



BYLAWS

PRIVATE CAREER TRAINING INSTITUTIONS AGENCY

Under s. 6 of the Private Career Training Institutions Act (PCTI Act), the board establishes the Bylaws of the Agency. Under s. 6 (4) of the PCTI Act the minister may order the board to amend or repeal a bylaw to make a new bylaw. In addition to the Ministerial Orders noted in these bylaws, the minister amended Bylaws 17.5.7, 17.5.10, 24.1, 27.5, 27.9, 27.10, 35.1.6, 35.16, 35.23, 46.4.3, 46.4.4, 46.4.5 and 46.4.6 to delete the reference to “career” or “career training”.

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PART A. INTERPRETATION

1. DEFINITIONS

1.1. In these Bylaws:

“Agency” means the Private Career Training Institutions Agency (PCTIA) as described in the relevant sections of the *Private Career Training Institutions Act* of the Province of British Columbia from time to time in force and all amendments to it.

“Board” means the Private Career Training Institutions Agency Board as described in the relevant sections of the *Private Career Training Institutions Act* of the Province of British Columbia from time to time in force and all amendments to it.

“Institution in Good Standing” means an institution that has not, during a specified period, been subject to a suspension or cancellation under Section 8(4) or 9(2) of the PCTI Act.

“PCTI Act” means the *Private Career Training Institutions Act* of the Province of British Columbia from time to time in force and all amendments to it.

“Registrar” means the Registrar appointed under Section 5(5) of the *Private Career Training Institutions Act*.

“Regulation” means the Regulation established under the *Private Career Training Institutions Act*.

“Short duration program” means a program where the tuition charged or duration of the training does not meet the thresholds provided in Section 3 of the Regulation.

“Unearned tuition” means that portion of a student’s tuition payment to an institution that represents payment to any part of a program of training or instruction not yet completed adjusted on a monthly basis.

1.2. The definitions in the *PCTI Act* shall be the definitions for the purposes of these Bylaws.

PART B: FORMALITIES

2. FORMALITIES

- 2.1. All letters of appeal or time-sensitive information requested by the Agency or the Registrar must be delivered to the Agency by registered mail or courier.
- 2.2. The execution of documents required to be in writing shall be in accordance with the *PCTI Act*. Documents of the Agency shall be properly executed if witnessed by the signatures of the Chairperson of the Board or as otherwise directed by the Board.
- 2.3. The Board shall ensure that all necessary books and records of the Agency required under these Bylaws or any applicable statute of law are regularly and properly kept. Such books and records shall be kept in the custody of the Registrar. Access shall be determined from time to time, according to Agency policy.

PART C: THE BOARD

3. BOARD COMPOSITION

- 3.1. Following the appointment of an initial Board by the Minister as per Section 4(1) of the Act, the Agency shall elect four Board Members who shall serve three-year terms commencing October 1, 2006, and three Board Members who shall serve three year terms commencing April 2, 2009. Following the resignation of a Board Member the Agency shall elect four Board Members who shall serve two year terms commencing April 2, 2012 and three Board Members who shall serve three year terms commencing October 1, 2012. Thereafter, elections for the Board will be held at 18 month intervals.
- 3.2. The Board shall consist of 10 members in total. Pursuant to Section 4(2)(b) of the *PCTI Act*, three Board Members shall be appointed by the Minister. The remaining seven Board Members shall be elected based on region and the number of seats per region shall be representative of the geographical distribution of registered institutions as follows:
 - 3.2.1. Five elected Board Members representing institutions whose main campuses are located in the Lower Mainland region¹; and
 - 3.2.2. Two elected Board Members representing institutions whose main campuses are located elsewhere in British Columbia.
- 3.3. Board Member positions are designated regionally and the number of seats per region is relative to the total number of registered institutions.

4. TERMS OF OFFICE

- 4.1. Except for those Board Members elected and whose terms begin on April 2, 2012 and end on March 31, 2014, each elected Board Member term will be three years.
- 4.2. No elected Board Member shall be eligible to serve for more than two consecutive terms.

¹ Metro Vancouver and Fraser Valley

5. NOMINATIONS FOR BOARD ELECTIONS

NOMINATING COMMITTEE

- 5.1. The Board shall establish a Nominating Committee for the purpose of recruiting, identifying, evaluating and nominating candidates for election to the Board. The Nominating Committee shall consist of three members appointed by the Board Chairperson from among those Board Members whose positions are not up for election. In addition, the Registrar shall be an ex-officio member of the Nominating Committee.
- 5.2. The members of the Nominating Committee shall select a Chairperson from among the three committee members.
- 5.3. Two voting members of the Nominating Committee shall constitute a quorum.
- 5.4. Members of the Nominating Committee shall be permitted to participate and vote by teleconferencing.
- 5.5. Meetings of the Nominating Committee shall be held *in-camera*. The Chairperson of the Nominating Committee may invite other persons to attend *in-camera* meetings.

NOMINATION PROCESS

- 5.6. The Nominating Committee will consider candidates for election to the Board. In considering candidates, the Nominating Committee will ensure that the collective mix of skills and experience of the nominees supports the Board's ability to govern the Agency and to meet government, consumer, and industry needs. **Ministerial Order (October 2007)**
- 5.7. The Nominating Committee shall prepare a list of nominees who are eligible for election to the Board. In preparing the list of nominees, the Nominating Committee shall consider a variety of factors including:
 - 5.7.1. A candidate's overall competence, his or her knowledge and experience in the industry, as well as the skills and the value he or she could bring to the business of the Agency, including his or her financial expertise, legal expertise, marketing expertise, partnership development experience, or previous board experience; **Ministerial Order (October 2007)**
 - 5.7.2. Regional representation on the Board; and
 - 5.7.3. A mix of institutions as regards a mix of registered and accredited institutions, and as regards size of institution and type of programming. **Ministerial Order (October 2007)**
- 5.8. A Nominee to the Board must be an owner or employee of an institution whose registration and/or accreditation has been in Good Standing for the previous two years.

- 5.9. A registered institution is permitted to recommend only one candidate for consideration by the Nominating Committee. To recommend an individual for consideration by the Nominating Committee, the registered institution must submit the name of the candidate to the Registrar, together with biographical information and background material sufficient for the Nominating Committee to evaluate the nominee.
- 5.10. A candidate recommended for election must be an owner or an employee of a registered institution, but not necessarily of the registered institution nominating the person.
- 5.11. No more than one owner or employee of any registered institution may serve on the Board at any given time.

6. ELECTION PROCESS

- 6.1. All registered institutions in Good Standing at the time of the election are eligible to participate in the election of the Board.
- 6.2. The Agency shall communicate with each registered institution regarding elections through the institution's designated voting representative as identified by the institution. All election information shall be posted on the Agency's website.
- 6.3. Each registered institution, through its designated voting representative, is eligible to submit a single ballot, and may cast a vote for as many seats as are open in both regions. In order to submit a ballot, registered institutions must have provided the Agency with the name and email address for their designated voting representative.
- 6.4. The scrutineers for an election are:
 - 6.4.1. The Registrar or a delegate of the Registrar; and
 - 6.4.2. The auditor appointed by the Agency or a delegate of the auditor.
- 6.5. Within seven days of the election date, the scrutineers must scrutinize the ballots and count the votes.
- 6.6. The Registrar must make a record setting out:
 - 6.6.1. The number of ballots received;
 - 6.6.2. The number of votes counted for each nomination; and
 - 6.6.3. The number of spoiled ballots. (the "Record")
- 6.7. On the completion of the ballot count, the scrutineers must sign the Record.
- 6.8. In cases where more than one regional Board Member is to be elected, the nominees receiving the highest number of votes will be declared elected.
- 6.9. If an election for a position is undecided by reason of an equality of votes:

- 6.9.1. The scrutineers must promptly put into a box one paper for each nominee whose election is undecided;
 - 6.9.2. One of the scrutineers must draw from the box, in the presence of the other scrutineer, one or more of the papers sufficient to make up the required number of Board Members; and
 - 6.9.3. The Registrar must declare as elected the nominee(s) whose names are drawn.
- 6.10. The ballots and, if applicable, the envelopes in which they were sent must be kept by the Agency for four weeks after the date of the election.
 - 6.11. Unless there is a court order in relation to the election, the Registrar must destroy the ballots and envelopes at the end of this time period.
 - 6.12. The Registrar must retain the Record of the ballot count as part of the records of the Agency.
 - 6.13. Any irregularities in the election, including the inadvertent omission to deliver a notice of nomination of candidates, nomination form or a ballot to any voting representative does not invalidate an election.
 - 6.14. If there is only one nominee for a regional vacancy, balloting will be dispensed with and the nominee will be declared elected by acclamation.
 - 6.15. Those persons declared to be elected Board Members take office at the next Board meeting.
 - 6.16. Where necessary to fill a vacancy during the period between an election and the next Board meeting those persons declared to be elected may serve as Interim Board Members at the discretion of the Board.
 - 6.17. Interim Board Members appointed in accordance with Section 6.16 of these Bylaws will have the full powers of elected Board Members.

7. ELECTION OF BOARD OFFICERS

- 7.1. The officers of the Board will include a Chairperson and a Vice-Chairperson, elected for one-year terms.
- 7.2. The election of officers will occur at the inaugural Board meeting following each election.
- 7.3. The Registrar will call the inaugural Board meeting to order and call for nominations for the position of Chairperson. When the Chairperson of the Board has been elected, he or she will take the Chair and accept nominations for the position of Vice-Chairperson.
- 7.4. If the Chairperson has not been re-elected, the Board may appoint an Interim-Chairperson from the current Board members to serve during the period between the election and the first Board meeting following the election.

- 7.5. If the Vice-Chairperson has not been re-elected, the Chairperson or Interim-Chairperson may appoint an Interim-Vice-Chairperson to serve during the period between the election and the first Board meeting following the election.

8. BOARD COMMITTEES

- 8.1. The Board shall have the following standing committees:
 - 8.1.1. Finance and Student Training Completion Fund Committee;
 - 8.1.2. Bylaw, Policy and Quality Assurance Committee; and
 - 8.1.3. Student Complaints Committee.
- 8.2. The Board shall establish additional committees as may be required from time to time.
- 8.3. The Student Complaints Committee will have at least one member who is not an employee or owner of a registered institution.

9. CONFLICT OF INTEREST

- 9.1. Every Board Member should avoid any situation in which there is, or may appear to be, a potential conflict of interest which could interfere with the Board Member's judgment in making decisions in the Agency's best interest.
- 9.2. Every Board Member who has, or could be perceived as having, a financial or personal interest in any matter coming before the Board or a committee shall, forthwith, disclose to the Board the nature of the interest.
- 9.3. After disclosing the conflict, the Board Member:
 - 9.3.1. Should not take part in the discussion of the matter or vote on any questions in respect of the matter although the Board Member may be counted in the quorum present at the Board meeting;
 - 9.3.2. If the meeting is public, may remain in the room, but shall not take part in that portion of the meeting during which the matter giving rise to the conflict is under discussion, and shall leave the room prior to any vote on the matter giving rise to the conflict;
 - 9.3.3. Should, if the meeting is *in-camera*, immediately leave the meeting and not return until all discussion and voting with respect to the matter giving rise to the conflict is completed; and
 - 9.3.4. Should not attempt, in any way or at any time, to influence the discussion or the voting of the Board or committee.
- 9.4. A sufficient disclosure of interest for the purpose of the section above shall be a notice to the Board Chairperson included in the minutes of a meeting of the Board.

- 9.5. A Board Member should not request and shall not be provided access to information on any institution beyond that which is available to the public on the Agency's website.
- 9.6. These provisions regarding conflict of interest apply to the Board and all committees of the Board.
- 9.7. Any Board Member may request a determination by the Board as to whether he or she has a conflict of interest. If the Board, by a majority of those present and entitled to vote (except, for these purposes, the Board Member making the request) determines there is no conflict, then the Board Member may vote and no disclosure pursuant to a conflict shall be required. If the Board, as constituted as aforesaid, determines there is a conflict of interest, then the Board Member shall comply with this Bylaw.

10. RESIGNATION OR REMOVAL OF A BOARD MEMBER

- 10.1. A Board Member may resign upon giving written notice, addressed and delivered to the Chairperson, with a copy to the Registrar.
- 10.2. A Board Member who ceases to own or be an employee of a registered institution shall cease to be a Board Member.
- 10.3. A Board Member who owns or is an employee of a registered institution which ceases to be in Good Standing with the Agency or ceases to be a registered institution shall cease to be a Board Member.
- 10.4. A Board Member who fails to attend two consecutive Board meetings without offering in writing good and valid reasons acceptable to the majority of the Board shall cease to be a Board Member.
- 10.5. An elected Board Member may be removed from office at any time by a special resolution of the members of the Board passed by a two-thirds majority vote of members present in person or by proxy and entitled to vote, provided that:
 - 10.5.1. A notice of special resolution for removal shall be provided to the Board Members, accompanied by a brief statement of the reason or reasons for the proposed removal; and
 - 10.5.2. The Board Member who is the subject of the proposed resolution for removal shall be given an opportunity to be heard at the meeting before the special resolution is put to a vote.
- 10.6. Vacancies on the Board resulting from the resignation or removal of an elected Board Member will normally be filled at the next regularly scheduled election, although a by-election to fill one or more vacancies may be called for at the discretion of the Board.
- 10.7. Any by-election will be conducted in the same manner as an ordinary election as set out in Section 6 of these Bylaws.

11. MEETINGS OF THE BOARD

- 11.1. Regular meetings of the Board will be held at least five times per year.
- 11.2. The meetings of the Board and its committees shall be governed by the *PCTI Act* and the relevant sections of these Bylaws. Where the *Act* and Bylaws are silent, the latest edition of Robert's Rules of Order shall govern.
- 11.3. A quorum for Board meetings shall be a majority of current members of the Board.
- 11.4. A quorum for committee meetings shall be a majority of current members of that committee.
- 11.5. If 30 minutes after the time appointed for the meeting of the Board there shall be no quorum present, then the meeting shall stand adjourned to a date fixed by the Chairperson. The names of the Board Members present after 30 minutes shall be recorded.
- 11.6. At all meetings of the Board, only Board Members may move, second, or vote on any motion.
- 11.7. A resolution of the Board may be passed in person at the Board meeting or by electronic means, provided a majority support of the Board is received.
- 11.8. Meetings of the Board, unless *in-camera*, are open to the public. The following matters shall be considered at *in-camera* meetings, unless otherwise directed by the Board:
 - 11.8.1. Student complaints;
 - 11.8.2. Payments from the Student Training Completion Fund;
 - 11.8.3. The conduct, discipline, suspension, appeal and all other matters relating to specific registered institutions;
 - 11.8.4. Matters relating to the acquisition, disposition, or security of real property, where it is in the interest of the Board to maintain confidentiality or protect the privacy of a registered institution or individual;
 - 11.8.5. Matters of a contractual or financial nature where it is in the interest of the Board to maintain confidentiality;
 - 11.8.6. Personnel matters relating to salaries, conditions of employment, or discipline; and
 - 11.8.7. Matters pertaining to Board liability and legal opinions respecting the liability or interest of the Board.
- 11.9. Public Board meeting agendas will be posted on the Agency's website, seven days prior to the meeting.
- 11.10. Minutes of public meetings, as approved by the Board, will be posted on the Agency's website.

12. APPOINTMENT OF AN AUDITOR

- 12.1. Pursuant to Section 5(3) of the *PCTI Act*, the Board shall appoint an auditor qualified under Section 205 of the *Business Corporations Act*.
- 12.2. Within 90 days of the end of the fiscal year of the Agency, the Board shall submit to the Minister in a form approved by the Minister, a financial report of the operation of the Student Training Completion Fund as of the end of the preceding fiscal year prepared by the appointed auditor.

13. CROWN CORPORATION REPORTING

- 13.1. Within 90 calendar days of the end of the fiscal year of the Agency, the Board must submit to the Minister, and post on the Agency website, an Annual Report which provides information related to the business of the Agency during that year. ***Ministerial Order (October 2007)***
- 13.2. With 90 calendar days of the end of the fiscal year of the Agency, the Board must submit to the Minister, and post on the Agency website, a Strategic Plan for the upcoming year. ***Ministerial Order (October 2007)***

PART D: REGISTRATION

14. REQUIREMENT TO REGISTER

- 14.1. As per Section 7(1) of the *PCTI Act*, a person must not provide or offer to provide career training unless the person is a registered institution. "Career training" means training or instruction in the skill and knowledge required for employment in an occupation defined in the Regulation for which:
- 14.1.1. The tuition charged for the program is greater than or equal to \$1,000; and
 - 14.1.2. The time devoted to training or instruction by the program is greater than or equal to 40 hours.
- 14.2. If an institution is required to register because it plans to offer or to deliver one or more career training programs that exceed the time and cost thresholds set out in the Regulation, then all of its career-related training and instruction, regardless of its cost or duration comes under the regulatory scope of the Agency.
- 14.3. An institution that is not required to register under Section 7(1) of the *PCTI Act* may voluntarily register under Section 8(2) of the *PCTI Act*. **Ministerial Order (March 2014)**

15. REGISTRATION BASIC EDUCATION STANDARDS

- 15.1. By applying for and receiving registration, an institution, including an institution that has voluntarily registered with the Agency pursuant to Section 8(2) of the *PCTI Act*, accepts the obligation to demonstrate continuous compliance with all requirements of registration. **Ministerial Order (March 2014)**

16. MAIN CAMPUS AND OTHER LOCATIONS

- 16.1. A main campus is the primary location of an institution to be registered with the Agency. This campus is required to fulfill all applicable registration requirements.
- 16.2. A branch campus is any location of an institution, other than the main, under the same corporate structure as the main campus, that:
- 16.2.1. Is permanent in nature;
 - 16.2.2. Has a separate student body;
 - 16.2.3. Has a resident administration;
 - 16.2.4. Offers a full program leading to a certificate or a diploma; and
 - 16.2.5. Is geographically separate from the main campus such that students may not easily avail themselves of the educational and administrative services of the main campus.
- 16.3. A branch campus may offer programs different from those offered at the main campus. A branch should have a significant amount of responsibility for administrative control, academic

affairs, and student and financial services to respond to student needs on a day-to-day basis but should depend on the main campus for general management and academic and budgetary guidance.

- 16.4. A learning site is a location adjacent to a main or branch campus where educational services are conducted. The geographical location of the learning site is set up in such a way that students can easily avail themselves of the educational and administrative services of a main or branch campus.
- 16.5. A satellite is a site geographically separate from a main or branch campus that is used for the delivery of courses or programs for no more than 24 continuous months but does not provide the educational and administrative services of a main or branch campus.

17. NEW APPLICATION FOR REGISTRATION

PARTICIPATION IN WORKSHOP

- 17.1. The institution's owner, Senior Educational Administrator, or appropriate management team representative(s) must participate in an Agency registration workshop within six months prior to submitting an application for registration.

REQUIRED INFORMATION

- 17.2. After participating in a registration workshop, an institution may submit an application for registration.
- 17.3. The Agency will provide to each applicant for registration an information package which will include written notice that a list of registered institutions seeking accreditation will be posted and maintained on the Agency's website and that notice of all suspensions and cancellations of the registration or accreditation of the institution, including notice or any outstanding applications for reconsideration or appeal, will be published on the Agency's website for a period of five years following such suspension or cancellation. **Ministerial Order (October 2007)**
- 17.4. An application for registration must be submitted to the Registrar within 6 months after workshop participation. The application package must include:
 - 17.4.1. All application forms, completed as required;
 - 17.4.2. All required attachments; and
 - 17.4.3. The non-refundable registration application fee(s.)
- 17.5. Institutions must provide the following to the Agency in their application for registration:
 - 17.5.1. Legal and operating names of the institution;

- 17.5.2. Legal status of institution² along with the following information:
- 17.5.2.1. Sole proprietorships or partnerships must provide evidence of registration with the Registrar of Companies;
 - 17.5.2.2. Incorporated institutions must provide copies of the securities register and directors register, incorporating documents and Certificate of Good Standing;
 - 17.5.2.3. Partnerships or franchise owners must submit a signed copy of the partnership or franchise agreement; and
 - 17.5.2.4. Societies must provide their constitution documents and a current list of their Board of Directors.
- 17.5.3. Addresses for the head office, the main campus and all other operating sites, categorized as main, branch, learning site and satellite as defined in the Bylaws;
- 17.5.4. Telephone, facsimile, and email contact information as well as website addresses for all campuses and other operating sites;
- 17.5.5. Names and personal contact information including addresses, email, telephone of all principals, shareholders, or owners;
- 17.5.6. Name and qualifications of the Senior Educational Administrator and/or administrative officer;
- 17.5.7. Declaration as to whether or not any of the principals, majority shareholders, owners or officers of the institution have previously been involved in bankruptcy proceedings or litigation related to, or the closure of, an institution in any jurisdiction; **Ministerial Order (March 2014)**
- 17.5.8. Copy of current business license or copy of the application for a business license;
- 17.5.9. Balance sheet and pro-forma budget for the next fiscal year, indicating the start and end dates for the institution's fiscal year or, in the case of already operating institutions, financial statements as described in Bylaw 45, prepared by a licensed, independent accountant, for the most recent fiscal year with tuition revenue identified (if applicable), year-to-date financial statements and a cash flow projection for 12 months beginning at the date of application to the Agency; **Ministerial Order (March 2014)**
- 17.5.10. Copies of program application forms and required attachments as provided by the Agency for each program offering, with tuition expressed in Canadian dollars; **Ministerial Order (March 2014)**
- 17.5.11. Sample copy of student enrolment contract conforming with these Bylaws;
- 17.5.12. Registration application fees;

² sole proprietor, partnership, society, corporation

- 17.5.13. Copy of a signed contract between the institution and a vendor acceptable to the Agency, confirming that the vendor will provide secure off-site storage and access to the files for a period of 55 years after they have been stored with the vendor;
- 17.5.14. Evidence from the institution's insurer that the institution carries insurance to protect their facilities, officers and employees against claims related to accidents and personal injuries that are suffered while attending the institution. This includes accidents that may occur off-campus, for instance at site placements, if attendance at such places is required as part of a vocational program;
- 17.5.15. Evidence from the institution's insurer that the institution has purchased liability insurance to protect work-sites against claims due to accidents incurred by students while attending a work-experience placement;
- 17.5.16. Banking information for the institution's primary operating account;
- 17.5.17. Confirmation that the applicant has read the *Private Career Training Institutions Act*, Regulation and Bylaws and agrees to comply with all terms and conditions set out therein; and
- 17.5.18. Legal signature or electronic facsimile.

SITE VISIT

- 17.6. Institutions applying for registration must provide an opportunity for one or more representatives appointed by the Agency to make a site visit.

REQUESTS FOR ADDITIONAL INFORMATION

- 17.7. The Agency may request any additional information necessary to enable the Registrar to review an application for registration or renewal of registration, and the applicant or registered institution must provide the information requested.

EXPIRY OF APPLICATION FOR REGISTRATION

- 17.8. Applications for registration will expire six months from the original date of application if the institution has not yet successfully completed the requirements for registration. In the event an application for registration expires, the registration application fees shall not be refunded. An extension may be granted at the discretion of the Registrar.

REAPPLYING FOR REGISTRATION

- 17.9. Persons whose applications for registration have expired, been refused or whose registration has been cancelled may not reapply for registration for a period of at least 12 months.

DENIAL OF REGISTRATION

- 17.10. The Registrar may refuse to register or to renew the registration of an institution if the Registrar considers this to be in the public interest in light of the financial standing of the institution, or the past conduct of the institution, its officers or employees.

PART E: ACCREDITATION

18. ELIGIBILITY FOR ACCREDITATION

- 18.1. Before the Agency will accept an institution's application for accreditation, the institution must demonstrate that it has meets the following eligibility criteria:
- 18.1.1. The institution must have actively operated in Good Standing as a registered institution for a period of a year or more in British Columbia, or for a similar period of time as a government-regulated institution in another province or territory in Canada or the United States.
 - 18.1.2. At the time of application, the institution must have been training students continuously (except for regularly scheduled breaks and vacation periods) for the preceding year;
 - 18.1.3. The institution must have a sufficient number of students enrolled in each program and a sufficient number of graduates from a majority of its programs to enable the Agency to assess the educational effectiveness of those programs; and
 - 18.1.4. The institution must be financially stable with sufficient resources for its proper operation and for the discharge of its obligations to students.
 - 18.1.5. Notwithstanding 18.1.1, an institution not required to register under the *PCTI Act*, but which has demonstrated continuous operation for one year, may apply for accreditation at any time after the registration providing it meets all other eligibility criteria referenced in 18.1. ***Ministerial Order (March 2014)***
- 18.2. Where an institution's programs or any other aspect of its operations are accredited, approved or licensed by a recognized organization , it may apply in writing to the Registrar for consideration as having met a substantial portion of the Agency's Basic Education Standards and/or Accreditation Standards of Quality. The application must include satisfactory evidence these standards are met by virtue of the accreditation/approval/licensing. Approval may be granted and rescinded at the Registrar's discretion.
- 18.3. Where the Registrar has made such determination, fees for registration and/or accreditation applications or reviews, as listed in Bylaws 46.4.1, 46.4.2 and 46.4.12, may be reduced to reflect the cost savings realized by the Agency.

19. ACCREDITATION STANDARDS OF QUALITY

- 19.1. One of the objects of the Agency is to establish Standards of Quality that must be met by accredited institutions. Each institution accepts responsibility for monitoring and reviewing its own effectiveness and improvement against the Standards of Quality.
- 19.2. The Standards of Quality focus on evaluating the effectiveness and the continuous improvement of the institution relative to its own objectives and indicators and best provincial, national and international practice.

- 19.3. Each institution is responsible for the quality of its own education provision. Each institution must therefore develop its own approach to quality management, and be able to demonstrate that its processes are appropriate and effective.
- 19.4. The Standards of Quality seek to define, in broad functional terms, the standards against which accredited institutions operate (**Ministerial Order (March 2014)**). They are designed to be enabling rather than prescriptive. Wherever possible, they do not describe processes, but rather identify areas where quality must be addressed in a consistent manner. Institutions are expected to develop their own quality policies and processes to meet these standards.

20. NEW APPLICATION FOR ACCREDITATION

GENERAL

- 20.1. Participation in the process of accreditation is voluntary on the part of a registered institution. By applying for and receiving accreditation, an institution accepts the obligation to demonstrate continuous compliance with the Agency's Standards of Quality for accredited institutions, for continually striving to improve itself, and for meeting or exceeding a series of continuous improvement measures. In addition to meeting or exceeding the Standards of Quality, accredited institutions must continue to meet the requirements of a registered institution.

PARTICIPATION IN WORKSHOP

- 20.2. The institution's Senior Educational Administrator or appropriate management team representative(s) must participate in an Agency accreditation workshop within six months prior to submitting an application for accreditation.

REQUIRED INFORMATION

- 20.3. After participating in an accreditation workshop, an institution may submit an application for accreditation by completing the required form. The application package must include:
- 20.3.1. All application forms, completed as required;
 - 20.3.2. All required attachments; and
 - 20.3.3. The non-refundable accreditation application fee(s).
- 20.4. The Agency will publish and maintain on the Agency's website a list of registered institutions which are seeking accreditation. **Ministerial Order (October 2007)**

SITE VISIT

- 20.5. Institutions seeking accreditation will be required to undergo an on-site inspection as part of the accreditation process.

DENIAL, EXPIRY OR WITHDRAWAL OF APPLICATION FOR ACCREDITATION

- 20.6. If, as a result of the on-site inspection the institution is found not to be in compliance with the Act, the Regulation or the Bylaws, or if additional conditions of registration are assigned, the application for accreditation may be denied.
- 20.7. An institution may withdraw an application for accreditation at any point in the process. The withdrawal request must be in writing and sent to the attention of the Registrar. Fees associated with the application are non-refundable. Expenses incurred by the Agency as a result of the cancellation of a scheduled on-site evaluation will be borne by the institution.
- 20.8. An application for accreditation will expire one year from the original date of application if the institution has not yet successfully completed the requirements for accreditation. At the Registrar's discretion, the application may remain active if the institution is in the final stages of the process and the on-site visit by the accreditation team has been completed.
- 20.9. Institutions whose applications for accreditation have expired or been denied or who have withdrawn their applications, may not reapply for accreditation for a period of at least 12 months from the expiration/denial date.

21. ACCREDITATION TEAMS

- 21.1. The Agency uses a process of peer review in the accreditation of institutions. This is done through the appointment of an accreditation team which visits the institution, validates the Institutional Accreditation Report, and prepares a report assessing the institution against the Standards of Quality established by these Bylaws.
- 21.2. The Registrar may, for the purpose of granting or reviewing accreditation, appoint one or more external accreditation teams and specify the duties of those teams.
- 21.3. The Agency will obtain from each prospective participant on an accreditation team, consent to the inclusion of his or her name and affiliations on a list of participants on accreditation teams to be published on the Agency website and in the Agency's reports. Subject to those consents, the Agency will publish and maintain on the Agency's website a list of names and affiliations of individuals who have participated on accreditation teams. **Ministerial Order (October 2007)**

22. REVIEW OF ACCREDITATION

- 22.1. Accreditation will be ongoing, subject to the conditions and requirements of the *PCTI Act*, the Regulation and these Bylaws. Accredited institutions must undergo a review of accreditation using a schedule and format determined by the Registrar. An accreditation review includes:
- 22.1.1. The institution's Senior Educational Administrator, or appropriate management team representative(s), participating in an accreditation workshop within six months prior to the review date;
 - 22.1.2. Submission of an Institutional Accreditation Report; and
 - 22.1.3. Hosting an on-site accreditation team visit.
- 22.2. An accreditation team will be appointed to visit an accredited institution and conduct a rigorous evaluation at least once every 5-year period. ***Ministerial Order (October 2007)***
- 22.3. Accreditation teams may use information from the institution's various PCTIA reports, Program Advisory Committee minutes and Institutional Accreditation Report in the preparation of the team's report to the Agency.
- 22.4. The accreditation team will make a recommendation to the Registrar whether accreditation should be granted or continued.
- 22.5. A review of accreditation will be conducted within three years of initial granting of accreditation and thereafter at least once in a 5-year period.
- 22.6. Institutions whose applications for review of accreditation are denied may not reapply for accreditation for a period of at least 12 months from the expiration/denial date.

PART F: STANDARDS FOR REGISTERED AND ACCREDITED INSTITUTIONS

23. GENERAL

- 23.1. The onus rests with the registered institution to demonstrate it meets the Basic Education Standards.
- 23.2. The onus rests with the accredited institution to demonstrate it meets the Basic Education Standards and Accreditation Standards of Quality.

24. MISSION STATEMENT

BASIC EDUCATION STANDARD

- 24.1. All registered and accredited institutions must have a clearly articulated mission statement or statement of purpose. **Ministerial Order (March 2014)**
- 24.2. The mission statement must be posted in a location visible to the public.

25. FINANCIAL STABILITY

BASIC EDUCATION STANDARD

- 25.1. All applicants for registration and registered and accredited institutions must demonstrate adequate revenues and assets to meet their financial responsibilities and to ensure continuity of service to students. **Ministerial Order (March 2014)**
- 25.2. Institutions shall not transfer unearned tuition deposits out of the institution. All unearned tuition collected by registered and accredited institutions is deemed to be held in trust for students enrolled in the programs offered by the institutions. Institutions must not improperly transfer unearned tuition deposits by diverting such funds to an entity unrelated to, and not legally responsible for, the provision of training to the institution's students.

26. ORGANIZATION

BASIC EDUCATION STANDARD

- 26.1. All registered and accredited institutions must have an organizational chart identifying the names and position titles of staff and outlining the institution's reporting structure.

- 26.2. Organizational chart and job descriptions must demonstrate the appropriate assignment of authority and responsibility for instructional delivery.
- 26.3. All registered and accredited institutions must have a qualified on-site administrator at the main campus and at all branches.
- 26.4. All registered and accredited institutions must provide evidence that there is adequate administrative capacity to effectively deliver the programs offered by the institution including an appropriately qualified Senior Educational Administrator who shall have completed an instructor diploma program or its equivalent and who is responsible for maintaining programs and evaluating instructors.
- 26.5. An institution must have a fair, reasonable and effective written policy and procedure governing:
- 26.5.1. Admissions for each of its programs, appropriate to the area of training provided;
 - 26.5.2. Student attendance;
 - 26.5.3. Prior Learning Assessment and/or Credit transfer (if applicable);
 - 26.5.4. Student dispute resolution for handling students' complaints and grade appeals;
 - 26.5.5. The dismissal of students; and
 - 26.5.6. The use and disclosure of a student's personal information which complies with the British Columbia Personal Information and Protection Act.
- 26.6. An institution must demonstrate that, prior to entering into any contract with a student such as a Letter of Acceptance or a student enrolment contract, the student has been provided with copies of its:
- 26.6.1. Tuition and Fee Refund Policy;
 - 26.6.2. Dispute Resolution / Grade Appeal Policy;
 - 26.6.3. Withdrawal Policy;
 - 26.6.4. Dismissal Policy;
 - 26.6.5. Admissions Policy;
 - 26.6.6. Work Experience Policy (if applicable);
 - 26.6.7. Prior Learning Assessment Policy (if applicable);
 - 26.6.8. Language Proficiency Assessment Policy (if applicable);
 - 26.6.9. Credit Transfer Policy (if applicable);
 - 26.6.10. Attendance Policy; and
 - 26.6.11. Program Outline.
- Ministerial Order (March 2014)***
- 26.7. An institution providing short duration programs must demonstrate that, prior to entering into any contract with a student such as a Letter of Acceptance or student enrolment contract, the student has been provided with information on how to access copies of the institution's:
- 26.7.1. Tuition and Fee Refund Policy;
 - 26.7.2. Dispute Resolution/Grade Appeal Policy;
 - 26.7.3. Withdrawal Policy;
 - 26.7.4. Dismissal Policy;

- 26.7.5. Admissions Policy;
- 26.7.6. Language Proficiency Assessment Policy;
- 26.7.7. Attendance Policy; and
- 26.7.8. Program Outline.

Ministerial Order (March 2014)

- 26.8. In addition to the policies noted above, all registered and accredited institutions must create and use a Safety Policy that demonstrates a commitment to ensuring a safe environment for student, instructors and employees.
- 26.9. If the program of study includes a practicum, preceptorship, clinical placement or co-op education component, an institution must have a Work Experience Policy, and must provide a copy to students whose programs include any of these components.
- 26.10. All registered and accredited institutions must operate within the legislative and regulatory framework of the Act, the Regulation and the Bylaws, as well as all other applicable federal, provincial and municipal enactments and bylaws.

ACCREDITATION STANDARD OF QUALITY

- 26.11. In addition to meeting the Basic Education Standards, accredited institutions must demonstrate the following Standards of Quality:
 - 26.11.1. Appropriate, documented policies and evidence of their effective application;
 - 26.11.2. Version and document control of all its policies, procedures, contracts, agreements and publications;
 - 26.11.3. Program Advisory Committee recommendations and recommendations resulting from accreditation reviews are given due consideration; and
 - 26.11.4. Requirements set as a result of accreditation or other reviews are implemented within established timelines.

27. RECORDS

BASIC EDUCATION STANDARD

- 27.1. All registered and accredited institutions must maintain the following on-site:
 - 27.1.1. A record for a current student that includes:
 - 27.1.1.1. Student enrolment contract(s) compliant with these Bylaws;
 - 27.1.1.2. Evidence of the student having met all admission requirements and, if applicable, entrance examinations;
 - 27.1.1.3. Financial records including payment and refund records;
 - 27.1.1.4. Attendance records;

- 27.1.1.5. Documentation of any disputes, grade appeals, or dismissal;
 - 27.1.1.6. Copies of valid study permits and/or other documents where required for international students; and
 - 27.1.1.7. Practicum/work placement information.
- 27.1.2. Complete human resource records of its regular instructors including evidence of qualifications of all educational staff (resumes and up-to-date copies of credentials);
 - 27.1.3. A file of all written complaints received by the institution, including resolutions; and
 - 27.1.4. All materials related to advertisements pursuant to Section 34.7.
- 27.2. Student files must be maintained in a secure storage medium in a secure location.
- 27.3. Current student files maintained in a digital format must be backed up, minimally on a monthly basis, in a format independent of proprietary software (e.g. PDF, RTF, TXT) and a copy kept off site in a secure location.
- 27.4. Upon school closure and/or cancellation, all student records will be transferred to the Agency.
- 27.5. An institution must maintain full student records for a minimum of seven years that are accessible to the Agency upon request. These must include the enrolment contract, results of any entrance examinations, evidence of having met admission requirements, the student's transcripts, and financial records including payment records, any refund, student dispute and/or dismissal information and a copy of any study permits where applicable. **Ministerial Order (March 2014)**
- 27.6. A full student record is not required for students registering in a short duration program. Rather, the following must be kept for the duration of the program and 8 months beyond:
- 27.6.1. A student enrolment contract compliant with these Bylaws;
 - 27.6.2. Financial records including payment and refund records; and
 - 27.6.3. Documentation of any disputes, grade appeals, or dismissal.
- 27.7. Student records for short duration programs are not required to be archived following the completion of the program.
- 27.8. Upon request, copies of student records should be made available to current and former students at a fair and reasonable cost.
- 27.9. All registered and accredited institutions must be able to provide a copy of a signed contract with a vendor acceptable to the Agency, providing secure redundant off-site storage of the institution's student records for students in full programs, which shall be available to the institution and to the Agency, for a period of 55 years from the date of submission to the vendor. **Ministerial Order (March 2014)**
- 27.10. The student record must include, at a minimum, the student's enrolment contract, a transcript and if issued, a copy of the certificate or diploma. The student record must be stored with the vendor within 60 days of the completion of a student's full program of study or the withdrawal or dismissal of the student. **Ministerial Order (March 2014)**

- 27.11. The archived student record stored with a vendor must, minimally, include the student's name and Personal Education Number, if available, in the title of the record.
- 27.12. For multi-year programs, the stored record must contain a copy of the current transcript and student contract for each program year. Upon completion of a multi-year program, the stored record must also include a copy of the certificate or diploma, if issued.

28. ACADEMIC POLICIES AND STUDENT SERVICES

BASIC EDUCATION STANDARD

- 28.1. All registered and accredited institutions must ensure that:
 - 28.1.1. Prospective and continuing students receive accurate information regarding their programs;
 - 28.1.2. Admission policies and criteria are well publicized and applied consistently;
 - 28.1.3. Any person engaged in admissions or recruitment activities on its behalf is communicating current and accurate information regarding courses and programs, services, tuition, terms and operating policies;
 - 28.1.4. Representatives use only those titles which accurately reflect their actual duties and responsibilities. Recruitment and enrolment personnel may not be designated as counselors;
 - 28.1.5. There are meaningful written student assessment/evaluations at regular intervals throughout the program and at least once prior to the withdrawal date at which students are still eligible for a partial tuition fee refund;
 - 28.1.6. The grading system is easily understandable; and
 - 28.1.7. Students receive accurate and timely feedback on their learning progress.
- 28.2. Minimum program admission requirements as approved by the Agency may not be waived by either the institution or the student.

ACCREDITATION STANDARD OF QUALITY

- 28.3. In addition to meeting the Basic Education Standards, accredited institutions must demonstrate the following Standards of Quality:
 - 28.3.1. Prospective and continuing students receive guidance to assist with making informed decisions on their program of study;
 - 28.3.2. Entry assessment tools and admission requirements ensure students have the required language competencies, and the basic knowledge, skills, and abilities to achieve program outcomes; **Ministerial Order (March 2014)**
 - 28.3.3. Systems are in place for ensuring assessment of learning outcomes are fair, valid, and consistently applied;
 - 28.3.4. Evidence that appropriate resources are in place to support student retention and success; and

- 28.3.5. Grading system is consistently and fairly applied and useful to students, other post-secondary institutions and employers.

29. INSTRUCTORS

BASIC EDUCATION STANDARD

- 29.1. All registered and accredited institutions must demonstrate to the Agency that they have a sufficient number of qualified instructors to provide appropriate instructional services to each student.
- 29.2. Instructors must be appropriately qualified³ to teach the subject matter assigned.
- 29.3. The institution has clear, consistent procedures to evaluate instructor's performance.
- 29.4. The minimum requirements for full- and part-time instructors teaching in the subject areas below are as follows:
- 29.4.1. A bachelor's degree in the assigned academic subject area is required for instructors teaching general education and other academic courses that are part of a career-training program.
- 29.4.2. For career programs, a degree/diploma/certificate related to the field of study supplemented by 24 months of full-time occupational experience in the field of study or 10 years of demonstrated experience in the field of study.
- 29.4.3. For language programs:
- (a) a bachelor's degree and a credential demonstrating specialist training in language instruction, or
 - (b) a degree/diploma/certificate related to language instruction supplemented by 24 months of full-time occupational experience in language instruction, or
 - (c) 10 years of demonstrated full-time occupational experience in language instruction.
- Ministerial Order (March 2014)**
- 29.5. For designated or recognized trade programs, an appropriate trade qualification supplemented by 48 months of occupational experience in the field of study.
- 29.6. For all programs, institutions need to provide evidence by way of an annual performance review that all regular⁴ instructors have adequate instructional skills and any identified shortcomings or areas for

³ Education and related work experience

⁴ Regular instructors include instructors employed or contracted on a full-time basis and part-time instructors who are employed or contracted on a regular basis for more than two courses per year

development in instructional design, instructional delivery, or educational outcomes must be addressed by the institution through appropriate professional development plans.

- 29.7. Instructors not referenced in this section must demonstrate competence in the assigned field, such as academic, career or vocational training and credentials, related work experience, licensure, or certification. The burden is on the institution to demonstrate and justify the qualifications of the instructors to teach their assigned courses.

ACCREDITATION STANDARD OF QUALITY

- 29.8. In addition to meeting the Basic Education Standards, accredited institutions must demonstrate the following Standards of Quality:

- 29.8.1. Appropriate instructor development plans, based on identified needs, are implemented and outcomes are monitored to ensure effectiveness.
- 29.8.2. Standards and policies related to hiring of instructional staff provide direction to ensure they have the appropriate combination of qualifications and/or experience.

30. EDUCATIONAL PROGRAMS, OBJECTIVES, CURRICULA AND MATERIALS

BASIC EDUCATION STANDARD

- 30.1. All registered and accredited institutions must have programs with clearly stated educational objectives and offer up-to-date curriculum that are supported by appropriate instructional materials and technology.
- 30.2. All registered and accredited institutions shall demonstrate a well-organized sequence of subjects leading to an occupational objective. Required instructional components shall include:
- 30.2.1. A detailed syllabus for each course in each program;
 - 30.2.2. Well-defined instructional objectives;
 - 30.2.3. The selection and use of appropriate learning materials;
 - 30.2.4. Appropriate modes of instructional delivery;
 - 30.2.5. An appropriate length of program to enable students to achieve the program objectives and to ensure the knowledge and skills necessary for initial employment in the field for which training is provided;
 - 30.2.6. An appropriate number of lecture hours and, as applicable, the appropriate number of laboratory, shop and/or work-experience hours necessary to achieve the program objectives;
 - 30.2.7. Appropriate assessment strategies; and
 - 30.2.8. Appropriate work experiences (if applicable).
- 30.3. For institutions offering programs in which provincial or national certification, licensing or registration is mandatory (or where an industry-approved educational/training standard exists) in order to become employed in a specific career field, curricula must contain the necessary

course work to afford students the opportunity to obtain the minimum skills and competencies in order to become certified, licensed, or registered in that career field.

- 30.4. All registered and accredited institutions offering courses or programs requiring approval by the governing body of a trade or profession for entry into that trade or profession must provide evidence that, for the licensed or certified component of the curriculum, they have met the requirement, and/or have the approval or conditional approval, of that body.
- 30.5. All registered and accredited institutions must demonstrate that they have ownership or usage rights for all curriculum resources for at least the duration of the program.
- 30.6. All registered and accredited institutions which offer or apply to offer programs that are significantly shorter or longer than comparable programs will be required to justify the appropriateness of program length.
- 30.7. Program delivery undertaken in partnership with, or on behalf of or by another organization, must meet the Agency requirements.

DISTANCE EDUCATION

- 30.8. Distance education is a formal process in which instruction occurs when the student and instructor are not in the same location. All registered and accredited institutions providing distance education must:
 - 30.8.1. Ensure the quality of the programs or courses of study offered achieve the expected and acceptable outcomes, irrespective of any contractual arrangements, partnerships, or consortia entered into with third parties for the provision of components of a distance education program or course of study;
 - 30.8.2. Identify observable, measurable, and achievable student performance outcomes so that programs or courses of study offered through distance education methods can be compared to programs or courses of study with similar subject matter and objectives;
 - 30.8.3. Ensure that distance delivery is an appropriate delivery method for the program;
 - 30.8.4. Clearly outline technology requirements necessary to undertake the program prior to student enrolment;
 - 30.8.5. Provide appropriate resources and services to support student success;
 - 30.8.6. Ensure that instructors have the opportunities and means for timely and meaningful interaction with students appropriate to the learning environment;
 - 30.8.7. Engage instructors who have qualifications and the experience to teach using distance education methods;
 - 30.8.8. Have clear, consistent policies to assess instructor effectiveness in distance education programs or courses of study;
 - 30.8.9. Provide orientation to the distance education environment for students; and
 - 30.8.10. Ensure that instructors and staff respond in a timely manner to student questions and concerns, both academic and administrative.

WORK EXPERIENCE

- 30.9. If an institution's programs include any type of work experience (i.e. practicum, preceptorship, clinical placement or co-op education), all registered and accredited institutions must have obtained prior approval from the Agency. In doing so, the institution must provide its policy regarding work experience and evidence showing work experience placements are held in appropriate facilities, are clearly connected to learning outcomes, and that an acceptable process is in place for joint assessment of the student by the instructor and the employer or host organization.
- 30.10. The following definitions apply to programs that contain a practicum, preceptorship, clinical placement or co-op education work experience, and institutions are limited to using the following titles to describe work experience:
- 30.10.1. Practicum: A supervised and mandatory portion (required for graduation) of the educational program emphasizing the practical application of the previously learned theory, methods, skills, professionalism, orientation and ethics in a specialized area of study. Students must be supervised and evaluated by the employer or host organization and monitored by their instructor/institution while engaged in productive work (not merely observing).
 - 30.10.2. Preceptorship: A required (for graduation from an educational program) final work experience in which the student performs actual or other professional procedures in a real life setting under the immediate supervision of a single qualified practitioner. The qualified practitioner must agree to supervise, support and evaluate the student in an environment that is safe for both the student and clients and approved by the employer of the qualified practitioner.
 - 30.10.3. Clinical placement: A required (for graduation from an educational program) part of an educational program in a medical facility (hospital, clinic, lab, etc.) where a student performs actual clinical procedures on real patients/clients under the direct supervision of an instructor, and where the instructor/student ratio does not exceed 1:12.
 - 30.10.4. Co-op Education: A required work period within a program which includes periods of study and periods of employment in a formalized sequence.
- 30.11. Institutions seeking Agency approval of programs that include any of the types of work experience listed above must provide written evidence that a work component is required for successful completion of the course of study, as well as details of the work to be performed, and the specific number of hours per term or semester. Work experience must be an integral part of the required program of study, and must not exceed 50% of the total program of study. Additionally, the work must be performed for and evaluated (becoming part of the student's institutional record) under the supervision of a person qualified in the appropriate field and monitored by the institution for progress and performance.

ACCREDITATION STANDARD OF QUALITY

- 30.12. In addition to meeting the Basic Education Standards, accredited institutions must demonstrate the following Standards of Quality:
- 30.12.1. An educationally sound, effective process is used for the development, approval, and review of programs and courses associated with the institution.

- 30.12.2. Stakeholders that may include students, graduates, instructors, Program Advisory Committees, work experience hosts and employers, have appropriate opportunities to give feedback on programs and are involved in the development and review of programs.

31. CREDENTIALS

BASIC EDUCATION STANDARD

- 31.1. With the exception of short duration programs, all registered and accredited institutions must produce a transcript and a diploma or certificate for each registered program.
- 31.2. Credentials issued must include an evaluative component and result in transcript credit, not just a certificate of attendance.

32. FACILITIES AND INSTITUTIONAL RESOURCES

BASIC EDUCATION STANDARD

- 32.1. All registered and accredited institutions must demonstrate that the facilities are appropriate to support their program offerings and delivery methods.
- 32.2. Instructional materials are sufficiently comprehensive and reflect current occupational knowledge and practice.
- 32.3. All registered and accredited institutions must provide evidence that specialized equipment used in program delivery is appropriate for the program delivery and students have adequate access to it.
- 32.4. Instructional equipment is similar to that found in common occupational practice and includes teaching devices and supplemental instructional aides appropriate to the subject.
- 32.5. Sufficient equipment and learning stations are provided to allow each student adequate scheduled time for practice.
- 32.6. All machinery and equipment are properly maintained and provided with proper safety devices, which are in working order.
- 32.7. Effective measures are in place to meet the institution's health and safety requirements.

ACCREDITATION STANDARD OF QUALITY

- 32.8. In addition to meeting the Basic Education Standards, accredited institutions must demonstrate the following Standards of Quality:

- 32.8.1. An effective process is used to identify and allocate resources (including physical resources, equipment, laboratories, etc.) to achieve program outcomes and maintain and improve the institution's quality management.

33. CONTINUOUS IMPROVEMENT FRAMEWORK

ACCREDITATION STANDARD OF QUALITY

- 33.1. Accredited institutions must implement an evaluation process that results in continuous quality improvement.
- 33.2. Accredited institutions must collect outcome data, as determined by the Registrar, relevant to the achievement of each program's goal(s) and objectives. This data includes but is not limited to:
 - 33.2.1. Student attrition rates;
 - 33.2.2. Student graduation rates;
 - 33.2.3. Third-party professional/licensing examination results and industry or employer feedback (where available);
 - 33.2.4. Current or graduate student satisfaction surveys; and
 - 33.2.5. Graduate employment outcomes.
- 33.3. Accredited institutions must have an independent Program Advisory Committee (PAC) for each occupational program or group of related occupation programs. The role of a PAC is to assist in program improvement by identifying and suggesting requirements for new programs and reviewing and suggesting changes and revisions in existing programs thus ensuring programs meet labour market and community needs. The institution must provide evidence that PAC members have reviewed, either collectively or individually, and provided feedback on:
 - 33.3.1. Program objectives;
 - 33.3.2. Learning outcomes;
 - 33.3.3. Curriculum, content and scope;
 - 33.3.4. Learning resources;
 - 33.3.5. Adequacy and/or appropriateness of facility and equipment; and
 - 33.3.6. Adequacy and/or appropriateness of instructor minimum qualifications as set by the institution.
- 33.4. Accredited institutions must report annually to the Agency and provide evidence of systematic evaluation of the data collected including:
 - 33.4.1. PAC input and suggestions;
 - 33.4.2. Strengths and areas for improvement for each program, and
 - 33.4.3. Program-specific action plans if required.
- 33.5. Where an accredited institution fails to demonstrate an evaluation process that results in continuous improvement as described above, the Agency may rescind its approval for one or more programs.

PART G: OTHER REQUIREMENTS OF REGISTRATION

34. ADVERTISING

- 34.1. Registered and accredited institutions must not engage in advertising or make representations that are false, deceptive or misleading. Deceptive advertising includes but is not limited to an oral, written, internet or social media, visual, descriptive or other representation that has the capability, tendency or effect of deceiving or misleading.
- 34.2. Registered and accredited institutions must use the operating name under which they are registered with the Agency in all advertising.
- 34.3. Information published must be accurate and factual and reflect the current status of the institution, the services offered and/or the benefits promised.
- 34.4. An institution shall not guarantee an employment position, income or eligibility for a work permit to any student or prospective student.
- 34.5. Advertising and promotional literature must clearly indicate that training or education, and not employment, is being offered. Potentially misleading terms such as “free”, “guarantee” and “men and women wanted for...” must not be used.
- 34.6. An institution is permitted to use Agency logos as follows:
 - 34.6.1. In written, published, and internet advertising, an institution must use the PCTIA logo appropriate to its status as either a registered or an accredited institution. The PCTIA corporate logo may not be used in institutional advertisements; and
 - 34.6.2. On internet advertising, the institution must provide a hyperlink from the appropriate PCTIA logo, to the Agency’s website address.
- 34.7. An institution must maintain and make available to the Agency, upon request, all material relating to each advertisement, whether written or oral, which has been distributed or transmitted by the institution by any means including publication, radio, television or internet. Such material will include, but is not limited to:
 - 34.7.1. The text of the advertisement;
 - 34.7.2. A record of the period of time during which the advertisement was distributed or transmitted;
 - 34.7.3. A signed copy of any testimonial or endorsement referred to in the advertisement;
 - 34.7.4. Documents evidencing recognition by a regulatory body, government or other entity if such is claimed in the advertisement;
 - 34.7.5. A written statement from another post-secondary institution confirming the existence of an articulation agreement between the institution and that other institution whereby the second institution recognizes, for credit, courses provided by the institution, if such recognition is referred to in the advertisement; and
 - 34.7.6. The English translation of the text of any advertisement not distributed or transmitted in English. **Ministerial Order (October 2007)**

- 34.8. Requirements in this section apply to any third-party engaged to promote or refer to a registered institution. It is the institution's responsibility to ensure any advertising or promotion done on its behalf conforms to PCTIA advertising requirements.

35. OPERATIONAL CHANGES TO AN INSTITUTION

SUBSTANTIVE CHANGES

- 35.1. All registered and accredited institutions must receive prior approval before implementing a substantive change. In considering such applications, the Agency will determine whether the substantive change adversely affects the ability of the institution to continue to meet the Basic Education Standards and/or Accreditation Standards of Quality. The following changes constitute a substantive change:
- 35.1.1. A change in curriculum content exceeding 15%;
 - 35.1.2. An increase/decrease in the amount of time required for the successful completion of a program exceeding 15%;
 - 35.1.3. A change of ownership as defined in Section 35.4;
 - 35.1.4. A change of location;
 - 35.1.5. The addition of a location;
 - 35.1.6. The addition of a new program including a short duration program; **Ministerial Order (March 2014)**
 - 35.1.7. A significant departure in the method of delivery of the institution's programs, including distance education modalities; and
 - 35.1.8. A change of the institution's Senior Educational Administrator.
- 35.2. Failure to obtain Agency approval prior to implementing a substantive change may result in assessment of a late fee of \$500.00 and the suspension and/or cancellation of registration and/or accreditation.

NON-SUBSTANTIVE CHANGES

- 35.3. Non-substantive changes still need to be reported prior to implementation but Agency prior approval is not required:
- 35.3.1. A change of mission statement or statement of purpose
 - 35.3.2. A change of operating or legal name;
 - 35.3.3. A change in institution's contact person, web user and/or voting representative, and
 - 35.3.4. A change in Board Members for a not-for-profit organization.

CHANGE OF OWNERSHIP

- 35.4. A change of ownership is any transaction or combination of transactions that would result in a change of control of an institution. Control is the ability to direct or cause the direction of the actions of an institution. A change of ownership may include, but is not limited to:
- 35.4.1. The sale of all, or substantially all, of an institution's assets;
 - 35.4.2. The sale or assignment of the controlling interest of the voting shares of a corporation that owns the institution or that controls the institution through one or more subsidiaries, whether the sale or assignment is directed to persons who have not previously owned such shares or between existing shareholders;
 - 35.4.3. The merger or consolidation of the institution with one or more other institutions or the merger or consolidation of the corporation that owns or controls the institution with one or more other corporations; or
 - 35.4.4. An independent corporation owning a school that becomes a subsidiary of another corporation with different ownership.
- 35.5. Public Companies: The Agency recognizes that defining control of companies with shares that are publicly traded may involve other considerations. The definition of a change of ownership still applies, but in applying that definition to public companies that control registered or accredited institutions, the Agency will consider a change of ownership to occur if a person or other entity:
- 35.5.1. Acquires 25% or more of the voting shares of the corporation and has the ability to exercise control over its management and operations; or
 - 35.5.2. Holds more than 25% of the voting shares and sells shares such that the person or other entity then holds less than 25% and loses the ability to exercise control over management and operations.
- 35.6. A person will be considered to have the ability to exercise control over management and operations if the person is a member of the Board of Directors, has the ability to elect or designate members of the Board, or is a member of senior management.
- 35.7. An institution that is registered but not accredited must, at least 30 days before a change of ownership, notify the Registrar of the name and address of the person to whom the transfer will be made, and must promptly supply any additional information requested by the Registrar:
- 35.7.1. If the institution is a corporation and a transfer of a controlling interest will occur; or
 - 35.7.2. If the institution is not a corporation and a transfer of ownership or sale of assets will occur.
- 35.8. An institution that is accredited must, at least 60 days before a change in ownership, notify the Registrar in writing of the name and address of the person to whom the transfer will be made, and must supply any additional information requested by the Registrar:
- 35.8.1. If the institution is a corporation and a transfer of a controlling interest will occur; or
 - 35.8.2. If the institution is not a corporation and a transfer of ownership and / or assets will occur.
- 35.9. A continuation of accreditation will be approved only if it is determined that the proposed new owners and managers have the capability to own and operate an institution in accordance with the Agency's Standards of Quality, that the financial structure of the institution will remain

sound with sufficient resources for the operation of the institution and the discharge of obligations to students, and that the institution will otherwise remain in continuous compliance with the accreditation Standards of Quality.

- 35.10. If a change of ownership occurs where an organization with a history of successfully operating institutions and where those institutions have been in Good Standing for a period of two years, a submission may be made to the Registrar requesting that the newly purchased institution be given the same class rating pursuant to Section 46 as the organization's previous institution.
- 35.11. On receipt of notification of change of ownership under Section 35.4 the Registrar will require a review of the institution's financial stability and may require a site visit to assess whether the institution continues to meet the requirements of the Act, the Regulation and the Bylaws.
- 35.12. Student records must remain under the control of the registered institution and not prior owners.

TEACH-OUT PLAN

- 35.13. An institution, or a branch/satellite of an institution, that intends to close or that, in the Registrar's judgment, no longer meets Basic Education Standards may be required to submit a comprehensive teach-out plan. The teach-out plan must contain, at a minimum, the following items:
 - 35.13.1. A list of all students in all programs, with their estimated graduation dates and their contact information;
 - 35.13.2. The amount of unearned tuition for each student, all current refunds due and account balances;
 - 35.13.3. Confirmation that student records will either be transferred to new owners or provided to the Agency;
 - 35.13.4. Documentation and timelines of how the institution will notify students in the event of closure;
 - 35.13.5. Confirmation that the delivery of training and services to students will not be materially disrupted and that obligations to students will be met; and
 - 35.13.6. A proposed agreement with one or more institutions in reasonable geographic proximity which currently offer similar programs or which would be capable of conducting the teach-out.
- 35.14. A proposed teach-out plan must be approved by the Agency prior to implementation.

CESSATION OF OPERATION

- 35.15. An institution that intends to cease operations must notify the Registrar at least seven days prior to the cessation of business and the institution must take such steps as the Registrar may require including confirmation that student records will be provided to the Agency.

ADDING OR AMENDING PROGRAMS (*Ministerial Order (March 2014)*)

- 35.16. All registered and accredited institutions, before offering new programs or existing programs that, in the opinion of the Agency, have undergone substantive change, must submit the proposed addition/amendment for approval using the form provided by the Agency. **Ministerial Order (March 2014)**
- 35.17. All registered and accredited institutions must have received the Agency's program approval before advertising or offering new or substantially changed programs.
- 35.18. If the institution intends to deliver the program in a language other than English, the institution must provide evidence that all examinations (including third-party licensing examinations) and instructional materials are available in the proposed language of instruction.
- 35.19. Applications for approval of new or revised programs will expire if not completed within 6 months.
- 35.20. The Agency may require a site visit that may include an external subject matter expert if the Registrar determines that the proposed program change is substantial or requires specialized facilities or equipment.
- 35.21. Costs associated with the use of a subject matter expert must be borne by the institution.

ADDING OR AMENDING SHORT DURATION PROGRAMS

- 35.22. All registered and accredited institutions, before offering new short duration programs or existing short duration programs that, in the opinion of the Agency, have undergone substantive change, must submit the proposed addition/amendment for approval using the form provided by the Agency.
- 35.23. If the proposed short duration program is a component of a previously approved program with no changes to content, the Agency will forgo the review process and approve the addition/change in a timely manner. **Ministerial Order (March 2014)**
- 35.24. If the proposed short duration program is not a derivative of a currently approved program, the normal review and approval process will apply.

36. CERTIFICATES

- 36.1. Each main and branch location of a registered and/or accredited institution must publicly display a valid registration or accreditation certificate.
- 36.2. If an institution's registration or accreditation is cancelled, all registration and/or accreditation certificates must be promptly returned to the Agency and all representations of registration or accreditation by the institution must cease forthwith.

37. CONTRACT REQUIREMENTS

- 37.1. All registered and accredited institutions must enter into a written student enrolment contract with each student prior to the commencement of his/her program of instruction. The maximum duration for a student enrolment contract is 18 consecutive⁵ months. In cases where a student is applying for a multi-year program, notwithstanding the above, an institution is permitted to have a student enter into a contract of up to 12 months duration for the first year, and subsequent years of study are to be encompassed in separate enrolment agreements of up to a maximum of 12 months duration each.

CAREER TRAINING AND OTHER PROGRAMS (*Ministerial Order (March 2014)*)

- 37.2. Contracts for students enrolling in career training programs, or programs offered by institutions that have voluntarily registered under Section 8(2) of the *PCTI Act*, must contain the following information:
Ministerial Order (March 2014)

37.2.1. Institution Information:

- 37.2.1.1. Legal and operating name of the institution;
- 37.2.1.2. Institution contact information, including main address, telephone, fax and email address of the school for students;
- 37.2.1.3. Location of campus being attended (if different from main institution address); and
- 37.2.1.4. Institution's Agency registration number and whether the institution is registered or accredited with the Agency.

37.2.2. Student Information:

- 37.2.2.1. Legal surname, first and middle name;
- 37.2.2.2. Usual first name;
- 37.2.2.3. Previous name (if applicable);
- 37.2.2.4. Full mailing address including street, city, province / state, postal code, and country;
- 37.2.2.5. Personal Education Number (where available);
- 37.2.2.6. Telephone number;
- 37.2.2.7. Main email address;
- 37.2.2.8. Date of birth; and
- 37.2.2.9. Gender.

37.2.3. Program Information:

- 37.2.3.1. Name of program student is enrolling in;
- 37.2.3.2. Commencement and completion dates for program;
- 37.2.3.3. Program duration expressed both in total hours and in weeks or portions thereof;
- 37.2.3.4. Language of instruction;

⁵ Consecutive is defined as no single interruption of study greater than 4 consecutive weeks

- 37.2.3.5. Method of delivery, i.e. site-based or distance learning or on-line;
- 37.2.3.6. Credential to be awarded upon completion, i.e. certificate or diploma; and
- 37.2.3.7. If the program is designed to lead to positions in a profession, occupation, trade or career field requiring registration or licensing with a regulatory body in the Province of British Columbia, a notice to that effect, and a list of the requirements for registration or licence eligibility. **Ministerial Order (March 2014)**

- 37.2.4. Admission Requirements:
 - 37.2.4.1. Minimum admission requirements for the program; and
 - 37.2.4.2. Statement confirming the student has represented to the institution that they meet the admission requirements.

- 37.2.5. Tuition and Fees:
 - 37.2.5.1. Total amount of tuition due under the contract, stated in Canadian dollars, less discounts or scholarship amounts applied to tuition;
 - 37.2.5.2. Itemized list of all other fees such as administrative fees, text books, materials, consumables, etc.; and
 - 37.2.5.3. Terms and conditions of payment (e.g. method of payment, charges for late or insufficient payment, fee deferrals, student loans, etc.).

- 37.2.6. Registration/Application Fee:
 - 37.2.6.1. A registered institution may require a prospective student to pay a one-time non-refundable registration/application fee of not more than \$250.00 for domestic students or \$1,000.00 for international students, before the student's program begins.
 - 37.2.6.2. A registered institution must not require or accept payment of more than one registration fee per student per program unless the student withdraws and reapplies.

- 37.2.7. Prior Learning/Portfolio Assessment Fee:
 - 37.2.7.1. An institution must not require or accept payment of prior learning/portfolio fees for supplementary/subsequent contracts for the same student in the same program.

- 37.2.8. Refund Policy:
 - 37.2.8.1. All registered and accredited institutions must include their tuition and refund policy in full within the student enrolment contract.

- 37.2.9. Signatures:
 - 37.2.9.1. Confirmation that the student has read, understood and agreed to the terms and conditions of the contract;
 - 37.2.9.2. Confirmation that the student has read, understood and agreed to the school policies provided pursuant to Section 26.6.
 - 37.2.9.3. Signature of the student (or parent or legal guardian if the student is under the age of 19); and

- 37.2.9.4. Signature of authorized signatory for the institution.

- 37.2.10. Additional Information and Requirements: **Ministerial Order (March 2014)**
 - 37.2.10.1. In the contract, there must be a reference to the Agency, its mandate and contact information. **Ministerial Order (March 2014)**
 - 37.2.10.2. The statement “Under the Personal Information Protection Act, you are entitled to access your student file”.
 - 37.2.10.3. The contract must stipulate that the student’s personal information collected by the institution will only be used for the purpose for which it was originally collected or for a use consistent with that purpose unless the student expressly consents otherwise.
 - 37.2.10.4. The contract must include the following statement, to be signed by the student: *“I hereby consent to the sharing of my enrolment and/or reporting information between [insert name of institution] and Citizenship and Immigration Canada, as necessary for the purposes of the International Student Program, in accordance with applicable provincial privacy legislation”*. **Ministerial Order (March 2014)**
 - 37.2.10.5. The text in a student enrolment contract must be in a font size that is no smaller than 10 points. **Ministerial Order (March 2014)**
 - 37.2.10.6. A student enrolment contract must be written in plain language that is easily understood by the student. If English is not the student’s primary language, and the student is unable to understand the terms and conditions of the contract, a representative of the institution must ensure that the terms and conditions of the contract, and all withdrawal or dismissal and refund policies are clearly explained to the student in his or her primary language. If the institution uses a contract that is drafted in a language that is neither English nor French, the institution must provide the Agency with a copy of the contract that has been translated into English at the institution’s expense. **Ministerial Order (March 2014)**
 - 37.2.10.7. In the contract, there must be a clear and conspicuous statement that the contract is legally binding when signed by the student and accepted by the institution. **Ministerial Order (March 2014)**

- 37.3. The institution must provide a copy of the completed, signed, student contract to the student.

SHORT DURATION PROGRAMS

- 37.4. Contracts for students enrolling in a short duration program, must include the following information:
 - 37.4.1. Institution information as described in Section 37.2.1;
 - 37.4.2. Student contact information as described in Section 37.2.2;
 - 37.4.3. Program name;
 - 37.4.4. Tuition and fee information, as described in Section 37.2.5;
 - 37.4.5. Duration of program in total hours and weeks (or portion thereof);
 - 37.4.6. Start and end dates of the program; and
 - 37.4.7. Confirmation that all tuition fees are paid.

TUITION AND FEE REFUND POLICY

- 37.5. An institution's tuition and fee refund policy is subject to the minimum requirements set out herein. In the event that the terms of an institution's policy conflict with or are silent on a matter addressed in these Bylaws, the Bylaws will prevail.
- 37.6. A student may be entitled to a refund of tuition fees in the event that:
- 37.6.1. The student provides written notice to the institution that he or she is withdrawing from the program; or
 - 37.6.2. The institution provides written notice to the student advising that the student has been dismissed from the program.
- 37.7. The written notice of withdrawal or dismissal may be delivered in any manner provided that a receipt or other verification is available that indicates the date on which the notice is delivered.
- 37.8. The notice of withdrawal or dismissal is deemed to be effective from the date it is delivered.
- 37.9. The refund to which a student is entitled is calculated on the total tuition fees due under the contract. Where total tuition fees have not yet been collected, the institution is not responsible for refunding more than has been collected to date and a student may be required to make up for monies due under the contract.
- 37.10. If the institution has received fees in excess of the amount it is entitled to under the student contract, the excess amount must be refunded.
- 37.11. Refund policy for students:
- 37.11.1. Refunds before the program of study begins:
 - 37.11.1.1. If written notice of withdrawal is received by the institution within 7 days after the contract is made, and before the commencement of the period of instruction specified in the contract, the institution may retain 5% of the total tuition and fees due under the contract to a maximum of \$250.
 - 37.11.1.2. If written notice of withdrawal is received by the institution 30 days or more before the commencement of the period of instruction specified in the contract and more than 7 days after the contract was made, the institution may retain 10% of total tuition only due under the contract to a maximum of \$1000.
 - 37.11.1.3. Subject to Section 37.11.1.1, if written notice of withdrawal is received by the institution less than 30 days before the commencement of the period of instruction specified in the contract, and more than 7 days after the contract was made, the institution may retain 20% of the total tuition only, due under the contract to a maximum of \$1300.
 - 37.11.2. Refunds after the program of study starts:
 - 37.11.2.1. If written notice of withdrawal is received by the institution or a student is dismissed up to and including 10% of the period of instruction specified in the contract has elapsed, the institution may retain 30% of the tuition due under the contract.

- 37.11.2.2. If written notice of withdrawal is received by the institution, or a student is dismissed where more than 10% and up to and including 30% of the period of instruction specified in the contract has elapsed, the institution may retain 50% of the tuition due under the contract.
 - 37.11.2.3. If a student withdraws or is dismissed where more than 30% of the period of instruction specified in the contract has elapsed, no refund is required.
- 37.12. Where a student did not meet the institutional and/or program specific minimum requirements for admission through no misrepresentation or fault of their own, the institution must refund all tuition and fees paid under the contract, less the applicable non-refundable student application or registration fee.
 - 37.13. Where a student withdraws or is dismissed from their program, they are entitled to 100% refund of any as-yet to be received consumables that have been pre-paid.
 - 37.14. Where a student withdraws or is dismissed from their program after receiving technical equipment from the institution free of charge:
 - 37.14.1. The student must return the equipment unopened or as issued within 14 calendar days; and
 - 37.14.2. If the student fails to return the equipment as set out above, the institution may deduct the reasonable cost of the equipment from any amount to be refunded to the student.
 - 37.15. Refunds owed to students must be paid within 30 days of the institution receiving written notification of withdrawal and all required supporting documentation, or within 30 days of an institution's written notice of dismissal.
 - 37.16. Where the delivery of the program of study is through home study or distance education, refunds must be based on the percent of the program of study completed at the rates as set out in Section 37.12.

38. INTERNATIONAL STUDENTS

- 38.1. An international student is a person who is not a Canadian citizen, permanent resident or who has been determined under the Immigration and Refugee Protection Act to be a Convention Refugee.
- 38.2. If an international student's Study Permit application has not been completed by the start date identified in the institution's Letter of Acceptance and the student so notifies the institution, at the request of the student, the institution may issue a second Letter of Acceptance for a later start date. In such a circumstance, the institution may charge the student an additional \$200 administrative fee and retain the balance of the prepaid tuition fees pending the outcome of the Study Permit application. Should a student fail to so advise the institution, the institution's refund policy for students will apply.
- 38.3. An institution may retain the lesser of 10% of the total fees due under the contract or \$400.00 for international students who are denied Study Permit authorization from Citizenship and Immigration Canada. Students denied a Study Permit must provide the institution with a copy of the denial letter prior to the program start date as set out in the institution's most recently issued Letter of Acceptance. Should a student fail to advise the institution, or choose to withdraw for other

reasons, the refund policy set out in Section 37.11 will apply. Refunds owed to students must be paid within 30 days of the institutions receiving a copy of the Study Permit denial letter.

39. REPORTING REQUIREMENTS

MONTHLY REPORTING REQUIREMENTS

- 39.1. Fees payable to the Agency must be paid on or before the 15th day of the month following receipt of the tuition payment and include:
 - 39.1.1. Fixed annual fees based on the previous year's total tuition revenue received, one-twelfth (1/12) of which must be paid to the Agency each month; and
 - 39.1.2. A sum equal to a percentage (as established annually by the Board for each class of institution) of tuition received.
- 39.2. To facilitate timely and accurate monthly payments, institutions are to use the web application provided by the Agency to report the sum of all tuition revenue received in the preceding month on or before the 15th of the following month. Institutions are required to report a zero sum for months when no tuition revenue was received.
- 39.3. Notwithstanding the above, an institution may apply to the Agency to pay its annual fees in a single, lump-sum amount in advance.

ANNUAL REPORTING REQUIREMENTS

- 39.4. All registered and accredited institutions are required to report, in the method and format required by the Registrar, the following information for each program registered:
 - 39.4.1. Number of students enrolled;
 - 39.4.2. Number of international students enrolled;
 - 39.4.3. Number of withdrawals or dismissals (attrition);
 - 39.4.4. Number of graduates;
 - 39.4.5. Total number of full and part-time placements in training-related jobs for each program offering, as at six (6) months after graduation (accredited institutions only); **Ministerial Order (October 2007)**
 - 39.4.6. Number of full and part-time job placements in all jobs as at six months after graduation (accredited institutions only); and
 - 39.4.7. Number of graduates as at six months after graduation who are continuing their education in full-time studies (accredited institutions only).
- 39.5. Registered and accredited institutions must provide the Agency with the following information each year:
 - 39.5.1. Within 3 months (**Ministerial Order (March 2014)**) following the institution's fiscal year end, financial statements for the fiscal year just ended prepared using the accrual method

of accounting, on a comparative basis and in accordance with Canadian Generally Accepted Accounting Principles by a licensed, independent Chartered Accountant (CA), Certified Management Accountant (CMA) or Certified General Accountant (CGA), including:

- 39.5.1.1. A Statement of Financial Position (Balance Sheet);
- 39.5.1.2. A Statement of Operations (Income Statement);
- 39.5.1.3. A Statement of Cash Flows; and
- 39.5.1.4. For registered-only institutions and accredited institutions with annual tuition revenue below \$500,000, an Auditors' Report or a Review Engagement Report prepared by a licensed, independent accountant (CA, CMA, CGA) for its financial statements. **Ministerial Order (March 2014)**
- 39.5.1.5. For accredited institutions with annual tuition revenue of \$500,000 or more, an Auditor's Report prepared by a licensed, independent accountant (CA, CMA, CGA) for its financial statements. **Ministerial Order (March 2014)**

- 39.5.2. Within six months following the institution's fiscal year end, a monthly pro-forma cash flow projection, prepared by management, covering the next 12 months of operations.
- 39.5.3. Legal entities that own or operate more than one institution must submit consolidated financial statements in addition to individual statements for each registered institution it controls.

- 39.6. All registered and accredited institutions, on an annual basis, must confirm to the Agency that the information on file with the Agency is current and accurate using the reporting format provided.

- 39.7. Accredited institutions must, on an annual basis, also provide:
 - 39.7.1. Notification of changes in instructional administration and/or instructional staff, including verification that new appointees meet or exceed the minimum instructor qualifications for the program(s) in which they teach; as well as professional development activities engaged in during the year; and
 - 39.7.2. Summary of Program Advisory Committee meetings, including copies of meeting minutes, participant composition, recommendations, and actions taken by the institution.

- 39.8. A representative of the Agency will conduct an on-site visit of each accredited institution annually and will provide an Annual Accreditation Compliance Report of each visit to the Registrar. **Ministerial Order (October 2007)**

40. MAINTAINING ELIGIBILITY FOR REGISTRATION

- 40.1. In order for an institution to maintain its eligibility for registration, the institution must:
 - 40.1.1. Comply on a continuous basis with all requirements for registration;
 - 40.1.2. Train students on a continuous basis (with the exception of any regularly scheduled breaks, vacation periods, or approved changes of location);
 - 40.1.3. Fulfill all reporting requirements;
 - 40.1.4. Maintain compliance with all applicable local, provincial and federal requirements;
 - 40.1.5. Pay fees as set out in the Regulation and the Bylaws; and

- 40.1.6. Participate in a registration workshop at least every three years.
- 40.2. Failure by a registered institution to maintain continued compliance with all requirements for registration will lead the Agency or the Registrar to take appropriate action, which may include:
 - 40.2.1. Conducting additional site visits with additional costs charged to the institution;
 - 40.2.2. Assigning additional conditions of registration;
 - 40.2.3. Assessing late fees;
 - 40.2.4. Requiring participation in a registration workshop;
 - 40.2.5. Suspension of registration; and/or
 - 40.2.6. Cancellation of registration.
- 40.3. When an institution has not had any enrolments or graduates for 12 consecutive months, the Registrar may, at his/her discretion, cancel the registration of the institution. In such circumstances, the institution will be requested to demonstrate why registration should not be cancelled.

41. MAINTAINING ELIGIBILITY FOR ACCREDITATION

- 41.1. In order for an institution to maintain its eligibility for accreditation, the institution must:
 - 41.1.1. Maintain eligibility for registration;
 - 41.1.2. Comply on a continuous basis with the Standards of Quality;
 - 41.1.3. Train students on a continuous basis (with the exception of any regularly scheduled breaks, vacation periods, or approved changes of location);
 - 41.1.4. Fulfill all reporting requirements;
 - 41.1.5. Maintain compliance with all applicable local, provincial and federal requirements; and
 - 41.1.6. Pay fees as set out in the Regulation and the Bylaws.
- 41.2. Failure by an institution to maintain continued compliance with all standards and requirements will lead the Agency or the Registrar to take appropriate action, which may include:
 - 41.2.1. Conducting additional site visits with additional costs charged to the institution;
 - 41.2.2. Assigning additional conditions of accreditation;
 - 41.2.3. Assessing late fees;
 - 41.2.4. Requiring participation in an accreditation workshop;
 - 41.2.5. Suspension of accreditation; and/or
 - 41.2.6. Cancellation of accreditation.
- 41.3. Institutions whose accreditation has been cancelled may not reapply for accreditation for a period of at least 12 months from the cancellation date.

42. PUBLICATION OF SUSPENSION AND/OR CANCELLATION OF REGISTRATION AND/OR ACCREDITATION

Ministerial Order (October 2007)

- 42.1. If the Registrar suspends or cancels the registration and/or accreditation of a registered and/or accredited institution under Sections 8 and/or 9 of the *PCTI Act*, the following information shall be published on the Agency's website for a period of five years following such suspension or cancellation:
- 42.1.1. The name of the institution whose registration and/or accreditation has been suspended or cancelled;
 - 42.1.2. The date of the suspension or cancellation;
 - 42.1.3. The reason or reasons for the suspension or cancellation;
 - 42.1.4. In the case of suspension, any conditions attached to the suspension, the period of suspension and the date of reinstatement; and
 - 42.1.5. Whether there is any outstanding application for reconsideration or appeal of the suspension or cancellation.
- 42.2. If the reason for the suspension or cancellation is, in whole or in part, for any non-compliance with the *PCTI Act* or Bylaws which could directly and negatively impact on students, then the entry for that suspension or cancellation shall be highlighted in bold print and the reasons for the suspension or cancellation shall be given with sufficient particularity so as to clearly identify the potential for negative impact on students. Non-compliance with the *PCTI Act* or Bylaws which could directly and negatively impact on students includes, but is not limited to, failing to contribute to the Student Training Completion Fund, engaging in false or misleading advertising and not meeting contractual obligations in student enrolment contracts.

PART H: CLAIMS AGAINST THE STUDENT TRAINING COMPLETION FUND

43. STUDENT TRAINING COMPLETION FUND

PAYMENTS TO FUND

- 43.1. Institutions must make payments to the Student Training Completion Fund (“the Fund”) at the times and in the amounts required by the Regulation.
- 43.2. Where an institution closes, to make a claim against the Fund, a person must, within 12 months of the closure of the institution, submit the required form provided by the Agency along with required documents.

PAYMENT TO TEACH-OUT INSTITUTIONS

- 43.3. Institutions undertaking to teach out students who have been affected by the closure of another registered institution may be eligible recipients of the unearned tuition refund payable to the student. To ensure eligibility, the receiving institution must:
 - 43.3.1. Confirm the student meets the admission criteria for the teach-out institution’s program;
 - 43.3.2. Confirm the time required for the student to complete the program; and
 - 43.3.3. Enter into an enrolment contract with the student wherein the teach-out institution undertakes to complete the student’s training for no more tuition than was specified on the student’s original contract. A copy of the signed teach-out contract must be provided to the Agency.
- 43.4. On finding that payment should be made from the Fund in respect of a claim, the Board shall authorize payment be made to the payment maker who, in turn, may assign the refund payment to the teach-out institution.
- 43.5. In cases where the payment maker did not prepay 100% of the tuition under the original contract, the teach-out institution shall credit the value of the Fund tuition refund against the tuition charged on the teach-out institution’s contract. The responsibility for collecting the balance of the tuition rests with the teach-out institution. However, in no case should the total value of the tuition in the teach-out contract exceed the total value of the original enrolment contract.
- 43.6. Student Training Completion Fund refunds are restricted to “tuition” which means the sum of the fees a payment maker must pay to an institution in respect to training or instruction. Tuition does not include administrative fees, application fees or fees charged for textbooks or other course materials, including equipment and uniforms. Accordingly, teach-out institutions may charge payment makers for these fees.

PART I: STUDENT COMPLAINTS

44. COMPLAINTS AGAINST A REGISTERED INSTITUTION

- 44.1. The Board may authorize that a payment be made from the Student Training Completion Fund to refund a portion of the tuition fees a student has paid to a registered institution that, in the opinion of the Board, has misled a student regarding the institution or any aspect of its operations.
- 44.2. For purposes of this Part:
 - 44.2.1. "Complainant" means a "claimant" as defined in the *PCTI Act*, and who has filed a formal complaint with the Agency using the appropriate form;
 - 44.2.2. "Complaint" means any specific concern that a Complainant has regarding the provision of training or instruction or any other services provided by an institution;
 - 44.2.3. "Misled" includes, but is not limited to, any oral, written, visual, descriptive, or other representation or omission made to a Complainant by an institution which is materially different from the actual services or instruction provided by the institution to the Complainant.
- 44.3. Complainants must attempt to resolve Complaints through the institution's internal dispute resolution process before submitting a Complaint to the Agency. However, if the Complainant provides evidence that indicates problems with a registered institution's dispute resolution process, including excessive delay, the Agency may, at its discretion, choose to accept a Complaint immediately.
- 44.4. The Agency will not accept a Complaint for reimbursing tuition that has already been pursued by the Complainant in another forum.
- 44.5. Before payment will be made from the Student Training Completion Fund a Complainant must assign to the Agency all the rights in respect of the loss that gave rise to the claim.
- 44.6. An individual may make an inquiry regarding complaint procedures or about issues or concerns that could be considered complaints; however, the Agency's response and its obligations to meet the specific timelines outlined in these procedures will begin only after a Complainant submits a Complaint by filling out the appropriate form.
- 44.7. A Complaint shall be filed with the Agency within six months of the date upon which the event complained about occurred or upon which the Complainant should reasonably have been expected to know about the matters in issue in the Complaint.
- 44.8. The form, available on the PCTIA website, or from the PCTIA offices, must be completed by the Complainant and include:
 - 44.8.1. The Complainant's name and contact information;
 - 44.8.2. The name of the institution against which the Complaint is being made;
 - 44.8.3. A short, clear statement of the Complaint;
 - 44.8.4. A description of the steps taken by the Complainant to exhaust any remedies available under the institution's Dispute Resolution Policy;
 - 44.8.5. Any documents which support the allegation must be attached to the form filed by the Complainant;
 - 44.8.6. The amount of tuition fee refund claimed by the Complainant;

- 44.8.7. A description of any action taken by the institution to the date of the Complaint and a copy of the institution's response to the Complainant (if any) as a result of the prescribed Institution Dispute Resolution Policy;
 - 44.8.8. An acknowledgement that Agency staff will send a copy of the Complaint to the institution; and
 - 44.8.9. Full disclosure by the Complainant about any other external channels which the Complainant is pursuing, including legal action.
- 44.9. The Agency will not accept anonymous Complaints.
- 44.10. The Agency will not accept Complaints submitted by a third party unless they are duly authorized in writing to represent the Complainant.
- 44.11. Complaints may be submitted in English, French, or in the language of instruction of the Complainant's contracted program of study.
- 44.12. Documents or other information relating to a Complaint, investigation or resolution of a Complaint will be treated in confidence and shall not be disclosed to persons not involved in the matter except in accordance with Section 20 of the *PCTI Act*.
- 44.13. The Agency will acknowledge receipt of the Complaint within 15 days of receipt.
- 44.14. Unless the Board otherwise orders, the normal procedure for the consideration of Complaints will be as follows:
- 44.14.1. Upon receipt, a copy of the Complaint will be forwarded to the institution and the institution must respond within 15 days, including providing all relevant documentation in the institution's possession, custody or control; and
 - 44.14.2. Following receipt of the institution's response to the complaint, the Agency will send a copy of the institution's response to the Complainant with a request for a reply to the institution's response within 15 days.
- 44.15. Upon a request from either party, the time for responses and submissions may be extended by the Agency.
- 44.16. Upon reviewing the Complaint, the institution's response and the Complainant's reply (if any), the Agency will prepare a factual summary and may suggest a recommended resolution to the Board's Student Complaint Committee or such other Committee as the Board may designate to address these matters (the "Committee").
- 44.17. If the Committee considers that further information or investigation is necessary, it may:
- 44.17.1. Request the Complainant or institution to provide more information; and/or
 - 44.17.2. Require a hearing be convened to obtain more information; and/or
 - 44.17.3. Take any other investigatory steps it considers appropriate as set out in subsection 16(2) of the *PCTI Act*.
- 44.18. Should the Committee consider an oral hearing necessary, the Registrar will provide notice of the hearing in accordance with Section 8 of the Regulation. With respect to such hearing:
- 44.18.1. Each party shall be treated fairly and shall be given a fair opportunity to present its case;

- 44.18.2. The parties may offer such evidence as is relevant and material to the dispute and may be required to provide such evidence on oath or affirmation, by affidavit or otherwise as the Committee deems necessary;
 - 44.18.3. The Committee may examine records or make other inquiries that the Board considers necessary.
- 44.19. Upon completion of the Committee's investigation including any hearing, the Committee will report to the Board.
- 44.20. Upon receipt of the Committee's report, the Board will make a decision on the Complaint and may:
- 44.20.1. Dismiss the Complaint in whole or in part;
 - 44.20.2. Conclude the Complaint is justified and authorize payments to be made from the Fund to refund a portion or all of the tuition fees the Complainant paid to the institution; or
 - 44.20.3. Make any other decision the Board is authorized to make.
- 44.21. The Board's decision shall be communicated to the Complainant and the institution in writing.
- 44.22. If the Board authorizes payments from the Fund to a Complainant on the grounds that the registered institution misled the student, the registered institution will have 30 days from the date the institution was notified of the Board's decision to reimburse the Fund.
- 44.23. If the Board authorizes payment from the Fund to a Complainant on the grounds that the registered institution misled the student regarding the institution or its operations, the Board may authorize payment to be made to the Agency from the Fund to pay for those costs described in Section 15(c) of the *PCTI Act*.
- 44.24. Complaints will be retained in the Agency's files for seven years. Should a number of individual Complaints suggest a pattern of concern which may evidence a significant lack of compliance that was not evident from a single Complaint, the Board may renew its consideration of the matter for whatever action may be appropriate.

PART J: FINANCIAL REPORTING AND FEES PAYABLE TO THE AGENCY

45. FINANCIAL REPORTING FORMAT

SPECIFIC FINANCIAL STATEMENT PRESENTATION REQUIREMENTS

- 45.1. Balance Sheets must be prepared in accordance with the following requirements:
- 45.1.1. Tuition accounts receivable must be disclosed separately from other receivables;
 - 45.1.2. Accounts receivable or loans receivable from related parties must be disclosed separately;
 - 45.1.3. Unearned tuition must be disclosed separately; and
 - 45.1.4. Accounts payable or loans payable to related parties must be disclosed separately.
- 45.2. Income Statements must disclose tuition revenue separately from other revenue.
- 45.3. Subject to Section 39.5.1.4, institutions whose annual tuition revenue is less than \$500,000.00 may submit their financial statements accompanied with a Notice to Reader and must also provide a Review Engagement Report on Tuition Received which is reconciled to revenue as reported in the financial statements. The Report must be prepared by a licensed independent accountant (CA, CMA, or CGA) who reports the tuition received in the year. This Report should be worded similarly to the following. Professional standards do regularly change and future changes may require changes in wording. Nothing in this section is intended to supersede the requirements of the Canadian Institute of Chartered Accountants Handbook:

REVIEW ENGAGEMENT REPORT ON TUITION RECEIVED

To: Private Career Training Institutions Agency

At the request of [name of institution], I/we have reviewed the attached schedule of tuition received of [name of institution] for the year ended [fiscal year end of institution] calculated in accordance with Section 1 "tuition" of the Private Career Training Institutions Regulation and the interpretations set out in Note X (together "the financial statement"). My/our review was made in accordance with Canadian generally accepted standards for review engagements and, accordingly, consisted primarily of inquiry, analytical procedures and discussion related to information supplied to me/us by [name of institution].

A review does not constitute an audit and consequently, I/we do not express an audit opinion on the financial statement.

Based on my/our review, nothing has come to my/our attention that causes me/us to believe that this financial statement is not, in all material respects in accordance with Section 1 "tuition" of the Private Career Training Institutions Regulation.

Signed: _____

City: _____

Date: _____

- 45.4. Institutions that provide financial statements with an Auditors' Report or a Review Engagement Report are not required to provide a Review Engagement Report on Tuition Received.
- 45.5. The Registrar may require an audit report or any other financial information to be prepared by a licensed independent accountant (CA, CMA, or CGA). Costs for these reports will be borne by the institution.

46. FEES PAYABLE TO THE AGENCY

CLASSES OF INSTITUTIONS

- 46.1. For the purposes of assessing fees payable to the Agency, the Board has established the following three classes of institutions:
 - 46.1.1. **Probationary institutions:** which are assessed the highest rate of contribution and include (but are not limited to):
 - 46.1.1.1. Institutions that have been registered for less than 2 years;
 - 46.1.1.2. Registered or accredited institutions that are not in Good Standing with the Agency because their registration and/or accreditation was suspended in the previous 2 years; and
 - 46.1.1.3. Registered institutions whose accreditation has been cancelled by the Agency in the previous 2 years.
 - 46.1.2. **Registered institutions:** which are assessed a reduced rate of contribution and include (but are not limited to) registered institutions that have been in Good Standing with the Agency for a minimum of 2 years.
 - 46.1.3. **Accredited institutions:** which are assessed the lowest rate of contribution and include (but are not limited to) accredited institutions in Good Standing with the Agency for a minimum of 2 years.

FEES PAYABLE TO THE AGENCY

46.2. Fixed annual fees based on the institution's previous fiscal year's total tuition revenue received:

| INSTITUTION REVENUE RECEIVED | | | FIXED ANNUAL FEE |
|------------------------------|----|--------------|----------------------|
| Over | | \$10,000,000 | \$19,000 |
| \$7,500,000 | to | \$10,000,000 | \$15,600 |
| \$5,000,000 | to | \$7,499,999 | \$12,900 |
| \$2,500,000 | to | \$4,999,999 | \$10,300 |
| \$1,000,000 | to | \$2,499,999 | \$7,700 |
| \$700,000 | to | \$999,999 | \$5,050 |
| \$350,000 | to | \$699,999 | \$3,800 |
| \$100,000 | to | \$349,999 | \$2,400 |
| \$50,000 | to | \$99,999 | \$1,600 |
| \$25,000 | to | \$49,999 | \$1,000 ⁶ |
| Under | | \$25,000 | \$400 |

46.3. Annual adjustments of the fixed annual fee will be made eight months following the end of an institution's fiscal year and will remain in effect for a 12-month period.

46.4. Other Fees Include:

| | | |
|---------|---|-------------------|
| 46.4.1. | Registration application fee | |
| | Main campus | \$2450 |
| | Branch campus | \$1000 |
| 46.4.2. | Accreditation application | |
| | Main campus | \$2600 |
| | Branch campus | \$1000 |
| | Other locations | \$ 500 |
| 46.4.3. | New program application fee | \$500 per program |
| 46.4.4. | Substantive registered program modification fee | \$100 per program |
| | Ministerial Order (March 2014) | |
| 46.4.5. | Substantive accredited program modification fee | \$200 per program |
| | Ministerial Order (March 2014) | |

⁶ Minimum fixed annual fee for a newly registered institution

| | | |
|----------|---|----------------------|
| 46.4.6. | Non-substantive program change fee ⁷ | \$50 per application |
| 46.4.7. | New registered short duration program application fee | \$100 per program |
| 46.4.8. | New accredited short duration program application fee | \$200 per program |
| 46.4.9. | Application for a change of location of a main or branch campus | \$500 |
| 46.4.10. | Application for a change of name | \$250 |
| 46.4.11. | Application for a change of ownership (Section 35.4) | \$1500 |
| 46.4.12. | Initial fee for Review of Accreditation | |
| | Main Location | \$1500 |
| | Branch/Other Locations | \$500 |
| 46.4.13. | Late fee | \$500 |

- 46.4.13.1. Late fees will apply to all reports and responses to on-site evaluation reports and any other Agency directed reports or responses that have a specific deadline.
- 46.4.13.2. The late fee is assessed and due the day following the due date of a report, application, or response.
- 46.4.13.3. Continued failure to pay fees in accordance with established requirements may constitute reason for suspension and/or cancellation of registration and/or accreditation.

ON-SITE ACCREDITATION EVALUATION FEES

46.5. On-site accreditation evaluation fees: In addition to the accreditation application fee or the initial fee for the review of accreditation, institutions will be assessed an on-site evaluation fee for each accreditation team member. Members of an Accreditation Team may include: Chair, Agency Representative and Subject Matter Specialists as required. The rates assessed are:

- 46.5.1. \$1750 per member for day one; plus
- 46.5.2. \$750 per member for each additional day thereafter.

COMPLIANCE AND SITE VISIT FEES

- 46.6. The Agency reserves the right to initiate compliance audits and/or on-site visits for the purpose of determining whether an institution is in compliance with the *PCTI Act*, Regulations or Bylaws.
- 46.7. Refusal by an institution to respond to or cooperate with such requests may be grounds for suspension of its registration and/or accreditation.
- 46.8. Expenses associated with site visits will be charged to the institution if the Agency determines that the institution is not in compliance with the Act, the Regulation, or these Bylaws. The Agency will incur the expenses otherwise.
- 46.9. In cases where the Registrar appoints inspectors, an institution will be invoiced all costs associated with that inspection, including but not limited to, those associated with the site visit.

⁷ One non-substantive change per program per calendar year is permitted at no charge. Additional changes will incur a fee

46.10. In cases where the Registrar appoints a subject matter expert to review an application for a new or substantially changed program, an institution will be invoiced all costs associated with the review including, but not limited to, those associated with a site visit.

ADMINISTRATIVE CHARGES

46.11. Administrative charges are non-refundable fees paid by an applicant or a student that are not included in the calculation of an institution's tuition revenue. These include the following:

- 46.11.1. Application processing fee: Each new student who applies for admission to an institution may be charged a one-time application/registration fee, not exceeding \$250 for domestic students or \$1000 for international students.
- 46.11.2. Admissions testing and assessment Fee: Each new student who applies for admission to an institution may be charged a one-time admissions testing and assessment fee, not exceeding \$250.

PART K: GENERAL ADMINISTRATION AND OPERATION OF THE AGENCY

47. RECONSIDERATION REQUESTS AND APPEALS TO THE BOARD

RECONSIDERATION REQUESTS

- 47.1. A person who wishes to request that the Registrar reconsider a decision (the “Original Decision”) under s. 10(1) of the *PCTI Act* must, within the time period specified by s. 10(1) of the *PCTI Act*, deliver a written request for reconsideration to the Agency to the attention of the Registrar, using a completed form that the registrar has established under Bylaw 47.2 (the “Request”).
- 47.2. The Registrar must establish, and publish on the Agency’s website, a form for requests under s. 10(1) of the *PCTI Act* that contains the following information:
- 47.2.1. Name and contact information of the person making the Request;
 - 47.2.2. An address for delivery of documents and submissions;
 - 47.2.3. The decision that is the subject of the Request; and
 - 47.2.4. The relief sought.
- 47.3. Within 14 days of receipt of the completed Request form, the Registrar shall prepare a list of documents relating to the Original Decision (the “List of Documents”), deliver a copy of the List of Documents to the person making the Request, and deliver the documents included in the List of Documents to the person making the Request.
- 47.3.1. The List of Documents must refer to all documents, including records and emails, in the custody of the Agency that may be relevant to the decision the Registrar is to reconsider.
 - 47.3.2. Only documents that were in the custody of the Agency at the time of the Original Decision may be included on the List of Documents.
- 47.4. The person making the Request must, within 21 days of receipt of the List of Documents, deliver any written submissions to the Registrar detailing the basis for the Request and any additional information the person deems relevant to the Original Decision.
- 47.5. The Registrar may perform further investigations that the Registrar considers appropriate to address any submissions or additional information the Agency has received, and the Registrar may appoint inspectors for the purposes of further investigations.
- 47.6. Where the Registrar receives or acquires new reports, transcripts or other documents relevant to the decision the Registrar is to reconsider, other than under Bylaw 47.4, the Registrar must make the information available to the person making the Request, and provide that person an opportunity to respond to the information.
- 47.7. The Registrar may, in the public interest, extend or shorten any time limit provided for in the Bylaws for the doing of an act relating to reconsideration.

RECONSIDERATION DECISIONS

- 47.8. The Registrar must, subject to Bylaw 47.7, render a written reconsideration decision within 30 days of receipt of the written submissions made under Bylaw 47.4.

- 47.8.1. If the Registrar requires additional time to render a reconsideration decision, the Registrar may act under Bylaw 47.7 to extend the time limit for providing a written reconsideration decision, but must advise the person making the Request of the date by which the decision will instead be made.

APPEALS TO THE BOARD

- 47.9. A person who wishes to commence an appeal under s. 10(3) of the *PCTI Act* (the “Appellant”) must, within the time period specified by s. 10(3) of the *PCTI Act*, deliver a written notice of appeal to the Agency to the attention of the Board Chairperson, using a completed form that the Board has established under Bylaw 47.10 (the “Notice of Appeal”).
- 47.10. The Board must establish, and publish on the Agency’s website, a form for notices of appeal under s. 10(3) of the *PCTI Act* which must contain the following information:
- 47.10.1. Name and contact information of the person appealing the decision;
 - 47.10.2. An address for delivery of documents and submissions;
 - 47.10.3. The decision being appealed;
 - 47.10.4. The relief sought; and
 - 47.10.5. If the Appellant wish to request that the appeal proceeds by way of oral hearing, written submissions setting out the basis for that request
- 47.11. Within 14 days of receipt of the Notice of Appeal, the Chairperson of the Board shall:
- 47.11.1. Establish a panel consisting of three members of the Board to consider the appeal; and
 - 47.11.2. Appoint one of the members of the panel as Chairperson.
- 47.12. The Registrar must, within 7 days of being advised that a panel has been established, deliver to the Appellant and to each panel member, all documents referenced in the List of Documents, any submissions and additional information provided by the Appellant under Bylaw 47.4, any new documents provided by the Registrar under Bylaw 47.6, and any response of the Appellant under Bylaw 47.6, and these documents together constitute the appeal record (the “Appeal Record”).
- 47.12.1. No party may tender new evidence, unless the panel orders otherwise.
 - 47.12.2. A party may only apply to the panel to tender new evidence on the basis that the new evidence was not previously available to the party by reasonably diligent search.
 - 47.12.3. If the panel allows any party to tender new evidence, the party must provide the evidence by affidavit, unless the panel orders otherwise in the event of an oral hearing.
- 47.13. Unless otherwise ordered by the panel in its sole discretion, appeals shall be conducted by way of written submissions. The Appellant may, no later than the date on which a notice of appeal is submitted, make written submissions requesting an oral hearing and the Registrar shall have 14 days within which to make written submissions responding to that request.
- 47.13.1. If the Registrar does not intend to make response submissions, the Registrar shall advise the Appellant and the panel in writing
 - 47.13.2. If an Appellant’s request under this bylaw is granted, the panel will so advise the parties within 30 days of receipt of the Registrar’s response submissions or written notice that the Registrar does not intend to make such submissions.
 - 47.13.3. Any submissions made under this bylaw are limited to 10 pages in length.

47.14. Where the hearing is based on written submissions only:

- 47.14.1. The Appellant shall have 21 days from receipt of the Appeal Record to make written submissions to the panel. Such submissions are limited to 30 pages in length. Where a decision is made to deny a request for an oral hearing, the Appellant shall have 21 days from receipt of written notice of that decision to make written submissions to the panel.
- 47.14.2. If the Appellant makes written submissions, the Registrar will have 14 days from receipt of those submissions to file any response submissions. Such submissions are limited to 30 pages in length.
- 47.14.3. If the Registrar files response submissions, the Appellant will have seven days from receipt of those submissions to file any reply submissions. Such submissions are limited to 10 pages in length.

47.15. Where an oral hearing is ordered:

- 47.15.1. The panel shall schedule a pre-hearing conference call with the parties to discuss the procedure at the hearing and to determine the date of the hearing and a schedule for written submissions;
- 47.15.2. If the parties cannot agree on a schedule for the exchange of written submissions, or if either party requires an extension to the dates agreed upon, such schedule or extensions shall be established at the sole discretion of the panel;
- 47.15.3. Any written submissions to be exchanged as determined in the pre-hearing conference call shall be exchanged directly between the parties and provided to the panel at that time; and
- 47.15.4. The panel shall determine, in its sole discretion, whether to record or otherwise transcribe the oral hearing and, if a record or transcription is deemed necessary or desirable, the manner of any such recording or transcription.

47.16. Subject to the panel allowing one or more parties to tender new evidence under Bylaw 47.12.1, the panel will consider only the following materials, regardless of whether the appeal proceeds by way of written submissions or oral hearing:

- 47.16.1. The Notice of Appeal;
- 47.16.2. The Appeal record; and
- 47.16.3. Any submissions permitted under these Bylaws.

47.17. The panel may, in the public interest, extend or shorten any time limit provided for in the Bylaws for the doing of an act relating to an appeal.

APPEAL DECISIONS

47.18. The panel must render a written appeal decision:

- (a) If an oral hearing is held, within 30 days from the close of the oral hearing, or
- (b) If no oral hearing is held, within 30 days of the earlier of
 - (i) The Appellant provides reply submissions;
 - (ii) The Appellant advises that it will not be providing reply submissions; or
 - (iii) The expiry of the deadline for the Appellant to provide reply submissions.

47.18.1. If the panel requires additional time to render a written appeal decision, the panel must advise the parties of that fact, and of the date by which the decision will instead be made.

47.19. As set out in s. 10(4) of the PCTI Act, the panel may do one or more of the following in respect of an appeal:

- 47.19.1. Dismiss the appeal;
- 47.19.2. Allow the appeal and give any directions that the panel considers appropriate in the circumstances;
- 47.19.3. Vary the decision appealed from; or
- 47.19.4. Set terms and conditions to which the order is subject.

47.20. In rendering a decision under s. 10(4) of the PCTI Act and Bylaw 47.19, the panel must consider the options open to the Registrar in the circumstances subject to the appeal with regard for the limitations imposed and powers granted by the PCTI Act, the Private Career Training Regulations, and these Bylaws.

DEEMED RECEIPT OF DOCUMENTS

47.21. If a document is required to be delivered to a person under Bylaw 47, it is deemed to have been received by the person on the date that it was delivered by courier or sent by electronic mail to the address for delivery referenced in Bylaws 47.2.2 and 47.10.2, or 3 days after the date on which it was mailed if sent by registered mail or Xpresspost.

PART L: TRANSITIONAL PROVISIONS

48. EFFECTIVE DATE OF THE BYLAWS

48.1 These Bylaws will come into force on October 1, 2012 with the following exceptions:

48.1.1 Section 26.4 will come into effect on October 1, 2013; and

48.1.2 Section 39.5.1 will apply to institutions, on a going-forward basis, whose financial year end starts on or after October 1, 2012.

48.2 Institutions that apply for registration and/or accreditation on or after October 1, 2012 will be required to meet all Bylaw requirements as of their date of application.

48.3 Changes to Section 39.5.1.4 and 39.5.1.5 come into effect on October 1, 2014 for fiscal years commencing on or after October 1, 2014. **Ministerial Order (March 2014)**