

## Private Career Colleges Act, 2005

### S.O. 2005, CHAPTER 28 Schedule L

**Consolidation Period:** From July 1, 2021 to the [e-Laws currency date](#).

Last amendment: 2020, c. 34, Sched. 21.

Legislative History: 2006, c. 21, Sched. F, s. 141; 2009, c. 33, Sched. 25, s. 5; 2010, c. 12, s. 16-21; 2013, c. 13, Sched. 1, s. 18; 2014, c. 11, Sched. 6, s. 7; 2016, c. 2, Sched. 5; 2019, c. 4, Sched. 10; 2020, c. 34, Sched. 21.

#### CONTENTS

##### PART I INTERPRETATION

1. Definitions

##### PART II ADMINISTRATION AND FINANCIAL MATTERS

2. Superintendent  
3. Training Completion Assurance Fund  
5. Premiums and levies  
6. Security

##### PART III PROHIBITIONS

7. Prohibition against operating a private career college  
8. Prohibition against providing vocational programs  
9. Prohibition against charging fee  
10. Prohibition against use of credentials  
11. Restrictions on advertising and soliciting  
12. Prohibition against court actions

##### PART IV REGISTRATION

13. Application  
14. Registration  
15. Conditions  
16. Registration not transferable  
17. Term of registration or renewal  
18. Refusal to register  
19. Notice of refusal or revocation  
20. Immediate suspension  
21. Application for registration after refusal, revocation  
22. Surrender of registration

##### PART V APPROVAL OF VOCATIONAL PROGRAMS

23. Approval required to provide vocational programs  
24. Revocation of vocational program approval  
25. Credentials  
26. Information re performance indicators, objectives

##### PART VI OPERATION OF PRIVATE CAREER COLLEGES

###### DUTIES OF REGISTRANT

27. Duties of registrant

###### PROTECTION OF STUDENT INTERESTS

28. Contract to be in writing  
29. Fee refund policy  
30. Access to transcripts  
31. Complaint procedure  
32. Statement of students' rights and responsibilities  
32.1 Sexual violence involving students

###### GENERAL

- [33.](#) Advertising
- [34.](#) Notice of change
- [35.](#) Sale of students' goods and services
- [36.](#) Rescission of contract
- [37.](#) Meetings with students

**PART VII**  
**ENFORCEMENT**

INQUIRIES AND EXAMINATIONS

- [38.](#) Inquiries and examinations

ADMINISTRATIVE PENALTIES

- [39.](#) Notice of contravention
- [40.](#) Enforcement of administrative penalty
- [41.](#) Crown debt
- [42.](#) Superintendent may authorize collector
- [43.](#) Collector's powers
- [44.](#) Settlement by collector
- [45.](#) Other means not a bar

RESTRAINING AND COMPLIANCE ORDERS

- [46.](#) Superintendent's orders
- [47.](#) Restraining orders by court

OFFENCES

- [48.](#) Offences

**PART VIII**  
**GENERAL**

- [49.](#) Publication of information
- [50.](#) Information and disclosure
- [51.](#) Service
- [52.](#) Certificate as evidence
- [53.](#) Policy directives
- [54.](#) Statement of students' rights and responsibilities
- [55.](#) Regulations
- [56.](#) Forms
- [57.](#) Review of Act
- [58.](#) Transition

**PART I**  
**INTERPRETATION**

**Definitions**

**1** (1) In this Act,

“Minister” means the Minister of Training, Colleges and Universities or such other member of the Executive Council to whom the administration of this Act may be assigned under the *Executive Council Act*; (“ministre”)

“prescribed” means prescribed by regulations made under this Act; (“prescrit”)

“private career college” means an educational institution or other institution, agency or entity that provides one or more vocational programs to students for a fee and pursuant to individual contracts with the students, but does not include,

- (a) a college of applied arts and technology established under any Act,
- (b) a university established under any Act,
- (c) a school as defined in subsection 1 (1) of the *Education Act*, or
- (d) REPEALED: 2009, c. 33, Sched. 25, s. 5 (1).

(e) a prescribed institution, agency or entity or an institution, agency or entity belonging to a prescribed class; (“collège privé d’enseignement professionnel”)

“registrant” means a person who is registered under this Act to operate a private career college, and “registered” and “registration” have corresponding meanings; (“inscrit”, “inscription”)

“regulations” means the regulations made under this Act; (“règlements”)

“Superintendent” means the Superintendent of private career colleges appointed under section 2; (“surintendant”)

“Tribunal” means the Licence Appeal Tribunal; (“Tribunal”)

“vocational program” means instruction in the skills and knowledge required in order to obtain employment in a prescribed vocation. (“programme de formation professionnelle”) 2005, c. 28, Sched. L, s. 1 (1); 2009, c. 33, Sched. 25, s. 5 (1).

#### **Interpretation re fees**

(2) In this Act, a reference to a fee in relation to a vocational program or charged by or paid to a private career college includes any fee charged by a private career college, including an application, administrative or tuition fee. 2005, c. 28, Sched. L, s. 1 (2).

#### **Section Amendments with date in force (d/m/y)**

2009, c. 33, Sched. 25, s. 5 (1) - 15/12/2009

## **PART II ADMINISTRATION AND FINANCIAL MATTERS**

### **Superintendent**

**2** (1) There shall be a Superintendent of private career colleges who shall be appointed by the Minister. 2005, c. 28, Sched. L, s. 2 (1).

### **Duties**

(2) The Superintendent may exercise the powers and shall perform the duties conferred or imposed upon him or her by or under this Act. 2005, c. 28, Sched. L, s. 2 (2).

### **Delegation**

(3) Subject to the approval of the Minister, the Superintendent may delegate in writing any of his or her powers or duties under this Act to one or more persons employed in the Ministry, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation. 2009, c. 33, Sched. 25, s. 5 (2).

#### **Section Amendments with date in force (d/m/y)**

2009, c. 33, Sched. 25, s. 5 (2) - 15/12/2009

### **Training Completion Assurance Fund**

**3** (1) A fund to be known as the Training Completion Assurance Fund in English and Fonds d’assurance pour l’achèvement de la formation in French shall be established in accordance with the regulations. 2005, c. 28, Sched. L, s. 3 (1).

### **Purpose of Fund**

(2) The purpose of the Fund is to ensure that in the event a private career college ceases to provide a vocational program in which students are enrolled, the students,

- (a) will be given the opportunity to complete the vocational program as provided by another private career college or by another institution, agency or entity; or
- (b) will receive a refund of that portion of the fees they paid in relation to the program for which they did not receive any instruction or other benefit. 2005, c. 28, Sched. L, s. 3 (2).

### **Administration of Fund**

(3) The Fund shall be administered in accordance with the regulations. 2005, c. 28, Sched. L, s. 3 (3).

**4** REPEALED: 2020, c. 34, Sched. 21, s. 1.

#### **Section Amendments with date in force (d/m/y)**

2020, c. 34, Sched. 21, s. 1 - 01/07/2021

### **Premiums and levies**

**5** (1) Private career colleges shall pay premiums and levies for the purposes of the Training Completion Assurance Fund in the amounts, on the terms and at the times determined in accordance with the regulations. 2005, c. 28, Sched. L, s. 5 (1).

### **Same**

(2) Different classes of private career colleges may be required to pay different premiums and levies and to meet different terms in respect of the premiums and levies, in accordance with the regulations. 2005, c. 28, Sched. L, s. 5 (2).

### **Payment**

(3) Every private career college shall remit the premiums and levies it is required to pay within 30 days of receiving a notice of a premium or levy in accordance with the regulations. 2005, c. 28, Sched. L, s. 5 (3).

**Failure to pay**

(4) If a private career college fails to pay a premium or levy within the required time, it may be charged interest on the amount of the premium or levy in accordance with the regulations. 2005, c. 28, Sched. L, s. 5 (4).

**Security**

6 Every private career college shall comply with the regulations respecting the providing of security or other methods of protecting the financial interests of its students. 2005, c. 28, Sched. L, s. 6.

**PART III  
PROHIBITIONS**

**Prohibition against operating a private career college**

7 (1) No person shall operate a private career college unless the person is registered. 2005, c. 28, Sched. L, s. 7 (1).

**Holding oneself out**

(2) No person shall hold themselves out as the operator of a private career college unless the person is registered. 2005, c. 28, Sched. L, s. 7 (2).

**Prohibition against providing vocational programs**

8 (1) No person shall offer or provide a vocational program for a fee unless the person is registered and the provision of the vocational program has been approved by the Superintendent. 2005, c. 28, Sched. L, s. 8 (1).

**Exception**

- (2) Subsection (1) does not apply to,
  - (a) a college of applied arts and technology established under any Act;
  - (b) a university established under any Act;
  - (c) a school as defined in subsection 1 (1) of the *Education Act*; or
  - (d) REPEALED: 2009, c. 33, Sched. 25, s. 5 (3).
  - (e) a prescribed institution, agency or entity or an institution, agency or entity belonging to a prescribed class. 2005, c. 28, Sched. L, s. 8 (2); 2009, c. 33, Sched. 25, s. 5 (3).

**Section Amendments with date in force (d/m/y)**

2009, c. 33, Sched. 25, s. 5 (3) - 15/12/2009

**Prohibition against charging fee**

9 (1) No person shall charge or collect a fee in relation to a vocational program unless the person is registered and the provision of the vocational program has been approved by the Superintendent. 2005, c. 28, Sched. L, s. 9 (1).

**Exception**

- (2) Subsection (1) does not apply to,
  - (a) a college of applied arts and technology established under any Act;
  - (b) a university established under any Act;
  - (c) a school as defined in subsection 1 (1) of the *Education Act*; or
  - (d) REPEALED: 2009, c. 33, Sched. 25, s. 5 (4).
  - (e) a prescribed institution, agency or entity or an institution, agency or entity belonging to a prescribed class. 2005, c. 28, Sched. L, s. 9 (2); 2009, c. 33, Sched. 25, s. 5 (4).

**Section Amendments with date in force (d/m/y)**

2009, c. 33, Sched. 25, s. 5 (4) - 15/12/2009

**Prohibition against use of credentials**

10 No person shall grant to another person a credential or represent that a credential may be obtained from an educational institution or other institution, agency or entity unless the person is registered and both the provision of the vocational program leading to the credential and the granting of the credential have been approved by the Superintendent. 2010, c. 12, s. 16.

**Section Amendments with date in force (d/m/y)**

2010, c. 12, s. 16 - 08/06/2010

### **Restrictions on advertising and soliciting**

**11** (1) Subject to the regulations, no person shall advertise a private career college or the establishment of a private career college unless the person is registered. 2005, c. 28, Sched. L, s. 11 (1).

#### **Same**

(2) Subject to the regulations, no person shall advertise the provision of a vocational program at a private career college unless the person is registered and the provision of the vocational program has been approved by the Superintendent. 2005, c. 28, Sched. L, s. 11 (2).

#### **Soliciting students**

(3) No person shall solicit another person to enrol as a student in a vocational program provided by a private career college unless the person is registered and the provision of the vocational program has been approved by the Superintendent. 2005, c. 28, Sched. L, s. 11 (3).

#### **Use of term**

(4) No person shall make use of the term “private career college” or any derivation or abbreviation of the term in any advertising relating to an educational institution or other institution, agency or entity unless the person is registered. 2005, c. 28, Sched. L, s. 11 (4).

### **Prohibition against court actions**

**12** (1) No action shall be brought against a student for a fee in relation to a vocational program unless the vocational program was provided by a private career college the operator of which is registered and the provision of the vocational program has been approved by the Superintendent. 2005, c. 28, Sched. L, s. 12 (1).

#### **Same**

(2) The court may stay any action described in subsection (1) upon motion. 2005, c. 28, Sched. L, s. 12 (2).

#### **Exception**

(3) Subsections (1) and (2) do not apply to,

- (a) a college of applied arts and technology established under any Act;
- (b) a university established under any Act;
- (c) a school as defined in subsection 1 (1) of the *Education Act*; or
- (d) REPEALED: 2009, c. 33, Sched. 25, s. 5 (5).
- (e) a prescribed institution, agency or entity or an institution, agency or entity belonging to a prescribed class. 2005, c. 28, Sched. L, s. 12 (3); 2009, c. 33, Sched. 25, s. 5 (5).

#### **Section Amendments with date in force (d/m/y)**

2009, c. 33, Sched. 25, s. 5 (5) - 15/12/2009

## **PART IV REGISTRATION**

### **Application**

**13** An application to be registered or to renew a registration shall be in a form approved by the Superintendent and shall contain such information as the Superintendent may require. 2005, c. 28, Sched. L, s. 13.

### **Registration**

**14** (1) The Superintendent shall register an applicant to operate a private career college and shall renew an applicant’s registration if the Superintendent is satisfied that,

- (a) it is in the public interest to grant the registration or to renew the registration;
- (b) the applicant will operate the private career college in compliance with this Act and the regulations;
- (c) the vocational programs that are provided, or are proposed to be provided, by the private career college meet, or are likely to meet, the requirements of this Act and the regulations;
- (d) having regard to the applicant’s financial position, the applicant can be expected to be financially responsible in the operation of the private career college;
- (e) the past conduct of the applicant or, if the applicant is a corporation, of its officers and directors, provides grounds for the belief that the private career college will be operated in accordance with the law and with integrity and honesty; and

- (f) the applicant is not carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations. 2005, c. 28, Sched. L, s. 14 (1).

#### **Criteria for public interest**

- (2) In determining whether it is in the public interest to register a person or renew a registration under subsection (1), the Superintendent shall consider the prescribed criteria. 2005, c. 28, Sched. L, s. 14 (2).

#### **Several locations**

- (3) If an applicant intends to provide a vocational program at more than one location, the Superintendent may register the applicant to operate one private career college at the several locations. 2005, c. 28, Sched. L, s. 14 (3).

#### **Certificate of registration**

- (4) Upon registering a person to operate a private career college, the Superintendent shall issue a certificate of registration to the person. 2005, c. 28, Sched. L, s. 14 (4).

#### **Conditions**

- 15** (1) A registration or renewal of a registration may be made subject to conditions specified by the Superintendent or prescribed by regulation. 2005, c. 28, Sched. L, s. 15 (1).

#### **Changes to conditions**

- (2) The Superintendent may at any time, at the written request of the registrant or on his or her own initiative, add a condition to a registration or change or remove a condition of a registration that he or she had previously specified. 2005, c. 28, Sched. L, s. 15 (2).

#### **Registrant to comply with conditions**

- (3) The registrant shall operate the private career college in accordance with the conditions applicable to the registrant's registration or renewal of registration. 2005, c. 28, Sched. L, s. 15 (3).

#### **Registration not transferable**

- 16** A registration is not transferable to another person. 2005, c. 28, Sched. L, s. 16.

#### **Term of registration or renewal**

- 17** (1) A registration or renewal of a registration shall be,

- (a) for a term specified by the Superintendent in accordance with the regulations; or
- (b) if there are no regulations governing the term, for a term of one year, unless otherwise specified by the Superintendent. 2019, c. 4, Sched. 10, s. 1.

- (2) REPEALED: 2019, c. 4, Sched. 10, s. 1.

#### **Continuance pending renewal**

- (3) If a registration expires after the application for renewal is made but before the Superintendent makes a decision with respect to the application for renewal, the registration shall continue,

- (a) until the renewal is granted; or
- (b) if the Superintendent proposes to refuse the renewal under section 18,
  - (i) until the time for requiring a hearing by the Tribunal under subsection 19 (3) expires, or
  - (ii) if a hearing is required, until the Tribunal makes its order. 2005, c. 28, Sched. L, s. 17 (3).

#### **Section Amendments with date in force (d/m/y)**

2019, c. 4, Sched. 10, s. 1 - 03/04/2019

#### **Refusal to register**

- 18** (1) Subject to section 19, the Superintendent may refuse to register an applicant if he or she is not satisfied that all of the requirements described in subsection 14 (1) are met. 2005, c. 28, Sched. L, s. 18 (1).

#### **Revocation, suspension, refusal to renew**

- (2) Subject to section 19, the Superintendent may refuse to renew a registration or may suspend or revoke a registration if,
- (a) the Superintendent believes that a requirement described in subsection 14 (1) is no longer met;
  - (b) the registrant has breached a condition of the registration;
  - (c) the registrant has failed to comply with a provision of this Act or the regulations;

- (d) no students have enrolled in any vocational programs at the private career college for at least two successive periods of the college's registration under this Act; or
- (e) the registrant has failed to pay a penalty imposed by notice of contravention under section 39. 2005, c. 28, Sched. L, s. 18 (2).

#### **Notice of refusal or revocation**

19 (1) The Superintendent shall give the applicant or registrant notice in writing if he or she proposes to,

- (a) refuse to register the applicant or refuse to renew the registrant's registration; or
- (b) suspend or revoke the registrant's registration. 2005, c. 28, Sched. L, s. 19 (1).

#### **Content of notice**

(2) A notice under subsection (1) shall set out the reasons for the proposed action and shall inform the applicant or registrant that the applicant or registrant is entitled to a hearing by the Tribunal if, within 15 days after service of the notice under this section, the applicant or registrant gives written notice to that effect to the Superintendent and the Tribunal. 2005, c. 28, Sched. L, s. 19 (2).

#### **Entitlement to hearing**

(3) If an applicant or registrant receives notice of a proposed action under subsection (1), the applicant or registrant is entitled to a hearing by the Tribunal if, within 15 days after service of the notice, the applicant or registrant gives written notice to that effect to the Superintendent and the Tribunal. 2005, c. 28, Sched. L, s. 19 (3).

#### **Where no hearing**

(4) If an applicant or registrant does not require a hearing by the Tribunal, the Superintendent may carry out the proposal specified in the notice. 2005, c. 28, Sched. L, s. 19 (4).

#### **Where hearing required**

(5) If an applicant or registrant gives notice requiring a hearing under subsection (3), the Tribunal shall appoint a time for and hold a hearing. 2005, c. 28, Sched. L, s. 19 (5).

#### **Powers of Tribunal**

- (6) At a hearing under subsection (5), the Tribunal may, by order, direct the Superintendent,
  - (a) to carry out the proposal specified in the notice;
  - (b) to refrain from carrying out the proposal;
  - (c) to attach such conditions to a registration as the Tribunal considers appropriate; or
  - (d) to take such other action as the Tribunal considers appropriate. 2005, c. 28, Sched. L, s. 19 (6).

#### **Parties**

(7) The Superintendent, the applicant or registrant that has required the hearing and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal under this section. 2005, c. 28, Sched. L, s. 19 (7).

#### **Oral evidence**

(8) The oral evidence taken before the Tribunal at a hearing shall be recorded and, if so required, copies of a transcript of the oral evidence shall be furnished upon the same terms as in the Superior Court of Justice. 2005, c. 28, Sched. L, s. 19 (8).

#### **Appeal to court**

(9) Any party to a hearing before the Tribunal may appeal from the decision of the Tribunal to the Divisional Court. 2005, c. 28, Sched. L, s. 19 (9).

#### **Minister entitled to be heard**

(10) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. 2005, c. 28, Sched. L, s. 19 (10).

#### **Record to be filed in court**

(11) The chair of the Tribunal shall certify to the Superior Court of Justice the record of the proceedings before the Tribunal which, together with a transcript of the evidence before the Tribunal if it is not part of the Tribunal's record, shall constitute the record in the appeal. 2005, c. 28, Sched. L, s. 19 (11).

#### **Powers on appeal**

(12) The Divisional Court may confirm or alter the decision of the Tribunal or direct the Superintendent to do any act the court considers appropriate. 2005, c. 28, Sched. L, s. 19 (12).

### **No stay on appeal**

(13) An appeal from a decision of the Tribunal to the Divisional Court does not operate as a stay in the matter unless the Tribunal or the Divisional Court orders a stay of the decision. 2005, c. 28, Sched. L, s. 19 (13).

### **Immediate suspension**

**20** (1) The Superintendent may suspend a registration immediately by giving the registrant a notice of immediate suspension if the Superintendent is of the opinion that it is necessary to do so,

- (a) for the immediate protection of the interests of the students or prospective students of the private career college; or
- (b) to prevent a contravention of an Act of the Legislature or of Canada. 2005, c. 28, Sched. L, s. 20 (1).

### **Content of notice**

(2) A notice of immediate suspension shall set out,

- (a) the reasons for the immediate suspension;
- (b) any additional action described in subsection 19 (1) that the Superintendent proposes to take; and
- (c) the right to require a hearing by the Tribunal if, within 15 days after service of the notice, the registrant gives written notice to that effect to the Superintendent and the Tribunal. 2005, c. 28, Sched. L, s. 20 (2).

### **Hearing and appeal**

(3) Subsections 19 (3) and (5) to (13) apply with necessary modifications to an immediate suspension and subsections 19 (2) to (13) apply with necessary modifications to any additional action described in subsection 19 (1) that the Superintendent proposes to take. 2005, c. 28, Sched. L, s. 20 (3).

### **Suspension immediate and not stayed by hearing**

(4) An immediate suspension is effective immediately upon giving the registrant the written notice of the suspension and is not stayed by a request for a hearing by the Tribunal. 2005, c. 28, Sched. L, s. 20 (4).

### **Lifting of suspension**

(5) The Superintendent or the Tribunal may order that an immediate suspension be lifted upon being satisfied that the reasons for the suspension no longer exist. 2005, c. 28, Sched. L, s. 20 (5).

### **Application for registration after refusal, revocation**

**21** (1) A person who is refused registration may reapply for registration at any time if the person satisfies the Superintendent that there has been a material change in the person's circumstances. 2005, c. 28, Sched. L, s. 21 (1).

### **Same**

(2) A person who is refused renewal of registration or the registration of which is revoked may reapply for registration if the person satisfies the Superintendent that there has been a material change in the person's circumstances, but the person may not reapply for registration until two years have elapsed since the renewal was refused or the revocation took effect. 2005, c. 28, Sched. L, s. 21 (2).

### **Surrender of registration**

**22** A registrant may surrender the registrant's registration at any time by giving the Superintendent written notice of the surrender accompanied by the certificate of registration. 2005, c. 28, Sched. L, s. 22.

## **PART V APPROVAL OF VOCATIONAL PROGRAMS**

### **Approval required to provide vocational programs**

**23** (1) It is a condition of every registration that the private career college only provide those vocational programs for which it has received the approval of the Superintendent under this section. 2005, c. 28, Sched. L, s. 23 (1).

### **Same**

(2) An application for approval to provide a specified vocational program shall be in a form approved by the Superintendent and shall contain such information as the Superintendent may require. 2005, c. 28, Sched. L, s. 23 (2).

### **Same**

(3) The Superintendent shall approve the provision of a specified vocational program by a private career college if the Superintendent is satisfied that,

- (a) the program will provide the skills and knowledge required in order to obtain employment in a prescribed vocation; and



(b) the program is likely to meet the applicable standards and performance objectives set out in the Superintendent's policy directives. 2005, c. 28, Sched. L, s. 23 (3).

#### **Conditions**

(4) The Superintendent may approve the provision of a specified vocational program by a private career college subject to such conditions as the Superintendent may specify and may, as a condition of the approval, specify performance indicators for the vocational program and standards and performance objectives that the vocational program must meet in addition to the performance indicators, standards and performance objectives set out in the Superintendent's policy directives. 2005, c. 28, Sched. L, s. 23 (4).

#### **Duration of approval**

(5) Subject to a policy directive issued under clause 53 (1) (a), the approval to provide a specified vocational program shall be valid for a prescribed period or for a period determined in accordance with the regulations and may be renewed upon application. 2010, c. 12, s. 17 (1).

#### **Invalidity of approval**

(5.1) Where an approval is revoked as the result of a policy directive issued under clause 53 (1) (a), a private career college shall immediately submit an application for approval of the vocational program if it intends to continue providing the program. 2010, c. 12, s. 17 (1).

#### **Changes to vocational programs**

(6) A private career college shall not make a substantial change to a vocational program that it has been approved to provide without the further approval of the Superintendent. 2005, c. 28, Sched. L, s. 23 (6).

#### **Same**

(7) Subsections (2) to (5) apply with necessary modifications to the following:

1. An application to renew an approval.
2. An application for approval where an approval is revoked as the result of a policy directive issued under clause 53 (1) (a).
3. An application for approval of a substantial change to a program. 2010, c. 12, s. 17 (2).

#### **Non-vocational programs**

(8) Nothing in this section affects the right of a private career college to provide programs that are not vocational programs. 2005, c. 28, Sched. L, s. 23 (8).

#### **Section Amendments with date in force (d/m/y)**

2010, c. 12, s. 17 (1, 2) - 08/06/2010

#### **Revocation of vocational program approval**

**24** (1) The Superintendent may revoke a private career college's approval to provide a specified vocational program if the Superintendent believes that the program fails to meet the conditions of the approval or the applicable standards or performance objectives set out in the Superintendent's policy directives. 2005, c. 28, Sched. L, s. 24 (1).

#### **Notice**

(2) The Superintendent shall give a registrant notice in writing of the revocation of approval. 2005, c. 28, Sched. L, s. 24 (2).

#### **Effective date**

(3) The revocation of approval is effective upon the registrant being served with the notice under subsection (2), or on such other date specified in the notice. 2005, c. 28, Sched. L, s. 24 (3).

#### **Credentials**

**25** (1) Upon approving the provision of a specified vocational program by a private career college, the Superintendent shall also approve the credential that the college may grant a student who successfully completes the program, in accordance with the policy directives issued by the Superintendent. 2005, c. 28, Sched. L, s. 25.

#### **Same, term**

(2) Subject to subsection (5), a college may grant a student the approved credential for successfully completing the program only if the program is completed during the period when the approval for the program is valid. 2010, c. 12, s. 18.

#### **Same, revocation by policy directive**

(3) Despite subsection (1), a policy directive issued under clause 53 (1) (b) may revoke an approval of a credential issued under this section. 2010, c. 12, s. 18.

### **Same, reapplication for approval**

(4) Where an approval of a credential is revoked as the result of a policy directive issued under clause 53 (1) (b), a private career college shall immediately submit an application for approval of the credential if it intends to continue granting the credential. 2010, c. 12, s. 18.

### **Same, exception**

(5) Despite the revocation of an approval of a credential as the result of a policy directive issued under clause 53 (1) (b), a student who is enrolled in a program at the time of the revocation is permitted to graduate and receive the credential associated with the program, unless one of the following applies:

1. The policy directive revoking the approval introduces a new standard related to public health or public safety.
2. The policy directive revoking the approval relates to a vocational program that is regulated by a third party and,
  - i. the third party changes the entry requirements necessary to practise the vocation, and
  - ii. the changes are such that unless the private career college adopts the requirements prescribed by the third party, graduates from the program would not meet the entry requirements to practise the vocation. 2010, c. 12, s. 18.

### **Section Amendments with date in force (d/m/y)**

2010, c. 12, s. 18 - 08/06/2010

### **Information re performance indicators, objectives**

**26** Every private career college shall make public, at the times and in the manner determined in accordance with the Superintendent's policy directives, the information required by the policy directives relating to the performance indicators and performance objectives applicable to the college's vocational programs. 2005, c. 28, Sched. L, s. 26.

## **PART VI OPERATION OF PRIVATE CAREER COLLEGES**

### **DUTIES OF REGISTRANT**

#### **Duties of registrant**

**27** (1) Every registrant shall operate a private career college in accordance with this Act and the regulations. 2005, c. 28, Sched. L, s. 27 (1).

#### **Same**

(2) The registrant is responsible for complying with the obligations imposed on a private career college under this Act. 2005, c. 28, Sched. L, s. 27 (2).

### **PROTECTION OF STUDENT INTERESTS**

#### **Contract to be in writing**

**28** (1) Every private career college shall ensure that each contract entered into by the college and a student for the provision of one or more vocational programs for a fee is in writing. 2005, c. 28, Sched. L, s. 28 (1).

#### **Copy to student**

(2) Every private career college shall give each student who has entered into such a contract with the college a copy of that student's contract in accordance with the regulations. 2005, c. 28, Sched. L, s. 28 (2).

#### **Fee refund policy**

**29** (1) Every private career college shall adopt a policy relating to the refund of fees paid by students to the college. 2005, c. 28, Sched. L, s. 29 (1).

#### **Content of policy**

(2) The fee refund policy shall include the prescribed provisions, including prescribed provisions respecting the refund of fees paid by international students. 2005, c. 28, Sched. L, s. 29 (2).

#### **Inclusion in contracts**

(3) The private career college shall include its fee refund policy in every contract entered into by the private career college and a student. 2005, c. 28, Sched. L, s. 29 (3).

#### **Definition**

(4) In this section,

“international student” means an individual who applied for or received a temporary resident visa as a member of the student class under the *Immigration and Refugee Protection Act* (Canada). 2005, c. 28, Sched. L, s. 29 (4).

### **Access to transcripts**

**30** (1) Every private career college shall ensure that each of its students and former students has access to his or her transcripts for at least 25 years after the student terminates studies at the college. 2005, c. 28, Sched. L, s. 30 (1).

### **Same**

(2) Every private career college shall follow the prescribed rules and practices to ensure that its students and former students have access to their transcripts. 2005, c. 28, Sched. L, s. 30 (2).

### **Limitation**

(3) Subsections (1) and (2) only apply in respect of students who are enrolled in a private career college or who terminate studies at a private career college on or after the day this section comes into force. 2005, c. 28, Sched. L, s. 30 (3).

### **Complaint procedure**

**31** (1) Every private career college shall establish a procedure to resolve student complaints. 2005, c. 28, Sched. L, s. 31 (1).

### **Content of procedure**

(2) The student complaint procedure shall include the prescribed procedures and rules. 2005, c. 28, Sched. L, s. 31 (2).

### **Inclusion in contracts**

(3) The private career college shall include its student complaint procedure in every contract entered into by the private career college and a student. 2005, c. 28, Sched. L, s. 31 (3).

### **Statement of students' rights and responsibilities**

**32** The private career college shall include the statement of students' rights and responsibilities developed by the Superintendent under section 54 in every contract made between the private career college and a student. 2005, c. 28, Sched. L, s. 32.

### **Sexual violence involving students**

#### **Definition**

**32.1** (1) In this section,

“sexual violence” means any sexual act or act targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person’s consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation. 2016, c. 2, Sched. 5, s. 1.

#### **Sexual violence policy**

(2) It is a condition of every registration that a private career college have a sexual violence policy that,

- (a) specifically and solely addresses sexual violence involving students enrolled at the private career college;
- (b) sets out the process for how the private career college will respond to and address incidents and complaints of sexual violence involving students enrolled at the private career college, and includes the elements specified in the regulations relating to the process;
- (c) addresses any other topics and includes any other elements required by the regulations; and
- (d) otherwise complies with the requirements set out in the regulations. 2016, c. 2, Sched. 5, s. 1.

#### **Complaint procedure**

(3) A private career college shall respond to and address incidents and complaints of sexual violence under the process set out in its sexual violence policy, and not under the student complaint procedure established under section 31. 2016, c. 2, Sched. 5, s. 1.

#### **Inclusion in contracts**

(4) Every private career college shall include its sexual violence policy in every contract made between the private career college and a student. 2016, c. 2, Sched. 5, s. 1.

#### **Student input**

(5) Every private career college shall ensure that student input is considered, in accordance with any regulations, in the development of its sexual violence policy and every time the policy is reviewed or amended. 2016, c. 2, Sched. 5, s. 1.

#### **Review**

(6) Every private career college shall review its sexual violence policy at least once every three years and amend it as appropriate. 2016, c. 2, Sched. 5, s. 1.

### **Implementation of policy and other measures**

- (7) Every private career college shall,
- (a) implement its sexual violence policy in accordance with the regulations; and
  - (b) implement any other measure or do any other thing it is required to do under the regulations relating to sexual violence involving students enrolled at the private career college. 2016, c. 2, Sched. 5, s. 1.

### **Information for Superintendent**

(8) Every private career college shall collect from its students and other persons, and provide to the Superintendent, such data and other information relating to the following as may be requested by the Superintendent, in the manner and form directed by the Superintendent:

1. The number of times supports, services and accommodation relating to sexual violence are requested and obtained by students enrolled at the private career college, and information about the supports, services and accommodation.
2. Any initiatives and programs established by the private career college to promote awareness of the supports and services available to students.
3. The number of incidents and complaints of sexual violence reported by students, and information about such incidents and complaints.
4. The implementation and effectiveness of the policy. 2016, c. 2, Sched. 5, s. 1.

### **Personal information**

(9) A private career college shall take reasonable steps to ensure that information provided to the Superintendent pursuant to subsection (8) does not disclose personal information within the meaning of section 38 of the *Freedom of Information and Protection of Privacy Act*. 2016, c. 2, Sched. 5, s. 1.

### **Survey**

(10) The Superintendent may conduct, or may direct a private career college to conduct or participate in, a survey of students and other persons as identified by the Superintendent, relating to the effectiveness of the private career college's sexual violence policy, to the incidence of sexual violence at the private career college and to any other matter mentioned in paragraphs 1 to 4 of subsection (8). 2016, c. 2, Sched. 5, s. 1.

### **Same**

(11) A private career college that is directed by the Superintendent to conduct a survey described in subsection (10) shall disclose the results of the survey to the Superintendent. 2016, c. 2, Sched. 5, s. 1.

### **Section Amendments with date in force (d/m/y)**

2016, c. 2, Sched. 5, s. 1 - 01/01/2017

## GENERAL

### **Advertising**

**33** A private career college shall not advertise the college or any vocational programs offered or provided by the college or permit such an advertisement unless the advertisement complies with such standards as may be prescribed. 2005, c. 28, Sched. L, s. 33.

### **Notice of change**

**34** (1) Every private career college shall, within five days after the event, notify the Superintendent in writing of,

- (a) any change in,
  - (i) if the registrant for the college is a corporation, the officers or directors of the corporation,
  - (ii) if the registrant for the college is a partnership, the membership of the partnership; and
- (b) any other prescribed change. 2005, c. 28, Sched. L, s. 34 (1).

### **Same**

(2) Every private career college shall, at least 10 days before the event, notify the Superintendent in writing of,

- (a) any proposed change in its address for service or in its legal or operating name; and
- (b) any other proposed prescribed change. 2005, c. 28, Sched. L, s. 34 (2).

### **Sale of students' goods and services**

**35** (1) A private career college shall not sell or permit the sale of the goods or services of a student of the college except as provided in subsections (2) and (3). 2005, c. 28, Sched. L, s. 35 (1).

#### **Same**

(2) A private career college may sell any goods produced or created by a student in the course of a vocational program provided by the college and may provide a student's services to the public or arrange for the provision of such services to the public if the goods are produced or created or the services are provided in order to satisfy the occupational training and experience requirements of a vocational program. 2005, c. 28, Sched. L, s. 35 (2).

#### **No profit**

(3) The amount for which a student's goods or services may be sold shall not exceed the amount of the following costs incurred by the private career college, as may be applicable:

1. The costs of any materials or facilities provided by the college and used by the student in producing, creating or selling the goods.
2. The costs of providing or arranging for the provision of the services to the public. 2005, c. 28, Sched. L, s. 35 (3).

### **Rescission of contract**

**36** (1) Any person who enters into a written contract with a private career college to receive instruction in a vocational program may rescind the contract by delivering a written notice of rescission to the private career college within two days after the person receives a copy of the contract as required by subsection 28 (2). 2005, c. 28, Sched. L, s. 36 (1).

#### **Address of private career college**

(2) A notice of rescission shall be delivered to the private career college at the address shown in the contract. 2005, c. 28, Sched. L, s. 36 (2).

### **Return of goods and money**

(3) A person who delivers a notice of rescission shall immediately return any goods received under the contract and the private career college shall return any money received under the contract. 2005, c. 28, Sched. L, s. 36 (3).

### **Meetings with students**

**37** (1) The Superintendent or his or her designate may at any time hold a meeting with the students and prospective students of a private career college to advise the students and prospective students of any issues affecting the college and of their rights under this Act. 2005, c. 28, Sched. L, s. 37 (1).

#### **Same**

(2) A meeting under subsection (1) may be held at any location specified by the Superintendent or his or her designate, including at the private career college and, in that case, the private career college shall permit the meeting to be held at the college. 2005, c. 28, Sched. L, s. 37 (2).

## **PART VII ENFORCEMENT**

### **INQUIRIES AND EXAMINATIONS**

#### **Inquiries and examinations**

##### **Of registrants**

**38** (1) The Superintendent or a person designated by the Superintendent may make inquiries and conduct examinations of the affairs of a registrant to ensure that the registrant is complying with the conditions of the registrant's registration and the requirements of this Act and the regulations. 2005, c. 28, Sched. L, s. 38 (1).

##### **Of other persons**

(2) If, in the Superintendent's opinion, a person that is not a registrant is or was required to be registered, the Superintendent or a person designated by the Superintendent may make such inquiries and conduct such examinations of the person's affairs as the Superintendent or designate considers appropriate in the circumstances. 2005, c. 28, Sched. L, s. 38 (2).

#### **Powers**

(3) The Superintendent or designate may, without a warrant, do any of the following things in the course of making an inquiry or conducting an examination:

1. Enter and inspect any premises used in connection with the registrant's or person's business or activities.
2. Photograph the premises.

3. Inspect documents or other things that may be relevant to the inquiry or examination.
4. Require a person to answer questions about anything that may be relevant to the inquiry or examination.
5. Require a person to produce a document, record or other thing and provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce information.
6. In order to produce information, use any data storage, processing or retrieval device or system that is used in connection with the registrant's or person's business or activities.
7. Remove for examination and copying anything that may be relevant to the inquiry or examination, including removing any data storage, processing or retrieval device in order to produce information.
8. Observe instruction given in a program and activities of students in producing or creating goods and providing services that appear to be part of the program.
9. Take samples of materials, books, lessons and equipment used in providing a program. 2005, c. 28, Sched. L, s. 38 (3).

**Entry into dwelling**

(4) The Superintendent or designate shall not enter any part of a premises that is used as a dwelling without a warrant unless the occupant consents to the entry. 2005, c. 28, Sched. L, s. 38 (4).

**Time of entry**

(5) The power to enter and inspect premises without a warrant may be exercised only during the regular business hours of the premises or during daylight hours if there are no regular business hours. 2005, c. 28, Sched. L, s. 38 (5).

**Duty to assist**

(6) If the Superintendent or designate requires a person to answer questions, to produce a document, record or other thing or to provide assistance, the person shall do so in the manner and within the period specified by the Superintendent or designate. 2005, c. 28, Sched. L, s. 38 (6).

**Receipt for things removed**

(7) The Superintendent or designate shall give a receipt for anything that he or she removes for examination or copying and the Superintendent or designate shall promptly return the thing to the person who produced it. 2005, c. 28, Sched. L, s. 38 (7).

**Identification**

(8) Upon request, the designate shall produce evidence of his or her designation. 2005, c. 28, Sched. L, s. 38 (8).

**Copy admissible in evidence**

(9) A copy of a record that purports to be certified by the Superintendent or designate as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value. 2005, c. 28, Sched. L, s. 38 (9).

**Obstruction**

(10) No person shall hinder, obstruct or interfere with the Superintendent or designate conducting an inquiry or examination, refuse to answer questions on matters relevant to the inquiry or examination or provide the Superintendent or designate with information on matters relevant to the inquiry or examination that the person knows to be false or misleading. 2005, c. 28, Sched. L, s. 38 (10).

**Report to Superintendent**

(11) A designate shall report to the Superintendent on the results of each inquiry or examination. 2005, c. 28, Sched. L, s. 38 (11).

**ADMINISTRATIVE PENALTIES**

**Notice of contravention**

**39** (1) If the Superintendent or person designated by the Superintendent believes that a person has contravened a prescribed provision of this Act or the regulations, the Superintendent or designate may issue a notice of contravention to the person setting out his or her belief and requiring the person to pay the administrative penalty prescribed for the contravention in question. 2005, c. 28, Sched. L, s. 39 (1).

**Purpose of administrative penalty**

- (2) The following are the purposes for which a person may be required to pay an administrative penalty under this section:
1. To encourage compliance with this Act and the regulations.
  2. To encourage compliance with an order made under section 46.

3. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of a contravention of this Act or the regulations. 2005, c. 28, Sched. L, s. 39 (2).

#### **Amount of administrative penalty**

- (3) The amount of an administrative penalty prescribed for a contravention shall reflect the purposes referred to in subsection (2). 2005, c. 28, Sched. L, s. 39 (3).

#### **One-year limitation**

- (4) A notice of contravention shall not be issued under this section more than one year after the contravention first came to the knowledge of the Superintendent or his or her designate. 2005, c. 28, Sched. L, s. 39 (4).

#### **Content of notice of contravention**

- (5) The notice of contravention shall,
- (a) contain or be accompanied by information setting out the nature of the contravention;
  - (b) set out the amount of the penalty to be paid and specify the time and manner of the payment; and
  - (c) inform the person of his or her right to request a review of the notice by the Minister. 2005, c. 28, Sched. L, s. 39 (5).

#### **Right to review**

- (6) A person who receives a notice of contravention may require the Minister to review the notice of contravention by applying to the Minister for a review in a form approved by the Superintendent,
- (a) within 15 days after receipt of the notice of contravention; or
  - (b) if the Minister considers it appropriate in the circumstances to extend the time for applying, within the period specified by the Minister. 2005, c. 28, Sched. L, s. 39 (6).

#### **If no review requested**

- (7) If a person who has received a notice of contravention does not apply for a review under subsection (6), the person shall pay the penalty within 30 days after the day the notice of contravention was served. 2005, c. 28, Sched. L, s. 39 (7).

#### **If review requested**

- (8) If a person who has received a notice of contravention applies for a review under subsection (6), the Minister shall conduct the review in accordance with the regulations. 2005, c. 28, Sched. L, s. 39 (8).

#### **Minister's decision**

- (9) Upon a review, the Minister may,
- (a) find that the person did not contravene the provision of this Act or regulations specified in the notice of contravention and rescind the notice;
  - (b) find that the person did contravene the provision of this Act or regulations specified in the notice of contravention and affirm the notice; or
  - (c) find that the person did contravene the provision but that the prescribed penalty is excessive in the circumstances and amend the notice by reducing the amount of the penalty. 2005, c. 28, Sched. L, s. 39 (9).

#### **Decision final**

- (10) A decision by the Minister is final. 2005, c. 28, Sched. L, s. 39 (10).

#### **Payment after review**

- (11) If the Minister finds that a person has contravened the provision of this Act or regulations specified in the notice of contravention, the person shall pay the penalty required by the Minister within 30 days after the day of the Minister's decision. 2005, c. 28, Sched. L, s. 39 (11).

#### **Payment to Minister of Finance**

- (12) A person who is required to pay a penalty under this section shall pay the penalty to the Minister of Finance. 2005, c. 28, Sched. L, s. 39 (12).

#### **Enforcement of administrative penalty**

- 40** (1) If a person who is required to pay an administrative penalty under section 39 fails to pay the penalty within the time required under subsection 39 (7) or (11), the notice of contravention or the Minister's decision, as the case may be, may be filed with a local registrar of the Superior Court of Justice and may be enforced as if it were an order of the court. 2005, c. 28, Sched. L, s. 40 (1).

## **Same**

(2) Section 129 of the *Courts of Justice Act* applies in respect of a notice of contravention or decision filed with the Superior Court of Justice under subsection (1) and, for the purpose, the date on which the notice of contravention or decision is filed under subsection (1) shall be deemed to be the date of the order that is referred to in section 129 of the *Courts of Justice Act*. 2005, c. 28, Sched. L, s. 40 (2).

## **Crown debt**

**41** An administrative penalty imposed under section 39 that is not paid within the time required under that section is a debt due to the Crown and enforceable as such. 2005, c. 28, Sched. L, s. 41.

## **Superintendent may authorize collector**

**42** (1) The Superintendent may authorize any person to act as a collector for the purposes of this section and sections 43 and 44 and to exercise the powers that the Superintendent specifies in the authorization to collect administrative penalties owing under this Act. 2005, c. 28, Sched. L, s. 42 (1).

## **Costs of collection**

(2) Despite clause 22 (a) of the *Collection and Debt Settlement Services Act*, the Superintendent may also authorize a collector to collect a reasonable fee or reasonable disbursements or both from each person from whom the collector seeks to collect administrative penalties owing under this Act. 2005, c. 28, Sched. L, s. 42 (2); 2013, c. 13, Sched. 1, s. 18.

## **Same**

(3) The Superintendent may impose conditions on an authorization under subsection (2) and may determine what constitutes a reasonable fee or reasonable disbursements for the purposes of that subsection. 2005, c. 28, Sched. L, s. 42 (3).

## **Exception re disbursements**

(4) The Superintendent shall not authorize a collector who is required to be registered under the *Collection and Debt Settlement Services Act* to collect disbursements. 2005, c. 28, Sched. L, s. 42 (4); 2013, c. 13, Sched. 1, s. 18.

## **Section Amendments with date in force (d/m/y)**

2013, c. 13, Sched. 1, s. 18 - 01/01/2015

## **Collector's powers**

**43** (1) A collector may exercise any of the powers specified in an authorization of the Superintendent under section 42. 2005, c. 28, Sched. L, s. 43 (1).

## **Fees and disbursements part of order**

(2) If a collector is seeking to collect an administrative penalty owing under a notice of contravention, any fees and disbursements authorized under subsection 42 (2) shall be deemed to be owing under and shall be deemed to be added to the amount of the penalty set out in the notice of contravention. 2005, c. 28, Sched. L, s. 43 (2).

## **Distribution of money collected**

(3) A collector shall pay the amount collected under this section with respect to the penalty to the Minister of Finance and may retain the amount collected with respect to the collector's fees and disbursements. 2005, c. 28, Sched. L, s. 43 (3).

## **Settlement by collector**

**44** (1) A collector may agree to a settlement with the person from whom he or she seeks to collect money, but only with the written agreement of the Superintendent. 2005, c. 28, Sched. L, s. 44 (1).

## **Payment**

(2) The person who owes money under a settlement shall pay the amount agreed upon to the collector, who shall pay it out in accordance with subsection 43 (3). 2005, c. 28, Sched. L, s. 44 (2).

## **Other means not a bar**

**45** The Superintendent or a person designated by the Superintendent may issue a notice of contravention to a person under subsection 39 (1) even though an order has been made or may be made against the person under section 46 or 47 or the person has been or may be prosecuted for or convicted of an offence with respect to the same contravention. 2005, c. 28, Sched. L, s. 45.

## **RESTRAINING AND COMPLIANCE ORDERS**

### **Superintendent's orders**

**46** (1) If the Superintendent believes that a person has contravened this Act or the regulations, the Superintendent may order the person to restrain from contravening this Act or the regulations. 2005, c. 28, Sched. L, s. 46 (1).



**Same**

(2) If the Superintendent believes that a registrant has breached a condition of the registrant's registration or has otherwise contravened or failed to comply with a provision of this Act or the regulations, the Superintendent may order the registrant to comply with the conditions of the registration or with the provisions of this Act or the regulations. 2005, c. 28, Sched. L, s. 46 (2).

**Restraining orders by court**

47 (1) On the application of the Superintendent, a judge of the Superior Court of Justice may make an order to restrain a person from contravening this Act or the regulations if the court is satisfied that there are reasonable grounds to believe that the person has contravened or is likely to contravene this Act or the regulations. 2005, c. 28, Sched. L, s. 47 (1).

**Interim order**

(2) In a proceeding under subsection (1), a judge may, on application of the Superintendent, grant an interim order described in that subsection if the judge believes, based on the evidence before him or her, that it is in the public interest to do so. 2005, c. 28, Sched. L, s. 47 (2).

**Same**

(3) A judge may grant an interim order even though the Superintendent has not established that irreparable harm will be done if the order is not issued. 2005, c. 28, Sched. L, s. 47 (3).

**Same**

(4) A judge shall not require the Superintendent to post a bond or give an undertaking as to damages when granting an interim order. 2005, c. 28, Sched. L, s. 47 (4).

**Other means not a bar**

(5) An order may be granted under subsection (1) even though a notice of contravention has been or may be issued to the person under subsection 39 (1), an order has been or may be issued to the person under section 46 or the person has been or may be prosecuted for or convicted of an offence with respect to the same contravention. 2005, c. 28, Sched. L, s. 47 (5).

OFFENCES

**Offences**

48 (1) Every person is guilty of an offence if the person,

- (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations. 2005, c. 28, Sched. L, s. 48 (1).

**Penalty**

(2) A person who is guilty of an offence under subsection (1) is liable on conviction,

- (a) in the case of an individual, to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both; and
- (b) in the case of a corporation, to a fine of not more than \$250,000. 2005, c. 28, Sched. L, s. 48 (2); 2010, c. 12, s. 19.

**Officers and directors of corporation**

(3) Every director or officer of a corporation who knowingly concurs in the commission of an offence under subsection (1) by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year, or to both. 2005, c. 28, Sched. L, s. 48 (3).

**Limitation**

(4) No proceeding under clause (1) (a) shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Superintendent. 2005, c. 28, Sched. L, s. 48 (4).

**Same**

(5) No proceeding under clause (1) (b) or (c) shall be commenced more than two years after the time when the subject-matter of the proceeding arose. 2005, c. 28, Sched. L, s. 48 (5).

**Section Amendments with date in force (d/m/y)**

2010, c. 12, s. 19 - 08/06/2010

## **PART VIII GENERAL**

### **Publication of information**

#### **Refusals and contraventions**

**49** (1) The Superintendent shall publish particulars of,

- (a) every refusal to renew a registration and every suspension or revocation of a registration once the period under subsection 19 (3) to require a hearing by the Tribunal in respect of a proposal to take such action has expired or, if such a hearing has been required, once the Tribunal has made its order;
- (b) every notice of contravention issued under subsection 39 (1) once the period to apply for a review of the notice of contravention under subsection 39 (6) has expired or, if such a review has been required, once the Minister has made his or her decision; and
- (c) every decision of the Minister under subsection 39 (9). 2005, c. 28, Sched. L, s. 49 (1).

#### **Orders**

(2) The Superintendent may publish particulars of any order made under section 46 or 47. 2005, c. 28, Sched. L, s. 49 (2).

#### **Program approvals**

(3) The Superintendent shall publish the name of the private career college, the name of the vocational program and the credential that may be granted on successful completion of the program for every approval given for a private career college to provide a specified vocational program. 2005, c. 28, Sched. L, s. 49 (3).

#### **Performance indicators, objectives**

(4) The Superintendent shall publish such information respecting performance indicators and performance objectives for every private career college as he or she considers appropriate. 2005, c. 28, Sched. L, s. 49 (4).

#### **Policy directives, statement of students' rights and responsibilities**

(5) The Superintendent shall publish the policy directives issued by him or her under section 53 and the statement of students' rights and responsibilities developed by him or her under section 54. 2005, c. 28, Sched. L, s. 49 (5).

#### **Sexual violence**

(5.1) The Superintendent may publish data and other information provided under subsection 32.1 (8) or data or information derived from such data or information. 2016, c. 2, Sched. 5, s. 2.

#### **Methods of publication**

(6) The material that the Superintendent is required or authorized to publish under this section shall be posted on the Ministry of Training, Colleges and Universities website and may be published in such other manner as the Superintendent considers advisable. 2005, c. 28, Sched. L, s. 49 (6).

#### **Posting of information**

(7) The Superintendent may also post a copy of anything published under this section in a conspicuous place at the premises of the private career college to which it relates. 2005, c. 28, Sched. L, s. 49 (7).

#### **Same**

(8) No person shall remove the copy of the publication posted under subsection (7) unless they do so at the written direction, or with the written approval, of the Superintendent. 2005, c. 28, Sched. L, s. 49 (8).

#### **Removal of posting**

(9) The Superintendent may remove any material or information published under subsection (1) or (2) from the website referred to in subsection (6) and may remove or direct the removal of a copy of a publication posted under subsection (7). 2019, c. 4, Sched. 10, s. 2.

#### **Same**

(10) The removal of material or information under subsection (9) shall be done in accordance with the regulations, if any. 2019, c. 4, Sched. 10, s. 2.

#### **Section Amendments with date in force (d/m/y)**

2016, c. 2, Sched. 5, s. 2 - 01/01/2017

2019, c. 4, Sched. 10, s. 2 - 03/04/2019

## **Information and disclosure**

**50** (1) For the purpose of carrying out his or her responsibilities under this Act, the Superintendent may require a private career college or an applicant for registration to provide the Superintendent with information, including personal information within the meaning of section 38 of the *Freedom of Information and Protection of Privacy Act* or section 2 of the *Personal Information Protection and Electronic Documents Act* (Canada), in respect of students, officers, directors or employees of the private career college. 2005, c. 28, Sched. L, s. 50 (1).

### **Limitation**

(2) The personal information in respect of students that may be required under subsection (1) shall be limited to students' names, addresses, phone numbers and other contact information and shall be used only,

- (a) for the purpose of contacting students to advise them of their rights under this Act, including the provisions respecting the protection of students' financial interests; or
- (b) REPEALED: 2014, c. 11, Sched. 6, s. 7.
- (c) for the purpose of determining whether the private career college has met the performance objectives applicable to its vocational programs under section 23. 2005, c. 28, Sched. L, s. 50 (2); 2014, c. 11, Sched. 6, s. 7.

### **Consent to release of information**

(3) Every private career college shall include in every contract for the provision of a vocational program the prescribed wording for the student to consent, or to refuse to consent, to the release of his or her personal information as described in subsection (2) to the Superintendent for any or all of the purposes set out in that subsection. 2005, c. 28, Sched. L, s. 50 (3).

### **Section Amendments with date in force (d/m/y)**

2014, c. 11, Sched. 6, s. 7 - 31/03/2015

### **Service**

**51** (1) Any notice, order or other document that is required to be given, issued, delivered or served under this Act or the regulations shall be given, issued, delivered or served only,

- (a) by personal delivery;
- (b) by mail addressed to the person's last known business or residential address as shown in the latest document filed with or correspondence sent to the Superintendent using a method of mail delivery that permits the delivery to be verified;
- (b.1) by mail addressed to the person's last known business or residential address as shown in the latest document filed with or correspondence sent to the Superintendent; or
- (c) by fax of the document or by electronic mail if the person is equipped to receive such transmissions. 2005, c. 28, Sched. L, s. 51 (1); 2010, c. 12, s. 20 (1).

### **Personal delivery**

(1.1) Personal delivery under clause (1) (a) is carried out by,

- (a) leaving a copy of the notice, order or other document with the person to be served; or
- (b) leaving a copy of the notice, order or other document in an envelope addressed to the person,
  - (i) at the person's place of residence with anyone resident at the address who appears to be at least 16 years of age, or
  - (ii) at the person's place of business with an employee of the business at the address and,

on the same day or on the next, mailing another copy to the person at the address where the envelope was left. 2010, c. 12, s. 20 (2).

### **Exception to service by regular mail**

(1.2) The following shall not be served by the method set out in clause (1) (b.1):

1. A notice under subsection 19 (1) (notice of refusal or revocation).
2. A notice under subsection 20 (1) (notice of immediate suspension).
3. A notice under subsection 24 (2) (notice of revocation of program approval).
4. A notice under subsection 39 (1) (notice of contravention). 2010, c. 12, s. 20 (2).

### **Same, corporations**

(2) If the person receiving a notice, order or other document is a corporation, the notice or order may be given, issued, delivered or served,

- (a) on a director or officer of the corporation or on any manager, secretary or other person apparently in charge of any business premises of the corporation using any method described in subsection (1); or
- (b) on the corporation at its last known business address as shown in the latest document filed with or correspondence sent to the Superintendent using one of the methods described in clause (1) (b) or (c). 2005, c. 28, Sched. L, s. 51 (2); 2010, c. 12, s. 20 (3).

**Deemed receipt**

(3) If a notice, order or other document is given, issued, delivered or served by mail, it shall be deemed to be received on the third day after the day of mailing unless the person to whom it is given, issued, delivered or served establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice, order or other document until a later date. 2005, c. 28, Sched. L, s. 51 (3).

**Same**

(4) A notice, order or other document that is given, issued, delivered or served by a means described in clause (1) (c) on a Saturday, Sunday or a public holiday or on any other day after 5 p.m. shall be deemed to have been received on the next day that is not a Saturday, Sunday or public holiday. 2005, c. 28, Sched. L, s. 51 (4).

**Substituted service**

(5) On the application of the Superintendent, a judge of the Superior Court of Justice may order that a document be served by substituted service, using a method chosen by the court, if the Superintendent,

- (a) provides detailed evidence showing,
  - (i) what steps have been taken to locate the person to be served, and
  - (ii) if the person has been located, what steps have been taken to serve the document on the person; and
- (b) shows that the method of service could reasonably be expected to bring the document to the person's attention. 2010, c. 12, s. 20 (4).

**Section Amendments with date in force (d/m/y)**

2010, c. 12, s. 20 (1-4) - 08/06/2010

**Certificate as evidence**

**52** (1) A statement of the Superintendent certifying any of the following facts is, without proof of the office or signature of the Superintendent, evidence of those facts in any action, prosecution or other proceeding:

1. The registration or non-registration of any person.
2. The filing or non-filing of any document or material required or permitted to be filed with the Superintendent under this Act.
3. The time when any facts first came to the knowledge of the Superintendent or his or her designate.
4. The approval given to a private career college to provide a specified vocational program or the revocation of such an approval.
5. Any other matter pertaining to an application for registration or renewal, an application for approval to provide a specified vocational program, a registration or non-registration, an approval or non-approval, a filing or non-filing or conditions of a registration or approval. 2005, c. 28, Sched. L, s. 52 (1).

**Same, notice of contravention**

(2) A certificate of the Superintendent or Superintendent's designate who issued a notice of contravention under subsection 39 (1) is evidence of its issuance, service of it on the person and the receipt of it by the person if,

- (a) the certificate is accompanied by a copy of the notice that the Superintendent or designate certifies to be true; and
- (b) the Superintendent or designate certifies that the notice was served on the person and sets out the method of service used. 2005, c. 28, Sched. L, s. 52 (2).

**Proof of Minister's signature**

(3) Any document under this Act purporting to be signed by the Minister, or any certified copy of such document, is receivable in evidence in any action, prosecution or other proceeding without proof of the office or signature of the Minister. 2005, c. 28, Sched. L, s. 52 (3).

**Policy directives**

**53** (1) The Superintendent may issue policy directives,

- (a) setting out standards, performance indicators and performance objectives for vocational programs or classes of vocational programs and governing the publication of information by private career colleges respecting the performance indicators and performance objectives applicable to their vocational programs;
- (b) setting out credentials that private career colleges may grant, and the classes of vocational programs for which such credentials may be granted;
- (c) exempting private career colleges, or any class of them, from the requirement that they obtain approval for a specified class of vocational programs under section 23. 2005, c. 28, Sched. L, s. 53 (1).

**Same, revocation of approval**

(1.1) A policy directive issued under subsection (1) may revoke an approval for a vocational program or a class of vocational programs and an approval for credentials that a private career college may grant. 2010, c. 12, s. 21.

**Same, effective date of revocation**

(1.2) The revocation of an approval is effective on the date specified in the policy directive or calculated in accordance with the policy directive that is no earlier than six months after the date the policy directive is issued under subsection (1) or on the date specified in the policy directive or calculated in accordance with the policy directive, if one of the following applies:

- 1. The policy directive introduces a new standard related to public health or public safety.
- 2. The policy directive revoking the approval relates to a vocational program that is regulated by a third party and,
  - i. the third party changes the entry requirements necessary to practise the vocation, and
  - ii. the changes are such that unless the private career college adopts the requirements prescribed by the third party, graduates from the program would not meet the entry requirements to practise the vocation. 2010, c. 12, s. 21.

**Same, effective despite prescribed period of approval**

(1.3) In the case of the revocation of an approval for a vocational program or class of vocational programs, the effective date of the revocation specified in the directive or determined in accordance with the directive applies despite any prescribed period for approval or the period for approval determined in accordance with the regulations. 2010, c. 12, s. 21.

**Binding**

(2) The policy directives are binding on private career colleges and every private career college shall comply with and be operated in accordance with the policy directives. 2005, c. 28, Sched. L, s. 53 (2).

**General or particular**

(3) A policy directive may be general or particular in its application. 2005, c. 28, Sched. L, s. 53 (3).

**Classes**

(4) A policy directive may create different classes of persons, private career colleges, vocational programs and students and may contain different provisions in respect of each class. 2005, c. 28, Sched. L, s. 53 (4).

**Legislation Act, 2006, Part III**

(5) A policy directive issued under this section is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2005, c. 28, Sched. L, s. 53 (5); 2006, c. 21, Sched. F, s. 141 (3).

**Section Amendments with date in force (d/m/y)**

2006, c. 21, Sched. F, s. 141 (3) - 25/07/2007

2010, c. 12, s. 21 - 08/06/2010

**Statement of students' rights and responsibilities**

**54** The Superintendent shall develop a statement of students' rights and responsibilities. 2005, c. 28, Sched. L, s. 54.

**Regulations**

**55** (1) The Lieutenant Governor in Council may make regulations,

- 1. prescribing anything that is required or permitted to be prescribed or that is required or permitted to be done in accordance with the regulations;
- 2. prescribing programs or classes of programs that are and are not vocational programs;
- 3. prescribing powers and duties of the Superintendent;
- 4. governing the Training Completion Assurance Fund to be established under section 3, including its establishment, functions, form, term and administration and prescribing rules governing its investment powers, including the securities in which it may and may not invest;

5. prescribing rules for the cancellation of bonds provided by private career colleges as security under the *Private Career Colleges Act* before its repeal;
6. REPEALED: 2020, c. 34, Sched. 21, s. 2.
7. prescribing forms of security or other methods of protecting the financial interest of students for the purpose of section 6, prescribing requirements relating to them, including the means of realizing the security or enforcing the other methods of protection if the requirements are not met and governing the making of claims against the security or other protection and the settlement of such claims;
8. governing applications for registration and for renewal of registration;
- 8.1 governing the term of a registration or renewal of a registration;
9. prescribing changes in a person's circumstances that constitute a material change and those that do not constitute a material change for the purpose of section 21;
10. governing advertising for the purpose of section 11 and prescribing advertising standards for the purpose of section 33;
11. governing applications for approval to provide a specified vocational program and for renewal of such approvals;
12. prescribing changes to a vocational program that constitute a substantial change and those that do not constitute a substantial change for the purpose of subsection 23 (6);
13. governing the revocation of approval to provide a specified vocational program;
14. governing the refund policy that private career colleges are required to adopt under section 29;
- 14.1 relating to sexual violence involving students enrolled at private career colleges, and governing private career colleges' sexual violence policies, and without limiting the generality of this power,
  - i. governing processes that shall be followed and persons who shall be consulted in the development and approval of sexual violence policies, and in their review and amendment, and governing how student input shall be provided and considered in such development, review and amendment,
  - ii. governing topics that shall be addressed or elements that shall be included in sexual violence policies,
  - iii. governing the provision of training to faculty, staff, students and other persons about sexual violence policies,
  - iv. respecting the publication of sexual violence policies and the promotion of awareness of the policies,
  - v. requiring that appropriate supports, services and accommodation relating to sexual violence be provided to students affected by sexual violence, and governing such supports, services and accommodation and their provision,
  - vi. governing any other matter that the Lieutenant Governor in Council determines is necessary or advisable relating to sexual violence involving students, including,
    - A. governing all matters relating to sexual violence policies and their implementation, and
    - B. governing other measures that private career colleges shall implement, or other things that private career colleges shall do, to address sexual violence involving students;
- 14.2 governing private career colleges' student expulsion policies;
15. governing the student complaint procedure that private career colleges are required to establish under section 31;
16. governing the determination of costs under section 35;
17. prescribing terms required to be included in contracts entered into by students and private career colleges;
18. prescribing the accommodation and equipment required by private career colleges;
19. prescribing requirements for admission of students, including international students as defined in subsection 29 (4);
20. prescribing qualifications of instructors of vocational programs;
21. governing the type of evidence needed to demonstrate a student's successful completion of a vocational program;
22. prescribing maximum fees that may be charged by private career colleges;
23. governing the change of ownership of a registrant;
24. requiring and governing books, accounts and records to be kept by registrants;
25. governing administrative penalties for the purposes of section 39 and all matters necessary and incidental to the administration of a system of administrative penalties under this Act;

- 25.1 governing the removal of material and information for the purposes of subsection 49 (9);
- 26. requiring registrants to make returns and furnish information to the Superintendent and governing such returns and information;
- 27. exempting any person, private career college or vocational program, or any class of them, from any provision of this Act or the regulations and prescribing conditions or circumstances for any such exemption to apply;
- 28. providing for any transitional matter relating to the application of this Act and the repeal of the *Private Career Colleges Act*. 2005, c. 28, Sched. L, s. 55 (1); 2016, c. 2, Sched. 5, s. 3; 2019, c. 4, Sched. 10, s. 3; 2020, c. 34, Sched. 21, s. 2.

**Administrative penalties**

- (2) A regulation under paragraph 25 of subsection (1) may,
  - (a) provide that the amount of a penalty prescribed for a contravention is increased by a prescribed amount for each subsequent contravention that occurs within a prescribed period;
  - (b) provide for penalties in the form of lump sum amounts and of daily amounts, prescribe the circumstances in which either or both types of amounts may be required and, in the case of a daily amount, prescribe the maximum number of days for which a daily amount may be imposed; and
  - (c) provide for the time and manner of payment. 2005, c. 28, Sched. L, s. 55 (2).

**General or particular**

- (3) A regulation may be general or particular in its application. 2005, c. 28, Sched. L, s. 55 (3).

**Classes**

- (4) A regulation may create different classes of persons, private career colleges, vocational programs and students and may contain different provisions in respect of each class. 2005, c. 28, Sched. L, s. 55 (4).

**Conflicts re transitional regulations**

- (5) If there is a conflict between a regulation made under paragraph 28 of subsection (1) and any Act or any regulation, the regulation made under paragraph 28 of subsection (1) prevails. 2005, c. 28, Sched. L, s. 55 (5).

**Section Amendments with date in force (d/m/y)**

2016, c. 2, Sched. 5, s. 3 - 01/01/2017

2019, c. 4, Sched. 10, s. 3 - 03/04/2019

2020, c. 34, Sched. 21, s. 2 - 01/07/2021

**Forms**

**56** The Superintendent may approve forms for the purposes of this Act and provide for their use. 2005, c. 28, Sched. L, s. 56.

**Review of Act**

**57** The Superintendent shall undertake a review of this Act and, by the seventh anniversary of the day this section comes into force, shall recommend to the Minister any amendment he or she believes will improve the effectiveness and administration of this Act. 2005, c. 28, Sched. L, s. 57.

**Transition**

**58** (1) A person that is registered under the *Private Career Colleges Act* immediately before this section comes into force shall be deemed to be registered under this Act and shall be deemed to have the approval under this Act to provide any vocational program that it offers or provides on that day. 2005, c. 28, Sched. L, s. 58 (1).

**Same**

(2) Any bond provided by a private career college that has been declared forfeit before this section comes into force remains in effect in accordance with the terms and for the purposes specified under *Private Career Colleges Act*, as it read immediately before its repeal. 2005, c. 28, Sched. L, s. 58 (2).

**Same**

(3) A contract between a private career college and a student entered into before this section comes into force remains in effect. 2005, c. 28, Sched. L, s. 58 (3).

**59** OMITTED (AMENDS OR REPEALS OTHER ACTS). 2005, c. 28, Sched. L, s. 59.

**60** OMITTED (AMENDS OR REPEALS OTHER ACTS). 2005, c. 28, Sched. L, s. 60.

**61** OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 2005, c. 28, Sched. L, s. 61.

**62** OMITTED (ENACTS SHORT TITLE OF THIS ACT). 2005, c. 28, Sched. L, s. 62.

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[Back to top](#)