

MINISTRY OF TRAINING, COLLEGES AND
UNIVERSITIES



Private Career Colleges Act, 2005

Statement of Students' Rights and Responsibilities

September 13, 2006

Private career colleges in Ontario are regulated under the *Private Career Colleges Act, 2005*, which is administered by the Superintendent of Private Career Colleges. Prior to offering vocational programs to the public, private career colleges must be registered and have their programs approved under the Act. For a list of registered private career colleges and approved programs, please go to the ServiceOntario web site at <www.serviceontario.ca/pcc>.

Dealing With Your Private Career College

There may be times when you need to communicate formally with your private career college, for example, giving notice that you want to withdraw from a program and receive a refund of fees or if you have a complaint against the college. When this is the case, you should do so in writing and the document should be delivered personally to the college, sent by courier or registered mail, or faxed or emailed to the appropriate official at the college. You should keep copies of any written documents between you and the college.

Contract

When you enrol in a program, you must sign and receive a written contract. The college is not allowed to require you to obtain a product or service from a particular person as a condition of admission into the program.

The written contract must contain all of the following terms:

- the approved program name;
- your address, telephone number and, if applicable, e-mail address;
- the start and expected end date;
- the language of instruction;
- the admission requirements;
- a schedule of hours of instruction;
- the location of any practicum (e.g., work placement);
- the fees in Canadian dollars and a schedule indicating the time and amount of each payment;
- a place for you to acknowledge that you have received a copy of:
 - this Statement of Students' Rights and Responsibilities issued by the Superintendent of Private Career Colleges,
 - the college's fee refund policy, and
 - for contracts entered after January 1, 2007,
 - the college's student complaint procedure, and
 - the college's policy relating to the expulsion of students,
- a consent section for the collection and use of your private information; and
- statements, in bold, that:
 - the contract is subject to the *Private Career Colleges Act, 2005* and the regulations made under the Act, and
 - the private career college does not guarantee employment for any student who successfully completes a vocational program offered by the college.

Fee Collection

A private career college is only allowed to charge or collect fees for a program in Canadian dollars. Furthermore, the college is not allowed to charge or collect any compulsory fee for a

program that is not published on the ServiceOntario web site or that is higher than what is published. The college is also not allowed to charge or collect any optional fee for a program that is not approved by the Superintendent of Private Career Colleges.

Before a contract is signed, a private career college is prohibited from collecting any fees from you, except 20% of the total fees for the program or \$500, whichever is less. These fees must be in relation to processing your application or conducting any admission tests or assessments.

A private career college is required to issue you a receipt every time you pay a fee. You should keep all receipts on file.

Sale Of Students' Goods And Services

A private career college is only permitted to sell goods you produce or create, provide your services to the public or arrange for the delivery of such services if the sale is part of completing your program. The college cannot profit from these sales, it can only charge an amount that allows the college to recover its cost.

Fee Refund

A private career college is required to issue a fee refund within 30 days of you giving a written notice of cancellation or withdrawal or 30 days of you receiving a written notice of expulsion from the college. If you do not meet the admission requirements at the time the program begins, the college is required to issue you a refund of fees within 30 days of the start of the program. If you do not attend the first 14 days of classes, the college can cancel the contract and must issue a refund within 45 days of the start of the program.

Only the compulsory fees published on the ServiceOntario web site or the optional fees approved by the Superintendent of Private Career Colleges are covered by the refund policy. You must return any goods you received under a contract in the same state they were in when supplied to you within 10 days of withdrawing in order to get credit for them. All refunds must be in Canadian dollars.

A private career college is prohibited from deducting any monies owed by you for other services or non-vocational programs offered by the college from a refund that you are entitled to for a vocational program.

The same refund policy applies when you withdraw from a program or are expelled from a private career college in accordance with the college's expulsion policy.

Cooling Off Period

You can cancel a contract within two days of signing it if you deliver a written notice to a private career college at the address shown on the contract. You are entitled to a full refund of fees paid for the program, including any application fee, from the college.

Full Refund

In any of the following circumstances, you have a choice of cancelling a contract and making a written request for a full refund of fees paid for a program or accepting the shortcoming and continuing your training with the private career college:

- the college collects any fees for the program before the college is registered or before the program is approved under the *Private Career Colleges Act, 2005*;
- you are expelled from the college in a manner or for reasons that are not permitted under the college's expulsion policy;
- the college collects more than 20% of the total fees for the program to a maximum of \$500 before signing a contract with you;
- a total of more than 10% of the program is taught by unqualified instructors;
- the contract does not include all the mandatory terms required (refer to the "Contract" section); or
- the college, while still operating, discontinues the program before you can complete the program.

In addition, you also may seek a full refund if a private career college or its representative makes certain types of untrue statements for the purposes of convincing you to enrol in the program **and** the statements constitute a fundamental breach of the contract. The categories of inappropriate statements include: a false or misleading statement, a statement that guarantees admission to or successful completion of the program, employment after graduation or the right to enter Canada or receive a student visa.

If you do not make a request for a full refund within a reasonable time of finding out about the shortcoming, you may lose your right to make a claim for a refund.

If a private career college charges or collects any compulsory fee that is not published on the ServiceOntario web site or that is higher than what is published, you are entitled to a full refund of the unpublished fee or the difference in amount between what is published and what was collected. The same applies if the college charges or collects any optional fee that is not approved by the Superintendent of Private Career Colleges.

Partial Refund Before a Program Begins

You are entitled to a refund of fees paid for a program, except that a private career college is allowed to retain 20% of the total fees for the program or \$500, whichever is less if:

- you withdraw from the program before it begins;
- you do not meet the program's admission requirements before the program begins; or
- the college cancels the contract for the program within 45 days of the start of the program because you do not attend the first 14 days of classes.

Partial Refund After a Program Begins

If you withdraw from a program after the program begins, you may be entitled to a refund of fees paid for the program, depending on how much of the program has been delivered by a private career college. In most cases, the college is allowed to retain 20% of the total fees for the program or \$500, whichever is less, plus the fees paid with respect to the portion of the program that has been delivered by the college.

Transcript

You have the right to access your transcript for 25 years after you leave a private career college. You may request a copy of your transcript by contacting your college.

After September 18, 2007, in the event of a private career college closure, you will be able to access your transcript from an approved third party transcript issuer. It is suggested that you ask your college for the name of the third party issuer when you graduate.

Credential

A private career college is required to issue you a credential (diploma or certificate) within 60 days of completing a program. The college does not have to issue your credential until you have paid your fees in full.

Student Complaint Procedure

Effective January 1, 2007, all private career colleges are required to have a student complaint procedure in place to resolve issues arising between the college and its students.

You must first go through a private career college's student complaint procedure before filing a complaint with the Superintendent of Private Career Colleges. A Student Complaint Form for a complaint to the Superintendent can be downloaded from the ServiceOntario web site at <www.serviceontario.ca>. Scroll to the right and click "Get the Forms You Need Quickly And Easily". Follow the link to "Education and Training" and click "Private Career Colleges".

International Students

If you are attending or planning to attend a private career college under a student visa, some special rules apply.

Fee Collection

You should make sure that you are familiar with the rules mentioned in the "Fee Collection" section. A private career college is allowed to charge special international student fees in relation to a vocational program but these fees cannot be higher than what are published on the ServiceOntario web site. Only the compulsory fees published on the ServiceOntario web site or the optional fees approved by the Superintendent of Private Career Colleges are covered by the refund policy.

Effective October 18, 2006, after you sign a contract, a private career college is allowed to collect no more than 25% of the total fees for a program from you before the program begins. Some private career colleges are required to hold the money in a trust account until you begin the program. You should ask your college for details of its trust fund arrangement when you pay your fees.

Fee Refund

You can cancel a contract with a private career college or withdraw from a program for any reasons. The same refund policy for domestic students also applies to you and any written notice of cancellation or withdrawal is acceptable.

In addition, a special rule applies to international students if you are unable to obtain a student visa to enter Canada. As long as you deliver a written notice of this fact to a private career college before half of the portion of a program has passed, you are entitled to a refund of fees paid for the program, except that the college is allowed to retain 20% of the total fees for the program or \$500, whichever is less.

Insurance

Every private career college is required to have insurance in case you have an accident in class or while on an offsite placement. If you are injured while attending a private career college, you should immediately inform the relevant official at the college.

Midway Evaluation

If you enrol in a program that is 12 months or shorter or that is delivered over an undefined period of time (e.g., trucking), a private career college is required to provide you with the result of at least one evaluation of your progress **before** you complete half of the total length of the program. If your program is longer than 12 months, for each 12-month period, the college is required to provide the result of at least one evaluation **before** you complete half of the period, i.e., 6 months.

Qualified Instructors

You are entitled to be taught by an instructor who holds the required combination of academic, practical and teaching experience. In case of emergency, a private career college is allowed to use a substitute instructor who is not fully qualified. However, the college is not allowed to use unqualified instructors to teach a total of more than 10% of a program.

Closure

Special rules apply when a private career college closes. If your college closes before you finish your program, efforts will be made to arrange for you to complete your program. Instead of participating in a training completion, you may choose to receive a refund of fees paid for the portion of the program that has not been delivered.

This document is provided for your information and convenience only. It is not a legal document. For further information and the exact wording please refer to the *Private Career Colleges Act, 2005* and regulations.

Need More Information?

You can find more detailed information about student protection measures in the *Private Career Colleges Act, 2005* Facts Sheets, including information about fee refund calculation. All Fact Sheets can be downloaded from the Ministry of Training, Colleges and Universities web site at www.edu.gov.on.ca/eng/general/private.html.

If you have questions about the *Private Career Colleges Act, 2005* and regulations, contact the Private Institutions Branch at:

Private Institutions Branch
Ministry of Training, Colleges and Universities
10th Floor Mowat Block
900 Bay Street
Toronto, ON M7A1L2

Telephone: (416) 314-0500 or 1-866-330-3395
Fax: (416) 314-0499

OR

Visit our website at: www.edu.gov.on.ca/eng/general/private.html

The full text of the act and regulations can also be downloaded from the Ontario government E-Laws website at:
www.e-laws.gov.on.ca