that the private career college shall pay the student shall be equal to the full amount of the fees paid in respect of the program less,

- (a) an amount that is equal to the lesser of 20 per cent of the full amount of the fees in respect of the program and \$500; and
- (b) the portion of the fees in respect of the portion of the period that had elapsed at the time of the withdrawal or expulsion. O. Reg. 415/06, s. 27 (4).

(5) If the student withdraws or is expelled from a vocational program during the second half of a period referred to in subsection (3), the private career college is not required to pay the student any refund in respect of that period. O. Reg. 415/06, s. 27 (5).

(6) A private career college shall refund the full amount of fees paid in respect of a period that had not yet commenced at the time of the withdrawal or expulsion. O. Reg. 415/06, s. 27 (6).

**Partial refunds: distance education programs**

**28.** (1) This section applies to a vocational program that is offered by mail, on the internet or by other similar means. O. Reg. 415/06, s. 28 (1).

(2) A private career college shall give a student who commences a vocational program referred to in subsection (1) a refund of part of the fees paid in respect of the program if,

- (a) the student withdraws from the program or the student is expelled from the program in circumstances where the expulsion is permitted under the private career college's expulsion policy; and
- (b) at the time of the withdrawal or expulsion, the student has not submitted to the private career college all examinations that are required in order to complete the program. O. Reg. 415/06, s. 28 (2).

(3) The amount of the refund that a private career college shall give a student under subsection (1) shall be determined in accordance with the following rules:

1. Determine the total number of segments in the vocational program for which an evaluation is required.
2. Of the total number of program segments determined under paragraph 1, determine the number of segments in respect of which an evaluation has been returned to the student.
3. The amount of the refund that the private career college shall pay the student shall be equal to the full amount of the fees paid in respect of the program less,
  - i. an amount that is equal to the lesser of 20 per cent of the full amount of the fees in respect of the program and \$500, and
  - ii. the portion of the fees in respect of the number of segments determined under paragraph 2. O. Reg. 415/06, s. 28 (3).

(4) A private career college is not required to give a student any refund if the student, at the time of withdrawal or expulsion, has been evaluated in respect of more than half of the total number of segments in the program. O. Reg. 415/06, s. 28 (4).

**Partial refunds: non-continuous programs**

**29.** (1) This section applies to a vocational program approved by the Superintendent to be provided through a fixed number of hours of instruction over an indeterminate period of time. O. Reg. 415/06, s. 29 (1).

(2) A private career college shall give a student who commences a vocational program referred to in subsection (1) a refund of part of the fees paid in respect of the program if, before completing the required number of hours of instruction,

- (a) the student has given the college notice that he or she is withdrawing from the program; or
- (b) the student is expelled from the program in circumstances where the expulsion is permitted under the private career college's expulsion policy. O. Reg. 415/06, s. 29 (2).

(3) The amount of the refund that a private career college shall give a student under subsection (1) shall be equal to the full amount of the fees paid in respect of the program less,

- (a) an amount that is equal to the lesser of 20 per cent of the full amount of the fees in respect of the program and \$500; and
- (b) a portion of the fees in respect of the program that is proportional to the number of hours of instruction that have elapsed at the time of the withdrawal or expulsion. O. Reg. 415/06, s. 29 (3).

(4) A private career college is not required to give a student any refund if the student, at the time of withdrawal or expulsion, has completed more than half of the required number of hours of instruction in a program. O. Reg. 415/06, s. 29 (4).

**No retention of refund**

**30.** A private career college shall not retain, by way of deduction or set-off, any refund of fees payable to a student under sections 25 to 29 in order to recover an amount owed by the student in respect of any service or program other than a vocational program offered by the private career college. O. Reg. 415/06, s. 30.

**Treatment of books and equipment**

**31.** In calculating a refund under sections 25 to 29, a private career college may retain the retail cost of books or equipment that the private career college supplied to the student if the student,

- (a) fails to return the books or equipment to the private career college within 10 days of the student's withdrawal or expulsion from the program; or
- (b) returns the books or equipment to the private career college within the 10-day period referred to in clause (a), but fails to return it unopened or in the same state it was in when supplied. O. Reg. 415/06, s. 31.

**Refund for international students**

**32.** A notice to a private career college that is provided by or on behalf of an international student or of a prospective international student and that states that the student has not been issued a temporary resident visa as a member of the student class under the *Immigration and Refugee Protection Act* (Canada) is deemed to be,

- (a) notice of a rescission of the contract for the purposes of section 36 of the Act if the notice is given within two days of receiving a copy of the contract; and
- (b) notice that the student is withdrawing from the program for the purposes of paragraph 1 of subsection 26 (1) or clause 29 (2) (a) if the notice is received on or before half of the duration of the program has elapsed. O. Reg. 415/06, s. 32.

**Currency**

**33.** Any refund of fees that a private career college is required to pay under the Act shall be paid in Canadian dollars. O. Reg. 415/06, s. 33.

**Student transcripts**

**34.** (1) The following rules and practices are prescribed for the purposes of subsection 30 (2) of the Act as the rules and practices that every private career college must follow to ensure that its students and former students have access to their transcripts:

- 1. A copy of every student's transcript shall be kept in accordance with subsection 30 (1) of the Act at the campus of the private career college which the student is attending or at a facility approved by the Superintendent that is located at a place that is physically separate from the private career college and that is owned and operated by a person that is not affiliated with the college.
- 2. A copy of every former student's transcript shall be kept in accordance with subsection 30 (1) of the Act at a facility referred to in paragraph 1 and shall be sent to the facility within 90 days of the completion of the vocational program by the student or of the student's withdrawal or expulsion, as the case may be.
- 3. A private career college shall retain a person approved by the Superintendent to issue transcripts to students in the event that the college ceases to operate.
- 4. A private career college may retain a person approved by the Superintendent to issue transcripts to students while it is operating.
- 5. A private career college shall inform the Superintendent of any of the following changes at least five days prior to the change:
  - i. A change in the owner, operator or location of a facility referred to in paragraph 1.
  - ii. A change in the person retained under paragraph 3 or 4 and, if the person is a corporation or business, in the location of its head office.
- 6. A request for an official transcript by or on behalf of a student or former student may be made to the private career college or to a person retained under paragraph 3 or 4.
- 7. Despite paragraph 6, a private career college must, upon request, by a student or former student retrieve any transcript located at a facility on behalf of the student. O. Reg. 415/06, s. 34 (1).

(2) REVOKED: O. Reg. 466/16, s. 11.

**Transcript content**

- 35.** (1) Every private career college shall ensure that every student transcript includes the following information:
1. The name of the private career college as it appears on the registration for the college and the address of the college.
  2. The name and student number, if any, of the student or former student.
  3. The name and identification code, if any, of the vocational program, each course and practicum in which the student or former student is or was enrolled, including courses in progress.
  4. A description of any credit or advanced standing given to the student or former student by the private career college or accepted by the college prior to the commencement by the student or former student of the college's vocational program.
  5. The academic history of the student or former student at the private career college, including his or her period of attendance, the grade received for each course and practicum in the vocational program and a description of the grading system.
  6. Any academic awards and honours given to the student or former student by the private career college.
  7. A description of any credential awarded to a former student and the date of the award.
  8. The date the transcript is issued. O. Reg. 415/06, s. 35 (1).
- (2) A transcript is an official transcript if,
- (a) in the case of a transcript issued by a private career college, it is certified by an official of the college as a true and accurate transcript and it bears the college's official seal, if it has one; or
  - (b) in the case of a transcript issued by a person retained in accordance with paragraph 3 or 4 of section 34, it is certified by that person as a true and accurate copy of the transcript. O. Reg. 415/06, s. 35 (2).

**Student complaint procedure**

- 36.** (1) The student complaint procedure required under section 31 of the Act shall include,
- (a) a requirement that a complaint be made in writing;
  - (b) the person or persons, identified by position, who will decide whether to dismiss the complaint or make a recommendation as to any further action in relation to the complaint;
  - (c) the process to be followed by the private career college in dealing with the complaint which shall include,
    - (i) giving the student making the complaint an opportunity to make oral submissions,
    - (ii) allowing the student to have a person present with the student at all stages of the proceedings, and
    - (iii) the right of the student to have the person referred to in subclause (ii) make the oral submissions on his or her behalf;
  - (d) a description of the manner in which complaints, submissions and decisions will be recorded;
  - (e) a maximum length of time that may elapse between the date the complaint is submitted and the date a decision is issued by the college;
  - (f) a requirement that the decision be delivered to the student in writing and include reasons;
  - (g) a procedure for reviewing a decision;
  - (h) a requirement that the college maintain a record of every complaint at the campus where the complaint originated for a period of at least three years from the date of the decision relating to the complaint, which record shall include a copy of the complaint, of any submission filed with respect to the complaint and of the decision; and
  - (i) a requirement that the college provide the student who makes a complaint with a copy of the record referred to in clause (h). O. Reg. 415/06, s. 36 (1).
- (2) If a student is not satisfied with a private career college's resolution of his or her complaint in accordance with the procedure set out in subsection (1), the student may refer the matter to the Superintendent and shall include in his or her application to the Superintendent a copy of the record referred to in clause (1) (h). O. Reg. 415/06, s. 36 (2).
- (3) A private career college shall, as a condition of its registration, file a copy of any changes to the procedure with the Superintendent. O. Reg. 415/06, s. 36 (3).
- (4) A change to a private career college's complaint procedure shall not come into effect until approved by the Superintendent. O. Reg. 415/06, s. 36 (4).
- (5) REVOKED: O. Reg. 466/16, s. 12.

**Accommodation re sexual violence**

**36.0.1** (1) A private career college shall appropriately accommodate the needs of students who are affected by sexual violence. O. Reg. 132/16, s. 3.

(2) No private career college shall charge a fee for the provision of supports, services or accommodation to students who are affected by sexual violence, or for referring a student to any such supports or services that are available off-campus. O. Reg. 132/16, s. 3.

**Sexual violence policy**

**36.0.2** (1) A private career college shall ensure that its sexual violence policy,

- (a) provides information about the supports and services available at the private career college or through its agent for students who are affected by sexual violence, and identifies the specific official, office or department at the private career college that should be contacted to obtain such supports and services;
- (b) provides information about the supports and services available in the community for students who are affected by sexual violence;
- (c) informs students that the private career college will appropriately accommodate the needs of students who are affected by sexual violence, and identifies the specific official, office or department at the private career college that should be contacted to obtain such accommodations;
- (d) informs students that they are not required to report an incident of, or make a complaint about, sexual violence under the process referred to in paragraph 1 of subsection (2) in order to obtain the supports and services referred to in clause (a) or the accommodation referred to in clause (c); and

**Note: On March 1, 2022, subsection 36.0.2 (1) of the Regulation is amended by striking out “and” at the end of clause (d) and by adding the following clause: (See: O. Reg. 647/21, s. 1 (1))**

- (d.1) informs students that if they, in good faith, report an incident of, or make a complaint about, sexual violence, they will not be subject to discipline or sanctions for violations of the private career college’s policies relating to drug or alcohol use at the time the alleged sexual violence occurred; and
  - (e) includes the information set out in subsection (2) respecting the private career college’s process for responding to and addressing incidents and complaints of sexual violence, as required by clause 32.1 (2) (b) of the Act. O. Reg. 132/16, s. 3.
- (2) For the purposes of clause (1) (e), a sexual violence policy shall include the following information:
- 1. The process to be followed by persons who wish to report an incident of, or make a complaint about, sexual violence including the specific official, office or department to whom the incident should be reported or the complaint should be made.
  - 2. Examples of the measures that may be implemented for the purpose of protecting a person reporting an incident of, or making a complaint about, sexual violence from retaliation and the threat of retaliation.
  - 3. The process for deciding whether an incident or complaint of sexual violence will be investigated by the private career college.
  - 4. The statement that a victim may choose not to request an investigation by the private career college, and has the right not to participate in any investigation that may occur.
  - 5. The investigation and decision-making processes at the private career college that will take place if an incident or complaint of sexual violence is investigated.
  - 6. The specific officials, offices or departments that will be involved in each stage of the investigation and decision-making processes.
  - 7. A description of the elements of procedural fairness that will be part of the investigation and decision-making processes.
  - 8. The statement that a party to an investigation or decision-making process has the right to have a person present with him or her at every stage of the process.
  - 9. Examples of the interim measures that may be implemented while an incident or complaint is being investigated or a decision is being made regarding the incident or complaint.
  - 10. Examples of the decisions that may be made and measures that may be imposed after an incident or complaint is investigated.
  - 11. The measures that will be implemented to protect and keep confidential the personal information of the persons involved in the investigation of an incident or complaint.

12. A description of the appeal processes that may be available related to decisions resulting from the investigation process.
13. The roles and responsibilities of the corporate directors, controlling shareholders, owners, partners, other persons who manage or direct the affairs of the private career college, agents, students, instructors and other employees upon becoming aware of incidents or complaints of sexual violence. O. Reg. 132/16, s. 3.

**Note: On March 1, 2022, subsection 36.0.2 (2) of the Regulation is amended by adding the following paragraph: (See: O. Reg. 647/21, s. 1 (2))**

14. A statement that students who disclose their experience of sexual violence through reporting an incident of, making a complaint about, or accessing supports and services for sexual violence, will not be asked irrelevant questions during the investigation process by the private career college's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.
- (3) The sexual violence policy shall be published on the private career college's website or, where the private career college does not have a website, posted in a conspicuous location at each of its campuses. O. Reg. 132/16, s. 3.
  - (4) A private career college shall provide or make available training on its sexual violence policy to the following persons:
    1. Corporate directors, controlling shareholders, owners, partners and other persons who manage or direct the affairs of the private career college, and their agents.
    2. Instructors, staff and other employees and contractors of the private career college.
    3. Students enrolled at the private career college. O. Reg. 132/16, s. 3.
  - (5) The training shall include training on the private career college's process for responding to and addressing incidents and complaints of sexual violence, including the elements set out in subsection (2). O. Reg. 132/16, s. 3.
  - (6) If a private career college's sexual violence policy conflicts with its expulsion policy, the sexual violence policy prevails. O. Reg. 132/16, s. 3.

## **PART VII.1 INFORMATION CONCERNING STUDENTS AND GRADUATES**

### **Information, students and graduates**

**36.1** (1) On the request of the Superintendent, private career colleges shall provide the following information about a current student or graduate:

1. The individual's name.
2. The individual's student number.
3. The individual's permanent address and his or her local address if it differs from the permanent address.
4. The individual's permanent and local telephone numbers and cell phone number, if any.
5. The individual's email address.
6. The individual's date of birth.
7. The individual's gender.
8. Whether the individual's first language is English or French.
9. Whether the individual requires accommodation in order to participate in a survey.
10. Whether the individual is or was on a student visa.
11. Whether the individual received a student loan under the *Ministry of Training, Colleges and Universities Act* or any other government funding.
12. The details of the individual's program, including its name, duration (in hours and weeks), format (whether full-time or part-time) and whether the program involves or involved a practicum. O. Reg. 187/13, s. 1.

(2) In addition to the information requested under subsection (1), the Superintendent may require that private career colleges provide the following information about their graduates:

1. The graduates' dates of graduation.
2. The term or semester in which the graduates graduated.
3. The pass rate for the program. O. Reg. 187/13, s. 1.

### **Purpose for collection of information**

**36.2** (1) The Superintendent may collect the information referred to in section 36.1 solely for the purpose of developing performance indicators. O. Reg. 187/13, s. 1.

(2) The Superintendent shall ensure that,

(a) for the benefit of the public, the information on the performance indicators is published; and

(b) the information is published in an aggregate form so that individuals cannot be identified. O. Reg. 187/13, s. 1.

**Posting information**

**36.3** For the purpose of the notice required by subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act*, the Superintendent shall post public notice of the collection of information under section 36.1 on a website of the Government of Ontario. O. Reg. 187/13, s. 1; O. Reg. 466/16, s. 13.

**PART VIII  
OPERATION OF COLLEGE**

**Required presence in Ontario**

**37.** (1) A private career college shall engage or employ an agent, manager or person responsible for the administration of the college in Ontario who has authority to accept or cancel contracts for the private career college and to refund fees paid by or on behalf of a student attending or admitted to the college. O. Reg. 415/06, s. 37 (1).

(2) A private career college shall have a postal address in Ontario. O. Reg. 415/06, s. 37 (2).

**Display of certificate of registration**

**38.** A private career college shall display its certificate of registration in a conspicuous location at the entrance to the private career college or in some other location on the premises where it can be readily observed by the students and the public. O. Reg. 415/06, s. 38.

**Copy of legislation**

**39.** A private career college shall keep an up-to-date copy of the Act and of all regulations made under the Act at each of its campuses and make them available for review by any student upon request during the college's normal business hours. O. Reg. 415/06, s. 39.

**Copy of program**

**40.** (1) A private career college shall keep a copy of the description of each vocational program provided by the college at the campus at which each vocational program is provided for at least six years after the day the vocational program is approved under section 23 of the Act. O. Reg. 415/06, s. 40 (1).

(2) With the approval of the Superintendent, a private career college may maintain the descriptions,

(a) at its head office situated in Ontario; or

(b) if the college does not have a head office in Ontario, at an address of the person engaged or employed by the college as agent, manager or administrator under section 37. O. Reg. 415/06, s. 40 (2).

**Qualifications of instructional staff**

**41.** (1) A private career college shall not employ a person to provide instruction in a vocational program unless,

(a) the person has one of the following qualifications:

(i) the person has at least 48 months of experience, acquired within the preceding 10 years, working in the vocation or teaching a program to prepare students for employment in the vocation, or a combination of the two,

(ii) the person has at least 24 months of experience, acquired within the preceding 10 years, working in the vocation or teaching a program to prepare students for employment in the vocation, or a combination of the two, and one of the educational qualifications described in subsection (2); and

(b) in the case of a vocation that is governed by a regulatory body that has prescribed qualifications for persons instructing students, the qualifications prescribed by the body. O. Reg. 415/06, s. 41 (1); O. Reg. 466/16, s. 14.

(2) A person referred to in subclause (1) (a) (ii) must have one of the following educational qualifications:

(a) The person holds a Bachelor degree from a university in Ontario or another post-secondary institution authorized to grant the degree under the *Post-secondary Education Choice and Excellence Act, 2000* or under a special Act of the Assembly that establishes or governs the institution;

(b) The person holds a Bachelor degree from a university or other post-secondary institution in another province or territory of Canada or a degree from a university or post-secondary institution outside Canada that is equivalent to a Bachelor degree described in clause (a);

- (c) The person is a graduate of a college of applied arts and technology established under an Act of the Assembly or of an equivalent institution outside Ontario;
- (d) The person is a graduate of a private career college registered under the Act or a predecessor of the Act or of an equivalent institution outside Ontario;
- (e) The person holds a certificate of qualification issued under the *Ontario College of Trades and Apprenticeship Act, 2009*, and the certificate is not suspended, or an equivalent certificate issued under legislation of another province or territory of Canada. O. Reg. 415/06, s. 41 (2); O. Reg. 428/12, s. 1.

**Note: On January 1, 2022, the day subsection 10 (1) of the *Building Opportunities in the Skilled Trades Act, 2021* comes into force, clause 41 (2) (e) of the Regulation is amended by striking out “*Ontario College of Trades and Apprenticeship Act, 2009*” and substituting “*Building Opportunities in the Skilled Trades Act, 2021*”. (See: O. Reg. 881/21, s. 1)**

(3) Despite subsection (1), a private career college may employ a person who does not meet the requirements of subsection (1) as an instructor in a vocational program if the person is approved by the Superintendent for the purposes of providing instruction at the college. O. Reg. 415/06, s. 41 (3).

(4) The Superintendent shall approve the employment of a person as an instructor at a private career college under subsection (3) if, in the opinion of the Superintendent, the person is proficient in the vocation or in the subjects in which the person proposes to provide instruction. O. Reg. 415/06, s. 41 (4).

(5) Despite subsections (1) and (3), a private career college may employ persons as substitute instructors in a vocational program even though they do not meet the requirements of those subsections but in no case shall all such persons instruct for a temporary period that is, in the aggregate, in excess of 10 per cent of the program’s duration. O. Reg. 415/06, s. 41 (5).

(6) Despite subsections (1), (3) and (4), a person who is employed as an instructor in a vocational program at a private career college on the day this section comes into force may continue to teach the program if the person met the qualifications required under Regulation 939 of the Revised Regulations of Ontario, 1990 (General) immediately before that day. O. Reg. 415/06, s. 41 (6).

**Personal information re: instructors**

42. (1) No private career college shall employ a person as instructor in a vocational program at the college unless the instructor completes a form containing such personal information as may be required by the Superintendent under section 50 of the Act and submits the form to the college. O. Reg. 415/06, s. 42 (1).

(2) The private career college shall keep a record of personal information provided under subsection (1) at the campus of the college at which the person is employed. O. Reg. 415/06, s. 42 (2).

**Itemized list of fees**

43. (1) Upon application for approval of a vocational program, a private career college shall provide the Superintendent with an itemized list of all fees, expressed in Canadian dollars that will be charged by the college to a prospective student or a student who enrolls in the program, including tuition fees, cost of books, and any administrative charges and other compulsory or optional fees, whether or not such fees are charged in relation to the vocational program. O. Reg. 415/06, s. 43 (1); O. Reg. 377/08, s. 6; O. Reg. 466/16, s. 15 (1).

(2) The Superintendent shall publish on a website of the Government of Ontario the fees charged in relation to a vocational program, except optional fees, provided by a private career college under subsection (1). O. Reg. 415/06, s. 43 (2); O. Reg. 466/16, s. 15 (2).

**Charging fees**

44. (1) A private career college shall not charge a prospective or enrolled student more than the amount listed for each item on the itemized list provided to the Superintendent under subsection 43 (1) of all fees charged with respect to the vocational program. O. Reg. 415/06, s. 44 (1); O. Reg. 377/08, s. 7.

(2) Subject to subsection (3), a private career college shall not collect a fee from a person who wishes to enrol in a vocational program until the college and the person have entered into a written contract for the provision of the vocational program. O. Reg. 415/06, s. 44 (2).

(3) Before entering into a written contract for the provision of a vocational program, a private career college may charge and collect a fee of \$500 or 20 per cent of the total fees payable with respect to the program, whichever is less, for processing an application for the program or conducting admission tests or assessments. O. Reg. 415/06, s. 44 (3).

(4) REVOKED: O. Reg. 492/18, s. 4.

(5) REVOKED: O. Reg. 466/16, s. 16.

(6) A private career college shall only charge and accept payment of a fee in relation to a vocational program in Canadian dollars. O. Reg. 415/06, s. 44 (6).

(7) Upon collecting a fee from a student enrolled in a vocational program, a private career college shall issue a receipt setting out the name of the college and of the vocational program, an itemized list of all fees paid, the name of the student and the date the receipt was issued. O. Reg. 415/06, s. 44 (7).

#### **Student files**

**45.** (1) A private career college shall maintain a file containing the following information on each of its students:

1. Full name, sex, date of birth, residential address while enrolled, permanent address, phone numbers at the residential and the permanent address, and any cell phone number or e-mail address.
2. A record of the results of any academic evaluations of the student by the college.
3. A copy of the signed contract between the college and the student.
4. A copy of evidence verifying that student has met the admission requirements in accordance with subsections 19 (3), (4) and (5) and any other admission requirements established by the college.
5. If the student has withdrawn or been expelled from a program, copies of the withdrawal or expulsion letter, any refund calculation and any refund cheque.
6. A copy of all receipts issued to the student for the payment of fees as required under subsection 44 (7). O. Reg. 415/06, s. 45 (1).

(2) Each student file shall be kept for at least three years from the date the student left the program. O. Reg. 415/06, s. 45 (2); O. Reg. 377/08, s. 8.

#### **Credentials**

**46.** (1) A private career college shall issue the credential approved by the Superintendent under section 25 of the Act for a vocational program to every student who successfully completes the program and fulfils the terms of his or her contract with the college. O. Reg. 415/06, s. 46 (1).

(2) A private career college shall issue the credential to the student within 60 days of the day the student successfully completes the program and fulfils the terms of the contract. O. Reg. 415/06, s. 46 (2).

#### **Notice re: change of ownership**

**47.** (1) A private career college shall give the Superintendent notice of any change in the ownership of the college whether the change is carried out by way of,

- (a) transfer of all or substantially all of the assets of the college;
- (b) in the case of a corporation, a transfer of the shares of the corporation that would be sufficient to allow the person acquiring the shares to make a change to the corporation's board of directors;
- (c) in the case of a partnership, a change in the partners. O. Reg. 415/06, s. 47 (1); O. Reg. 466/16, s. 17.

(2) The notice of the change of ownership shall be given to the Superintendent at least 30 days before the change occurs and shall include the following information:

1. A copy of the documents that will effect the change such as any amended articles of incorporation, amended articles of amalgamation, revised partnership agreement, agreement of purchase and sale and a corporation profile report filed under the *Corporations Information Act*.
2. The name, address, telephone number, fax number and e-mail address of any new director, officer or person responsible for the administration of a campus of the private career college.
3. Such other information as the Superintendent may require. O. Reg. 415/06, s. 47 (2).

(3) A notice of change of ownership shall be in such form as the Superintendent may require and shall be accompanied by the fee required by the Minister under section 7 of the *Ministry of Training, Colleges and Universities Act*. O. Reg. 415/06, s. 47 (3).

#### **Notice of other changes**

**48.** (1) A private career college shall give the Superintendent written notice of any of the following changes within five days of the change occurring:

1. A change in the person responsible for the administration of a campus of a private career college.
2. A change in e-mail address, telephone number or fax number for a private career college's head office and for any of its campuses. O. Reg. 415/06, s. 48 (1).

(2) A private career college shall give the Superintendent 30 days written notice of a proposed change in the address of its head office or a campus. O. Reg. 415/06, s. 48 (2).

(3) A private career college that intends to discontinue a vocational program that has commenced and in which students are enrolled shall give the Superintendent written notice of that fact at least 14 days before the date on which the program will be discontinued and shall provide confirmation of the training completion plan or fee refund arrangements made with the students. O. Reg. 415/06, s. 48 (3).

**PART IX** (s. 49, 50) REVOKED: O. Reg. 466/16, s. 18.

**PART X  
ADMINISTRATIVE PENALTIES**

**Prescribed penalties for prescribed contraventions**

**51.** (1) The administrative penalty for the first contravention of one or more provisions set out in a single item of Table 1 is the amount set out for that item in Column 2 of Table 1. O. Reg. 401/09, s. 1.

(2) If, within three years after the first contravention of a provision set out in an item of Table 1, a subsequent contravention of a provision set out in the same item occurs, the administrative penalty is,

- (a) for the second contravention, twice the amount set out for that item in Column 2 of Table 1;
- (b) for the third contravention, three times the amount set out for that item in Column 2 of Table 1;
- (c) for each contravention after the third, four times the amount set out for that item in Column 2 of Table 1. O. Reg. 401/09, s. 1.

(3) If a contravention of one or more provisions set out in a single item of Table 1 continues for two or more successive days, and the Superintendent or his or her designate determines that the circumstances described in one or more paragraphs of subsection (4) exist, the administrative penalty is the amount determined under subsections (1) and (2) multiplied by the number of successive days that the contravention of a provision set out in that item continues. O. Reg. 401/09, s. 1.

(4) The circumstances referred to in subsection (3) are:

- 1. The person has a history of non-compliance with the Act or the regulations, as evidenced by,
  - i. reports of inquiries made or examinations conducted under section 38 of the Act,
  - ii. orders issued by the Superintendent under section 46 of the Act, or
  - iii. convictions for offences committed under section 48 of the Act.
- 2. The person is contravening or has previously contravened section 7, 8, 9, 10 or 11 of the Act.
- 3. The contravention places students who are currently enrolled in a private career college, or will place students who enrol in a private career college, in financial jeopardy. O. Reg. 401/09, s. 1.

(5) When issuing a notice of contravention to a person under subsection 39 (1) of the Act, the Superintendent or his or her designate shall issue only one notice of contravention for all contraventions that have occurred or are occurring at the same time. O. Reg. 401/09, s. 1.

(6) The maximum total amount that a notice of contravention may require a person to pay for all contraventions set out in the notice is \$250,000. O. Reg. 401/09, s. 1.

**Application for review of notice of contravention**

**52.** An application to the Minister under subsection 39 (6) of the Act for review of a notice of contravention shall set out the grounds on which the review is sought and shall be accompanied by the documentary evidence, if any, that is relevant to the review. O. Reg. 401/09, s. 1.

TABLE 1  
ADMINISTRATIVE PENALTIES

Item	Column 1 Contravened Provisions, with Headnotes	Column 2 Amount of Administrative Penalty (\$)
1.1	Act, s. 7 — Prohibition against operating a private career college	1,000
1.2	Act, s. 8 (1) — Prohibition against providing vocational programs	1,000
1.3	Act, s. 9 — Prohibition against charging fee	1,000
1.4	Act, s. 10 — Prohibition against use of credentials	1,000
1.5	Act, s. 11 — Restrictions on advertising and soliciting	1,000
1.6	Act, s. 28 — Contract	1,000
1.7	Act, s. 38 (6) — Inquiries and examinations, Duty to assist	1,000
1.8	Act, s. 38 (10) — Inquiries and examinations, Obstruction	1,000

1.9	Failure to comply with an order of the Superintendent made under s. 46 of the Act	1,000
1.10	Act, s. 33 — Advertising, read with O. Reg. 415/06, s. 16 (1) paragraph 2 — Content of advertisement	1,000
1.11	O. Reg. 415/06, s. 41 — Qualifications of instructional staff	1,000
1.12	O. Reg. 415/06, ss. 47 (1) and (2) — Notice re change of ownership	1,000
2.1	Act, s. 15 (3) — Registrant to comply with conditions	750
2.2	Act, s. 23 (6) — Changes to vocational program	750
2.3	Act, s. 30 — Access to transcripts, read with O. Reg. 415/06, s. 34 — Student transcripts	750
2.4	Act, s. 33 — Advertising, read with O. Reg. 415/06, s. 16 (1) paragraphs 1, 3, 4, 5 and 6 — Content of advertisement	750
2.5	Act, s. 34 (2) — Notice of proposed change	750
2.6	O. Reg. 415/06, s. 44 — Charging fees	750
2.7	O. Reg. 415/06, s. 45 — Student files	750
3.1	Act, s. 29 — Fee refund policy, read with O. Reg. 415/06, ss. 24 to 33	500
3.2	Act, s. 31 — Complaint procedure, read with O. Reg. 415/06, s. 36 (1) — Student complaint procedure	500
3.3	O. Reg. 415/06, s. 40 — Copy of program	500
3.4	O. Reg. 415/06, s. 42 — Personal information re: instructors	500
4.1	Act, s. 26 — Information re performance indicators, objectives	250
4.2	Act, s. 32 — Statement of students' rights and responsibilities	250
4.3	Act, s. 34 (1) — Notice of change	250
4.4	Act, s. 35 — Sale of students' goods and services	250
4.5	O. Reg. 415/06, s. 17 — Advertising records	250
4.6	O. Reg. 415/06, s. 23 — Copies of contracts	250
4.7	O. Reg. 415/06, s. 35 (1) — Transcript content	250
4.8	O. Reg. 415/06, s. 38 — Display of certificate of registration	250
4.9	O. Reg. 415/06, s. 39 — Copy of legislation	250

O. Reg. 401/09, s. 2.

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