

Private Career Colleges Operational Regulations
made under Section 37 of the
Private Career Colleges Act
S.N.S. 1998, c. 23
N.S. Reg. 96/2016 (May 10, 2016)

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Interpretation

Citation

1 These regulations may be cited as the *Private Career Colleges Operational Regulations*.

Application

2 These regulations apply to occupational training for all occupations as defined in the Act.

Additional occupation designated

3 The occupation of chartered professional accountant is designated as an occupation within the meaning of the Act.

Occupational training exempted from Act

4 Occupational training for the following occupations is exempted from the application of the Act:

- (a) personal fitness trainer;
- (b) yoga, tai chi or pilates instructor, or other health and wellness class instructor as determined by the Director;
- (c) first aid trainer;
- (d) recreational sport trainer, instructor, coach or referee, or other recreational sport official as determined by the Director;
- (e) traffic control person or temporary workplace signer at a temporary work area under the *Motor Vehicle Act*;
- (f) baby-sitter or child-sitter.

Definitions

5 In these regulations,

“Act” means the *Private Career Colleges Act*;

“administrative sanction” means an administrative sanction imposed under Section 27 of the Act;

“apprenticeship trade” means any trade to which the *Apprenticeship and Trades Qualification Act* applies;

“attendance and dismissal policy” means the attendance and dismissal policy required by Section 38;

“bullying and harassment policy” means the bullying and harassment policy required by Section 35;

“college” means a private career college;

“end of enrolment”, in relation to a student in a program, means any of the following, as the context requires:

- (i) the effective date of the student’s withdrawal from the program before the program begins,
- (ii) the effective date and time of the student’s withdrawal from the program after the program begins, as specified in a written notice of withdrawal given by the student to the college or, if no date and time are specified in the notice, the date and time the college receives the notice,
- (iii) the effective date and time of the student’s dismissal by the college as specified in the written notice of dismissal provided to the student under subsection 38(5);

“graduate survey” means a survey of the graduates of a program as required by Section 15;

“intake”, as the context requires, means

- (i) a cohort of students to whom a program is delivered simultaneously,
- (ii) the act by an operator of admitting a cohort of students referred to in subclause (i) to a program;

“monetary sanction” means an administrative sanction that consists of an order to pay an amount of money;

“personnel”, in relation to a college, means employees of the college or independent individuals contracted to provide services to the college, including instructors and instructor assistants;

“prescribed application fee” means the applicable application fee prescribed in the *Private Career Colleges General Regulations* made under the Act;

“privacy and distribution policy” means the policy required by Section 60;

“program” means an occupational-training program, and

- (i) in relation to a person who is a student applicant or a student, means the occupational-training program that the person intends to enrol in or is enrolled in,
- (ii) in relation to a college, means an occupational-training program offered by the college;

“risk assessment policy” means the risk assessment policy required by Section 36;

“student application fee” means a student application fee referred to in Section 50;

“student complaint resolution policy” means the student complaint resolution policy required by Section 37;

“student file” means the a student file required to be kept by an operator under Section 57;

“student registration fee” means a student registration fee referred to in Section 51;

“third-party sponsor” means a person, agency, association or corporation that

- (i) has a written contract with a college to provide for a student to enrol in a program and has either paid required fees on behalf of the student or granted the student an amount of money to pay required fees, or
- (ii) has a funding agreement with a student in connection with a contract with a college;

“tuition refund policy” means the tuition refund policy required by Section 34.

Registration of Private Career College

Applying for certificate of registration

6 (1) In addition to the documentation required by subsection 6(2) of the Act, an application for a certificate of registration for a college must include all of the following:

- (a) a private career college registration application and a business plan checklist, each in the form provided by the Director and completed and signed by the applicant;
- (b) projected financial statements signed by the applicant;
- (c) a statement signed by the applicant committing to the required Fund payments;
- (d) proof of a satisfactory result of any inspection required by a municipal bylaw or by an enactment of the Legislature or of the Parliament of Canada;

- (e) a list of the full names of persons with authority to bind the college, specifying any limits to that authority for each person;
 - (f) a copy of the form of student contract that the college will use;
 - (g) a copy of each policy to be adopted by the college as required by the Act and these regulations, together with copies of any other policies or documented procedures to be applied to students in connection with their student contracts;
 - (h) any documentation or information reasonably required by the Director to determine whether a certificate of registration should be issued.
- (2) The facility information that an applicant is required to provide under clause 6(2)(b) of the Act is prescribed as all of the following:
- (a) proof that the applicant owns or leases the facilities, or a letter of permission for the use of the facilities;
 - (b) the following information for each location in the Province proposed to be listed on the certificate of registration:
 - (i) the civic address,
 - (ii) measured floor plans, with all rooms identified,
 - (iii) measured site plans for outdoor program delivery areas;
 - (c) written confirmation that any required inspection of the facilities has been carried out and the facilities are approved;
 - (d) written notice that the premises, equipment and other facilities proposed to be used to deliver a program will comply with industry standards and with all applicable building, fire, health, sanitary and safety laws;
 - (e) any information reasonably required by the Director to determine the adequacy of the proposed premises, equipment and other facilities.
- (3) An applicant for a certificate of registration must satisfy any conditions imposed by the Director with respect to the application.

Adding locations to certificate of registration

- 7 (1) An operator may apply to the Director to add an additional location to their certificate of registration.

- (2) An application to add an additional location to a certificate of registration must include all of the following for the proposed additional location:
 - (a) the facility information and documentation required by subsection 6(2);
 - (b) proof of a satisfactory result of any required inspection as referred to in clause 6(1)(d).

Change of ownership

- 8 (1) For the purposes of the Act and its regulations, any of the following constitutes a change of ownership of a college:
 - (a) for a college that is a corporation, any change of officers, directors or shareholders who hold voting shares of the corporation;
 - (b) for a college that is a partnership, any change of partners;
 - (c) any change in the operation of the college that results in a material difference from the operation as described in the initial application for the certificate of registration;
 - (d) any change of operator.
- (2) The form required by subsection 10(2) of the Act to be submitted by the purchaser of a college or a majority of a college's shares must in a form provided by the Director and must contain all of the following information:
 - (a) the name, business address, and contact information for the purchaser;
 - (b) if applicable, confirmation of the purchaser's registration with the Registrar of Joint Stock Companies and a copy of the purchaser's corporate ownership share register;
 - (c) notice of any current or prior ownership, in whole or in part, of a college in the Province or any other province of Canada;
 - (d) any information reasonably required by the Director about the purchase.
- (3) On reviewing information received from a purchaser under subsection (2), the Director must inform the purchaser in writing whether the college's registration is to be continued or whether the purchaser must apply to register the college in accordance with subsection 10(1) of the Act.

Occupational-training Programs

Threshold criteria for exemption under Section 15G of Act

- 9 (1) In this Section, “exemption” means an exemption of a course of instruction under Section 15G of the Act.
- (2) To be exempted by the Director, a course of instruction must meet both of the following threshold criteria:
- (a) the total of the tuition and other fees for the course is under \$1000;
 - (b) the course consists of fewer than 40 hours of instruction.
- (3) A request for an exemption must be submitted in writing to the Director.
- (4) An exemption must be issued in writing.
- (5) An exemption may be issued subject to conditions determined by the Director to be in the public interest, including the condition that it be valid for a specified period.
- (6) The Director may rescind an exemption if the Director determines that rescinding it is in the public interest.

Applying for certificate of approval

- 10 (1) In this Section, “NOC Code”, in relation to an occupation, means the National Occupation Classification Code for the occupation published by the federal Department of Employment and Social Development.
- (2) An application under subsection 15D(2) of the Act for a certificate of approval must include all of the following information and documentation for each program for which approval is being sought:
- (a) the name and a description of the program;
 - (b) for each occupation that the program provides training for, the NOC Code and the description of the academic and technical skills and competencies required to pursue that occupation;
 - (c) a detailed outline of the program, including all of the following information:
 - (i) the entrance prerequisites for the program,
 - (ii) the skills and competencies to be gained from each required module,
 - (iii) all of the following details about the program’s length:
 - (A) the total hours of theoretical instruction,
 - (B) the total hours of practical and experiential instruction,

- (C) the total number of weeks in the program,
- (D) whether the program a full-time or part-time program,
- (iv) the method of instruction and evaluation to be used for each module,
- (v) the specific instructor qualifications required for each module,
- (vi) the instructor-to-student ratios and the maximum number of students per intake,
- (vii) the facilities and equipment to be provided by the operator for delivery of the program,
- (viii) requirements and provisions for the practical instruction component of the program,
- (ix) identification of the source or developers of the program;
- (d) the total cost of the program to a student, indicating each of the following separately:
 - (i) the tuition fee,
 - (ii) the total cost of instructional materials, textbooks and equipment,
 - (iii) any fees associated with the program in addition to those referred to in subclauses (i) and (ii);
- (e) at the cost of the operator, all of the following labour market information for each occupation that the program provides training for, as available:
 - (i) the entry-level pay that a graduate of the program may expect to earn,
 - (ii) evidence of available entry-level jobs,
 - (iii) employment outlooks for the occupation,
 - (iv) rates of repayment of student assistance by graduates of current or recent similar programs,
 - (v) the ratio between the total cost of the program to a student and the amount that a graduate may expect to earn in an entry-level job in the occupation,

- (vi) graduate survey results from current or recent similar programs, including, as available, all of the following for each graduate:
 - (A) the graduate's name,
 - (B) the name of the program and date of completion,
 - (C) employment status at 12 and 24 months following graduation, including the type of work and whether it is full-time or part-time,
- (vii) graduation rates from current or recent similar programs and the results of any examinations of graduates conducted by regulatory, professional or industry bodies, if available;
- (f) payment of the prescribed application fee for each program for which approval is sought;
- (g) evidence to the Director's satisfaction of all of the following:
 - (i) the facilities and equipment as listed in the application will be appropriate,
 - (ii) the proposed program meets the requirements of the Act and these regulations,
 - (iii) the proposed program will be delivered by an instructor,
 - (iv) the operator is not insolvent and is not likely to become insolvent after the proposed program is added,
 - (v) in accordance with subsection 15D(4) of the Act, the operator has obtained all licences, franchises and permissions required for the proposed program;
- (h) any information reasonably required by the Director about the program.
- (3) The Director may request or require a review of a proposed program by a subject matter expert, hiring manager, industry association, regulator or any other independent person that the Director considers appropriate.
- (4) The cost of an additional review under subsection (3) and any cost associated with providing additional information to the Director under clause (2)(h) is the responsibility of the college.

Renewing certificate of approval

- 11 (1)** An application for renewal of a certificate of approval under Section 15F of the Act must meet all the requirements of Section 10 for an application for an initial certificate of approval, except that the information required by subclause 10(e)(vi) about

graduates must be obtained from intake records kept by the operator for each program for which renewal is being sought.

- (2) An operator may submit a renewal application for an amended form of a program and an operator who does so is not required to apply separately for approval of the amended program and issuance of an amended certificate of approval under Section 15H of the Act.

Applying for approval of amended program and amended certificate of approval

12 An application for approval of an amended program and an amended certificate of approval under Section 15H of the Act must be made on a form provided by the Director and must include any information about the amended program that the Director requires.

Director may impose conditions on or refuse to approve program

13 (1) The Director may impose conditions or requirements on any program listed on a certificate of approval at any of the following times:

- (a) when the certificate of approval is first issued;
 - (b) when the certificate of approval is replaced by an amended certificate of approval;
 - (c) when the certificate of approval is renewed;
 - (d) at any time during any 5-year approval period.
- (2) The Director may refuse to approve an application for a certificate of approval, an amended certificate of approval or renewal of a certificate of approval if the Director believes that any of the following apply:
- (a) there is insufficient information in the application;
 - (b) the proposed program curriculum fails to meet, or unreasonably exceeds, the standard required for entry into the occupation that the program provides training for;
 - (c) the labour market indicators fail to demonstrate that there would be available employment for graduates of the program.

No modification of program without Director approval

14 An operator must not modify or alter any portion of a program without first obtaining the Director's written approval.

Graduate surveys

15 (1) An operator must, at a frequency specified in the program approval, conduct surveys of graduates of a program to determine each graduate's employment status at 12 months

following graduation and, if the Director requests it, 24 months following graduation, including their type of work and whether it is full-time or part-time work.

- (2) The cost of a graduate survey is the responsibility of the operator.

Performance standards for programs

- 16 (1) A program must meet the following performance standards to the satisfaction of the Director:
 - (a) adequate program graduation results;
 - (b) adequate external certification, licensing or competency examination results;
 - (c) maintenance of any accreditation, regulatory, occupational or industry standard requirements;
 - (d) adequate student assistance repayment rates;
 - (e) adequate graduate employment in the occupation that the program provides training for, based on an analysis of the most recent graduate survey results;
 - (f) an adequate ratio between the total cost of the program to a student and the amount that a graduate may expect to earn in an entry-level job in the occupation that the program provides training for.
- (2) In addition to the authority in the Act to revoke or suspend a certificate of approval, the Director may suspend intakes or suspend or revoke approval of a program that does not meet the performance standards under subsection (1).
- (3) The Director must give an operator 30 days' written notice before taking any action under subsection (2).
- (4) A notice under subsection (3) must include a statement that the operator has 30 days from the date of the notice to be heard before any action is taken on the matter.
- (5) Any action taken by the Director under subsection (2) is subject to a review under Section 28 of the Act.

Criteria for admission to program

- 17 Except as provided in Section 18 for a person of compulsory school age, a person must meet 1 of the following criteria to be admitted to a program:
 - (a) on the program start date, the person has 1 of the following educational qualifications or a higher qualification:

- (i) a Nova Scotia high school graduation diploma as described in the *Public School Program* published by the Department of Education and Early Childhood Development,
 - (ii) a Nova Scotia High School Diploma for Adults issued by the Department of Labour and Advanced Education,
 - (iii) a high school equivalency certificate obtained through a General Education Development (GED) testing service,
 - (iv) a qualification from another jurisdiction that is equivalent to any of those referred to in subclauses (i) to (iii);
- (b) the person meets any entrance requirements that have been prescribed by the appropriate professional, occupational or other association and that are recognized by the Minister;
 - (c) the person has demonstrated that they meet the specific entrance prerequisites for the program, as approved by the Director, by establishing evidence of the required competencies by an assessment method that is approved by the Director.

Admitting person of compulsory school age

18 An operator may permit a person who is of compulsory school age under the *Education Act* to attend or be admitted to a program if the person's parent or guardian submits their prior written consent to the operator and the person attends the program outside of school hours.

Maximum hours of instruction

- 19** (1) Unless a longer period is approved in writing by the Director, program delivery to any student is limited to a maximum of 8 hours per day of any combination of theoretical, practical and experiential components.
- (2) Approving a period for instruction beyond the limit in subsection (1) is at the Director's discretion.

Instructors

Instructor registration

- 20** (1) The Director or an inspector may register a person who meets the qualifications set out in Section 22 as an instructor for a specific program or specific module.
- (2) The Director may revoke or place restrictions on the registration of an instructor in either of the following circumstances:
- (a) the Director determines that the instructor does not meet the qualifications set out in Section 22 for the program or module being taught;

- (b) the Director determines that the instructor has not met the training requirements of Section 23;
- (c) in the opinion of the Director, revoking or placing restrictions on the registration is in the best interest of the students.

Applying for instructor registration

21 An operator applying for registration of a person as an instructor must submit a completed application form to the Director together with the prescribed application fee and proof that the person meets the qualifications set out in Section 22.

Qualifications for registration as instructor

- 22 (1)** To be eligible for registration as an instructor, a person must have at least 1 of the following qualifications:
- (a) a bachelor's degree from a Canadian university or an equivalent degree from a university outside of Canada in a subject directly related to the subject or vocation to be taught, followed by 12 months' occupational experience in the subject or vocation to be taught;
 - (b) evidence of graduation from a program of any of the following institutions, or an equivalent institution outside of the Province, in a subject directly related to the subject or vocation to be taught, followed by 24 months' occupational experience in the subject or vocation to be taught:
 - (i) the Nova Scotia Community College established under the *Community Colleges Act*,
 - (ii) a college, trade school or vocational school registered in Nova Scotia;
 - (c) a Bachelor of Education degree or a valid Nova Scotia teacher's certificate issued under the *Education Act* together with 24 months' occupational experience in the subject or vocation to be taught;
 - (d) 60 months' occupational experience in the subject or vocation to be taught;
 - (e) for a person intending to teach a program or module relating to an emerging or specialized occupation for which no previous occupational training has been available, proof that satisfies the Director that the person is qualified to instruct in the program or module or meets the requirements stated in another relevant enactment or by a relevant industry association.
- (2)** In addition to the requirements of subsection (1), to be eligible to be registered as an instructor in an apprenticeship trade, a person must hold a certificate of qualification

issued under the *Apprenticeship and Trades Qualifications Act* in the trade to be taught and have 2 years' experience in the trade at the journeyman level.

- (3) In addition to the requirements of subsection (1) and (2), to be eligible to be registered as an instructor, a person must meet any additional requirements specified for the program or module to be taught, as approved by the Director.

Instructor with less than 1 year's teaching experience

- 23** (1) An instructor who does not have at least 1 year's experience teaching full-time in a critical evaluative setting must
- (a) in their first year of employment as an instructor, enrol in an instructional methods or train-the-trainer program approved by the Director; and
 - (b) complete the program referred to in clause (a) within 3 years from the beginning of employment and provide the Director with written verification of enrolment and of completion.
- (2) In calculating a time period referred to in clause (1)(a) or (b), time spent as an instructor at different times at the same college or colleges under common ownership is cumulative.

Instructor assistant registration

- 24** (1) The Director or an inspector may register a person who meets the qualifications set out in Section 26 as an instructor assistant for a specific program or specific module.
- (2) The Director may revoke or place restrictions on the registration of an instructor assistant in either of the following circumstances:
- (a) the Director determines that the instructor assistant does not meet the qualifications set out in Section 26;
 - (b) in the opinion of the Director, revoking or placing restrictions on the registration is in the best interest of the students.

Applying for instructor assistant registration

- 25** An operator applying for registration of a person as an instructor assistant must submit a completed application form to the Director together with the prescribed application fee and proof that the person meets the qualifications set out in Section 26.

Qualifications for registration as instructor assistant

- 26** To be eligible for registration as an instructor assistant, a person must have at least 1 of the following qualifications:
- (a) an educational qualification set out in clause 22(1)(a) or (b);

- (b) for a person intending to be an instructor assistant in a program or module relating to an emerging or specialized occupation for which no previous occupational training has been available, proof that satisfies the Director that the person is qualified to be an instructor assistant in the program or module or meets the requirements stated in another relevant enactment or by a relevant industry association.

Limitations on instructor assistants

- 27 (1)** An instructor assistant may assist students in the program or module the instructor assistant is registered for, but must not do any of the following:
- (a) evaluate students;
 - (b) prepare or instruct any program.
- (2)** An instructor assistant must be under the immediate supervision of an instructor registered to deliver the program or module that the assistant is registered for.

Short-term teacher

- 28 (1)** In this Section, “exemption” means an exemption of a short-term teacher from registration as an instructor issued under clause 15J(3)(b) of the Act.
- (2)** For the purpose of an exemption, a person who meets all of the following criteria is a short-term teacher:
- (a) an operator intends the person to teach a program or module in place of an instructor for a period of no longer than 3 weeks;
 - (b) the person meets the qualifications set out in Section 22 for the program or module being taught.
- (3)** An operator may submit a request to the Director for an exemption.
- (4)** A request for an exemption must be in writing.
- (5)** An exemption may be issued for a specified program or a specified module for a specified period of time that, except as provided in subsection (6), is no longer than 3 weeks.
- (6)** In exceptional circumstances, in the Director’s sole discretion, an exemption may be issued, or the term of an exemption extended, for a period of longer than 3 weeks.

Advertising and Recruiting

Definition for Sections 30 and 31

29 In Sections 30 and 31, “advertisement” means an advertisement or recruiting material used to attract or recruit students to a college or specific program in the Province.

Requirements for advertising

- 30 (1)** An advertisement must include all of the following information about the college:
- (a) its name as shown on its certificate of registration or an alternate form of identification approved under subsection (6);
 - (b) its main location and each additional location where any program referred to in the advertisement is taught;
 - (c) contact information.
- (2)** An advertisement must not contain any statement that does any of the following:
- (a) refers to a college for which there is no valid certificate of registration;
 - (b) except for an advertisement authorized under subsection (8), refers to a program that is not listed on the current certificate of approval for the college;
 - (c) guarantees admission to or successful completion of a program;
 - (d) guarantees employment to a student, prospective student, or student applicant, unless there is a written contract between the college and an employer guaranteeing that employment;
 - (e) implies that completion of a program may reasonably be expected to lead to entry-level employment in any occupation not specified in the application for approval of the program as approved by the Director;
 - (f) implies that the admission of a prospective international student to the college will guarantee the student the right to enter Canada under the *Immigration and Refugee Protection Act* (Canada) or to receive a visa under that Act.
- (3)** An advertisement must not state or imply that the college is registered under the Act and these regulations unless the operator holds a valid certificate of registration for the college.
- (4)** An advertisement must not state or imply that a program offered by the college has been approved under the Act and these regulations unless the program is listed on a valid certificate of approval held by the operator.
- (5)** Unless an alternative is authorized under subsection (6), an advertisement must refer to the college only by the name set out on its certificate of registration.

- (6) The Director may authorize in writing the use of an acronym, graphic symbol or other iconic identification in place of or in addition to the registered name of the college.
- (7) Except for an advertisement authorized under subsection (8), an advertisement that refers to a program must refer to the program only by the name listed on the certificate of approval held by the operator or by an abbreviation of the name as approved in writing by the Director.
- (8) The Director may authorize a college to advertise a program that has not yet been approved if both of the following conditions are met:
 - (a) the Director has received a completed application for approval of the program;
 - (b) the advertisement includes the statement “pending approval by the Department of Labour and Advanced Education”.
- (9) The Director may order an operator to discontinue the use of any advertisement or means of advertisement that the Director, in the Director’s sole discretion, considers to be in contravention of this Section.

Records of advertisements

31 (1) An operator must keep all of the following material related to advertisements:

- (a) for any advertisement that is published in written form or broadcast orally, a paper copy of the text or an electronic copy;
- (b) for any advertisement published through electronic media, a paper copy of the text or a hyperlink to the advertising content;
- (c) for any advertisement published or broadcast in a language other than English or French, a translation of the text prepared by a person whose primary employment is translation or who has trained as a translator;
- (d) for any advertisement that states that a program offered by the college is recognized or accepted for training by the regulatory body of a profession or occupation or by a professional or occupational association or organization, a statement to that effect signed by a person authorized by the regulatory body, association or organization;
- (e) for any advertisement that states that another post-secondary educational or occupational- training institution recognizes the successful completion of a program offered by the college by granting credits towards the completion of a program offered by that institution, a statement to that effect signed by a person authorized to bind that institution.

- (2) An operator must be able to produce any electronic record related to an advertisement in the form of a printout or in an electronically readable format.
- (3) Except as provided in subsection (4), a copy of the material referred to in subsection (1) must be kept at the college and, if the advertisement refers to a specific program, at each location where the program is taught, for the time specified in subsection (5).
- (4) The Director may authorize an operator to keep copies of the material referred to in subsection (1) in a location other than the college.
- (5) The time period for keeping a copy of an advertisement that relates to a program is 1 year from the date that the last of the students from the intakes enrolled within 1 year following the use of the advertisement graduates from or leaves the program.

Misleading statements in recruitment

- 32** (1) A person acting on behalf of a college must not make a false or misleading statement, written or oral, including any statement described in subsection 30(2), (3) or (4), for the purpose of inducing a person to enrol in a program offered by the college or to enter into a contract with the college.
- (2) If a statement made contrary to subsection (1) constitutes a fundamental breach of a student contract, the contract is voidable by the student.
 - (3) No money is payable by a student under a student contract voided under subsection (2), and the Director may require the college to refund all fees paid by or on behalf of the student.
 - (4) The Director has authority to determine whether a statement made by a person acting on behalf of a college is contrary to subsection (1).
 - (5) A statement determined by the Director to be contrary to subsection (1) may be used as the basis for
 - (a) resolving a complaint; or
 - (b) revoking or suspending a certificate of registration or certificate of approval.

General Requirements for Operators

Compliance with policies

- 33** (1) An operator must comply with all policies established by their college as required by these regulations.
- (2) An operator must ensure that each member of the personnel of their college complies with all policies established by their college as required by these regulations.

Tuition refund policy

- 34 (1)** A college must have a tuition refund policy to ensure that the requirements of this Section are met.
- (2) In this Section, “tuition” includes payment for instruction and any other cost not otherwise excluded from the refund by these regulations.
- (3) Except as otherwise provided in the Act or these regulations, neither of the following is refundable:
- (a) a student application fee;
 - (b) a student registration fee.
- (4) A tuition refund is subject to all of the following conditions:
- (a) the student registration fee credited to the student’s tuition fee under subsection 51(2) must be deducted from the refund;
 - (b) the college may deduct from the refund non-recoverable fees already paid by the college on behalf of the student;
 - (c) except as provided in subsection (5), the college may deduct from the refund the cost of any program material provided to the student, in an amount not exceeding the cost to the college of the material.
- (5) Clause (4)(c) does not apply to a refund payable to a student who returns all of the program material to the college unopened or as issued no later than 5 business days after their end of enrolment.
- (6) For a student whose end of enrolment occurs before the program begins, the college must refund to the student or third-party sponsor all tuition paid.
- (7) Unless otherwise provided in the Act or these regulations, for a student whose end of enrolment occurs after the program begins but before the program ends, the operator must refund tuition to the student or third-party sponsor in accordance with the following table:

Percentage of Hours of Program Delivered to End of Enrolment	Refund (minus any registration fee credited to tuition under subsection 51(2))
Program under 12 weeks	
0-50%	Any tuition paid for 2nd half of program
>50%–100%	None
Program 12 weeks or longer	

0–25%	Any tuition paid for the 2nd, 3rd, or 4th quarters of the program
>25%–50%	Any tuition paid for the 3rd or 4th quarters of the program
>50%–75%	Any tuition paid for the 4th quarter of the program
>75%	None

- (8) A tuition refund referred to in subsection (7) must be calculated in accordance with all of the following:
- (a) the total tuition amount for the program must be divided by the number of hours in the program as approved, and the amount of paid tuition must be calculated beginning with the first hour of the program as delivered and then counting forward;
 - (b) the number of hours of the program as delivered must be counted as the program or module hours delivered according to the attendance register for the program as at the end of enrolment, not the number of hours the student actually attended;
 - (c) the number of hours of the program as delivered must include all of the following:
 - (i) the theoretical, practical and experiential instruction approved for the program,
 - (ii) any allotted time included in the program for lab work or additional training such as on-the-job-training, skills training or experiential learning, as specified in the program approval;
 - (d) any rounding of the number of hours of the program as delivered must favour the student or third-party sponsor.
- (9) A college, at the operator’s discretion, may refund tuition in an amount higher than the amount calculated under subsections (7) and (8).
- (10) No later than 30 days after the end of enrolment of a student to whom a tuition refund is payable, the refund must be paid and a copy of the calculation made under these regulations provided to the student.
- (11) A disagreement between the college and student with respect to the calculation of a tuition refund must be referred to the Director for a final decision.

Bullying and harassment policy

35 A college must have a bullying and harassment policy that includes all of the following:

- (a) the goal and objectives of the policy;
- (b) to whom the policy applies;
- (c) the rights and responsibilities of staff and students to contribute to a respectful workplace and safe learning environment;
- (d) definitions for terms, including all of the following terms:
 - (i) harassment,
 - (ii) discrimination,
 - (iii) complainant,
 - (iv) hostile work or learning environment;
- (e) a complaint resolution process;
- (f) discipline and dismissal procedures.

Risk assessment policy

- 36 (1)** In this Section, “outside site” means any site outside a college where a student is required to attend for work placements or other activities related to the program the student is enrolled in.
- (2) A college must have a risk assessment policy to ensure that all of the following requirements are met with respect to a student attending at an outside site:
- (a) an instructor, member of the personnel, operator or agent of the college must inspect the outside site before sending the student to the outside site, or be in attendance with the student while the student is at the outside site;
 - (b) a written risk assessment must be made of the outside site, including any college-organized travel to or from the outside site and the student activities proposed to take place at the outside site;
 - (c) a copy of the written risk assessment under clause (b) and any risk management requirements must be provided to the student before the student attends the outside site;
 - (d) the student must sign an acknowledgment on the copy of the written risk assessment provided under clause (c) and the copy must be kept in the student’s student file;

- (e) a person at the outside site must be designated and identified as the contact for the student when college personnel are not present;
- (f) the student must receive an orientation to health and safety requirements appropriate to the outside site before or as soon as possible after the student arrives at the outside site.

Student complaint resolution policy

37 (1) A college must have a complaint resolution policy to ensure the proper and efficient resolution of all student complaints made under Section 54.

(2) A complaint resolution policy must include all of the following:

- (a) the procedure for making a student complaint;
- (b) the name and title of the college official to whom a student complaint must be given;
- (c) the procedure to be followed when a complaint is received;
- (d) the manner in which a complaint and any resolution of the complaint are recorded;
- (e) a statement that a student complaint that is not successfully resolved may be the substance of a complaint made to the Director under the Act and these regulations.

Attendance and dismissal policy

38 (1) A college must have an attendance and dismissal policy to ensure that all of the requirements of this Section are met.

(2) An attendance and dismissal policy must include all of the following:

- (a) minimum attendance requirements for graduation from a program;
- (b) methods that a student must use to give advance notice of an absence or explanation of previous absences;
- (c) procedures for the college to give a student written notice of an attendance policy violation or a written warning of an impending violation;
- (d) at the operator's discretion, standard procedures for students to make up missed hours of a program;
- (e) at the operator's discretion, a statement that any program hours missed by a student for medical reasons, as explained in medical documentation submitted by

the student, are not counted for the purposes of an immediate dismissal under subsection (3);

- (f) a statement that students in all programs must attend and satisfactorily complete the occupational health and safety training required by clause 22(a) of the *Occupational Health and Safety Act*, including a student evaluation.
- (3) Subject to subsection (4), an operator must immediately dismiss from a program any student who misses 3 consecutive weeks of classes or 10% of the total hours of the program, whichever occurs first.
 - (4) An operator must not count any of the following missed hours for the purposes of subsection (3):
 - (a) any missed hours that the student intends to make up under a formal arrangement that is made by the college with the student and, if not part of the college's attendance and dismissal policy as referred to in clause (2)(d), is approved by the Director;
 - (b) if allowed under the operator's attendance and dismissal policy as referred to in clause (2)(e), any hours missed for medical reasons, as explained in medical documentation submitted by the student.
 - (5) On dismissing a student from a program for any reason, an operator must provide the student with a written notice of dismissal that includes the reason for the dismissal and the effective time and date of the dismissal.
 - (6) In dismissing a student from a program, an operator must act in accordance with the Act and these regulations, any conditions attached to the program approval, the student contract and the college's policies, rules and regulations.

Attendance register

- 39 (1) An operator must keep an attendance register for each class in a program showing the attendance record of each student in the class.
- (2) An attendance register must include at least the following for each day:
 - (a) the name of the program;
 - (b) the module being taught;
 - (c) the date, time, location and number of hours of instruction delivered to the class;
 - (d) the name of the instructor present;
 - (e) the name of each student present;

- (f) the number of hours attended by each student, as recorded by the instructor present;
- (g) for a distance education or online learning class, the number of hours of online activity for each student.

Form and content of certificate or diploma

- 40 (1)** A certificate or diploma issued by a college to a graduate must include all of the following:
- (a) the name of the college;
 - (b) the address of the main location of the college;
 - (c) the name of the program that the graduate has successfully completed;
 - (d) the date of issue of the certificate or diploma;
 - (e) the name of the graduate as reported to the Director;
 - (f) the signature and printed name of a college official.
- (2)** A college must not issue a certificate or diploma to a student unless the student has met all the requirements of the program for which the certificate or diploma is being issued.
- (3)** A college may issue written confirmation of any certification or other achievement related to a program.

Posting Act and regulations

- 41** An operator must display a copy of the Act and these regulations in a prominent place at the entrance of each location of their college.

Facilities compliance

- 42 (1)** On request, an operator must provide the Director with written notice that the premises, equipment and other facilities used to deliver a program comply with industry standards and with all applicable building, fire, health, sanitary and safety laws.
- (2)** Any change to the premises, equipment or facilities used to deliver a program must be inspected and approved by the Director or designate before the premises, equipment or facilities are used to deliver a program.

Student Contract

No instruction until student contract executed

- 43** An operator must not allow a person to begin instruction as a student in a program until a student contract is executed by that person.

Separate student contract for each program

- 44** A separate student contract must be executed for each program that a student applicant has been accepted to.

Disclosure to student applicant

- 45** Before a college enters into a student contract with a student applicant, the operator must provide the student applicant with all of the following information:

- (a) an overall outline of the content of the program;
- (b) a breakdown of the program by module;
- (c) the length in hours of each program module;
- (d) the content of each program module;
- (e) the method of instruction and evaluation to be used for each program module;
- (f) the total cost of the program to a student, indicating each of the following separately:
 - (i) the tuition fee,
 - (ii) the total cost of instructional materials, textbooks and equipment,
 - (iii) any fees associated with the program in addition to those referred to in subclauses (i) and (ii);
- (g) the payment schedule for tuition and all other related fees established by the college in accordance with Section 48 or 49;
- (h) a copy of each of the following college policies:
 - (i) the tuition refund policy,
 - (ii) the student complaint resolution policy,
 - (iii) the attendance and dismissal policy,
 - (iv) the risk assessment policy,
 - (v) the bullying and harassment policy,

- (vi) the privacy and distribution policy;
- (i) a copy of any additional rules, regulations or policies of the college;
- (j) an explanation of available options for recognition of prior learning, transfer credits, equivalencies, competency evaluations or other full or partial program or module exemptions;
- (k) a statement of employment statistics and labour market information relating to the program, including
 - (i) graduate employment rates, if available, and
 - (ii) the entry-level pay that a graduate of the program may expect to earn;
- (l) any information reasonably required by the Director to be disclosed.

Form and content of student contract

- 46 (1)** A student contract and each policy, course outline or other document provided to a student by a college must have consecutively numbered pages.
- (2)** In addition to the attachments required by subsections 15A(4) and 15E(4) of the Act, a student contract must contain at least the following information in the body of the student contract, or on a separate sheet that is annexed to and forms part of the student contract:
- (a) the name, mailing address, email address, and telephone number of the college;
 - (b) the name, mailing address, email address and telephone number of the student;
 - (c) the name of the program the student will be enrolled in;
 - (d) a statement that the student has received the information as required by Section 45;
 - (e) the start and end dates of the program the student will be enrolled in;
 - (f) a payment schedule established in accordance with Section 48 or 49 for tuition and all other related fees;
 - (g) a statement that financial assistance in the form of a loan may be available and it would be the sole responsibility of the student to repay the loan;
 - (h) a statement setting out the requirements for completing the program, including passing grade and work term requirements;

- (i) a statement that the student has been advised of the prerequisites for admission to the program and that the student meets those prerequisites;
- (j) a statement indicating that a student must disclose any conditions or factors that may adversely affect their ability to fully participate or succeed in the program;
- (k) a list of any equipment or materials for the program to be provided to the student by the college;
- (l) a list of any equipment or materials for the program to be provided by the student;
- (m) a copy of each of the following college policies:
 - (i) the tuition refund policy,
 - (ii) the student complaint resolution policy,
 - (iii) the attendance and dismissal policy,
 - (iv) the risk assessment policy,
 - (v) the bullying and harassment policy,
 - (vi) the privacy and distribution policy;
- (n) if there is no written contract between the college and an employer as described in clause 20(a) of the Act, a statement that completion of the program does not guarantee employment;
- (o) a statement that the student, on written request to the operator, may receive a copy of their own student file no later than 3 business days after the date the operator receives the request, in accordance with Section 59;
- (p) a statement that a diploma or certificate will be issued by the college no later than 30 days after the student has successfully completed the program and met all conditions of the contract;
- (q) a statement that the student contract is subject to the Act and its regulations;
- (r) any information that the operator considers necessary;
- (s) any information that the Director considers necessary;
- (t) the date the student contract is entered into;

- (u) the signature of the student;
 - (v) the signature of a person authorized to legally bind the college.
- (3) Any amendment to a student contract after it is executed must conform to the Act and these regulations, be signed and dated by both the student or student applicant and a person authorized to legally bind the college, and be approved by the Director or an inspector.

Fully executed original to student

47 An operator must ensure that a student has a fully executed original of their student contract before their program start date and in any case no later than the beginning of the first class.

Student Fees

Tuition fee payment for program of 12 weeks or longer

- 48** (1) A college must not require or accept payment of a tuition fee in fewer than 2 reasonably equal instalments for a program of 12 weeks' duration or longer, unless the payment is made by a third-party sponsor and approved under subsection (3).
- (2) For each program of 12 weeks' duration or longer, the dates on which the tuition instalments become due must be fixed so that they fall approximately at the beginning of each equal portion of the duration of the program, calculated in months, lessons or credits.
- (3) The Director may approve in writing that a college accept, but not require, a tuition payment in a single lump sum for a program of 12 weeks' duration or longer.

Tuition fee payment for program of under 12 weeks

- 49** (1) Except as provided in subsection (3), a college may accept, but not require, payment of a tuition fee in a single lump sum for a program of under 12 weeks' duration.
- (2) A student or third-party sponsor may choose to pay tuition for a program of under 12 weeks' duration in 2 or more reasonably equal payments, and in that case the dates on which the tuition instalments become due must be fixed so that they fall approximately at the beginning of each equal portion of the duration of the program, calculated in months, lessons or credits.
- (3) If the Director considers it to be in the interests of the student, the Director may require a college to accept payment of a tuition fee in no fewer than 2 reasonably equal payments with the dates on which the tuition instalments become due fixed so that they fall approximately at the beginning of each equal portion of the duration of the program, calculated in months, lessons or credits.

Student application fee

- 50** (1) For a student applicant who does not require an international student permit or study visa to enrol in a program, an operator may charge a domestic student application fee for each program in an amount of no more than \$100.
- (2) For an international or foreign national student applicant applying from outside of Canada, an operator may charge an international student application fee for each program in an amount of no more than \$1000.
- (3) A student application fee must be refunded if no seat is available in the program applied for within 1 year of the date of the application.
- (4) For audit purposes, a college must keep a record of all student application fees accepted and refunded within the past 2 years.

Student registration fee

- 51** (1) An operator may charge a student registration fee for each program in an amount of no more than 5% of the tuition fee for the program or \$500, whichever is less.
- (2) A student registration fee paid by a student or third-party sponsor must be credited to the tuition fee for the program.
- (3) A student registration fee must be refunded if no seat is available in the program applied for within 1 year of the date of the application.
- (4) For audit purposes, a college must keep a record of all student registration fees accepted and refunded within the past 2 years.

Accepting payment of student fees

- 52** (1) An operator may accept a domestic or international student application fee up to 12 months in advance of the start date of a program.
- (2) An operator may accept a student registration fee up to 12 months in advance of the start date of a program.
- (3) An operator may accept a tuition fee payment from a student who does not require an international student permit or study visa to enrol in a program
- (a) up to 8 weeks in advance of the start date of the program; or
- (b) if the tuition fee payment is being made by a third-party sponsor and the Director approves the early payment, up to 12 weeks in advance of the start date of the program.
- (4) An operator may accept a tuition fee payment from an international or foreign national student up to 9 months in advance of the start date of the program.

Refunding student fees when college or program deficient

- 53 (1)** A college must refund to a student or third-party sponsor all amounts paid to the college by or on behalf of the student if, at the time the student contract was entered into, any of the following applied:
- (a) the college did not have a valid certificate of registration;
 - (b) the program that the student contracted for was not approved by the Director;
 - (c) any person acting as an instructor or instructor assistant in the program that the student contracted for was not registered under these regulations.
- (2)** If, in the opinion of the Director, an operator has failed to offer or failed to fully deliver a program that a student has contracted for, the Director may require the operator to do any of the following:
- (a) refund tuition fees and the cost of materials paid by a student or third-party sponsor for a program that was not offered;
 - (b) refund tuition fees and the cost of materials paid by a student or third-party sponsor for any portion of the program that was not delivered in accordance with the program as approved;
 - (c) make up the deficiency in the program.
- (3)** Any refund other than a refund under this Section must be made in accordance with the tuition refund policy.
- (4)** Nothing in this Section may be construed as limiting in any way the rights and remedies that a student otherwise has with respect to an operator's breach of contract with the student.

Complaints

Student complaint to operator

- 54 (1)** A student may make a complaint to an operator at any of the following times:
- (a) before the student's enrolment in a program;
 - (b) during the student's enrolment in a program;
 - (c) during the 12 months after the student's end of enrolment.
- (2)** An operator must keep a record of each complaint received from a student and the resolution of that complaint, and must make the record available to the Director.

Complaint to Director

- 55 (1)** A complaint under Section 18 of the Act alleging that a college has contravened the Act or regulations must be filed with the Director no later than 12 months after the alleged contravention occurs.
- (2)** A student or former student who has a complaint against a college must, if reasonably practicable, first attempt to resolve the matter by making a complaint to the operator under Section 54.
- (3)** A complaint to the Director must include all of the following information and documentation:
- (a)** the name of the college;
 - (b)** if the alleged contravention affects any student or former student, the student's name and the name of the program in which the student or former student is or was enrolled;
 - (c)** the name of the operator and the name of any member of college personnel who is involved in or affected by the alleged contravention;
 - (d)** the nature of the complaint as it relates to performance of a student contract, delivery of a program or any other matter governed by the Act and its regulations;
 - (e)** the complainant's desired resolution;
 - (f)** if the complainant first attempted to resolve the matter by making a complaint to the operator under Section 54, copies of all documentation with respect to that complaint and the use of the college's complaint resolution process for the matter.
- (4)** A complaint to the Director must be filed with the Director by 1 of the following methods:
- (a)** personal delivery;
 - (b)** mail with postage prepaid;
 - (c)** registered mail;
 - (d)** courier;
 - (e)** fax;
 - (f)** electronic mail attachment.

Notice to complainant

- 56 (1)** A notice given by the Director under subsection 18(3) of the Act to inform a complainant of the dismissal and reasons for the dismissal of their complaint must be in writing.
- (2)** The advice and disclosure about a complaint that is not being dismissed given by the Director to an operator under subsection 18(4) of the Act must be in writing and must include all of the following:
- (a)** a statement that the complaint has not been dismissed under subsection 18(3) of the Act;
 - (b)** the following information about the complaint, based on information received by the Director:
 - (i)** a citation of the specific provision of the Act or regulations alleged to have been contravened,
 - (ii)** the nature of the contravention and the specific elements of the allegation;
 - (c)** a statement that, for it to be acknowledged, any written response filed by the operator must be submitted no later than the deadline set out in subsection (3);
 - (d)** a description of the actions available to the Director under ~~Section~~ [subsection] 18(5) of the Act.
- (3)** For an operator's written response under clause 18(4)(c) of the Act to be acknowledged, it must be received by the Director no later than 7 days after the date the operator received the notice referred to in subsection (2).

Student Files

File required for each student

- 57 (1)** For each student of a college, the operator must keep a file that includes originals or copies of all of the following:
- (a)** exam papers submitted by the student;
 - (b)** assignments submitted by the student;
 - (c)** transcripts of the student's grades compiled by the college;
 - (d)** the student's attendance records;
 - (e)** any records of complaints made by the student to the operator;

- (f) payment records;
 - (g) records of any refunds paid to the student;
 - (h) correspondence;
 - (i) certificates or diplomas;
 - (j) the signed student contract and any amendments;
 - (k) documentation verifying that the student met the prerequisites for admission to their program.
- (2) An operator must be able to produce any electronic record related to a student file in the form of a printout or in an electronically readable format.
- (3) An operator must provide the Director with a means of accessing all student records regardless of whether the records are in hard copy or electronic form.

Retention of student file

- 58** (1) An operator must keep a student file for at least 1 year after the program end date for the intake the student was enrolled in, except that transcripts and copies of certificates or diplomas must be kept for 5 years after the student has completed or left the program.
- (2) Unless alternate retention arrangements are approved in writing by the Director, at the end of the 5-year period specified in subsection (1), the transcripts and copies of certificates or diplomas must be transferred to the Director for retention.

Student may request copy of student file

- 59** (1) A student may submit a request to an operator for a copy of the student's student file.
- (2) A request under subsection (1) must be in writing.
- (3) No later than 3 business days after receiving a request under subsection (1), an operator must give the student a copy of their student file.
- (4) An operator may recover reasonable photocopying or printing costs from a student who has been given a copy of their student file.

Privacy and distribution policy

- 60** (1) A college must have a privacy and distribution policy with respect to information contained in student files.
- (2) A privacy and distribution policy must include all of the following:

- (a) a description of persons who have or may be given access to student files;
- (b) details about how information contained in student files is used;
- (c) a statement that a student must be given a copy of their student file on request in accordance with Section 59.

Student-rendered Services

Conditions on performing student-rendered services

61 An operator must not permit a student to perform services for any person in connection with a program unless

- (a) the instructor approves it;
- (b) the person for whom the service is performed signs a written acknowledgment that a student is performing the service; and
- (c) a price schedule for the service is posted in accordance with Section 63.

Record of student-rendered services

62 An operator offering services to the public must keep a record of services performed by students and provide a copy of the record to the Director on request.

Price schedule for student-rendered services

- 63** (1) An operator offering services to the public must establish a price schedule for the services performed by students and post the price schedule in a prominent place at the entrance of the college.
- (2) A price schedule for services performed by students must state that students perform the services.

Reporting

Annual report and report of changes

64 (1) Annually, on a date agreed to by the Director in writing, an operator must submit all of the following to the Director:

- (a) a copy of each standard form used by the college, such as a student application form, student contract and enrolment agreement;
- (b) a copy of the policies, rules and regulations of the college;
- (c) a list of the names of all instructors and instructor assistants at the college;

- (d) copies of current renewable licences, certifications or other credentials required by instructors and instructor assistants at the college;
 - (e) written notice that any premises, equipment and other facilities used to deliver a program comply with industry standards and with all applicable building, fire, health, sanitary and safety laws.
- (2) Any change to information filed under subsection (1) must be reported to the Director no later than 30 days after the date the change occurs.

When immediate notice required

65 An operator must immediately give written notice of any of the following to the Director:

- (a) loss or potential loss of accreditation, certification or other recognition affecting a program;
- (b) loss or non-renewal of any licence, certification, membership or other credential required by an instructor at the college;
- (c) resignation or dismissal of an instructor or instructor assistant from the college;
- (d) a change of ownership as described in Section 8;
- (e) inability to deliver a program;
- (f) change of personnel involving persons with authority to bind the college.

Program intake and enrolment reports

66 (1) Before the start date of a program, the operator must report to the Director all intended intakes for that program.

(2) An operator must report any cancellation of an intake reported under subsection (1) to the Director.

(3) For each intake, no later than 2 weeks after the program start date for that intake, the operator must report all of the following information to the Director in writing:

- (a) the name of the program and the program start and end dates for the intake;
- (b) all of the following information for each student enrolled:
 - (i) full name,
 - (ii) date of birth,
 - (iii) gender,

- (iv) residential address,
 - (v) residential and cellular telephone number,
 - (vi) email address,
 - (vii) academic or equivalent qualifications at the time of enrolment,
 - (viii) source of student funding;
- (c) any information the Director requires.

Notice of termination of student enrolment

- 67 (1)** An operator must notify the Director in writing when a student ceases to be enrolled in a program before the program end date for the intake the student was enrolled in.
- (2)** A notice under subsection (1) must be submitted to the Director no later than 30 days after the student's end of enrolment and must include all of the following information:
- (a) the full name of the student;
 - (b) the name of the program;
 - (c) the program start and end dates for the intake the student was enrolled in;
 - (d) the reason the student ceased to be enrolled;
 - (e) the calculation and amount of any refund paid to the student or third-party sponsor.

Program summary report

- 68 (1)** For each intake, no later than 30 days after the program end date for that intake, the operator must submit a program summary report to the Director.
- (2)** A program summary report for an intake must be in writing and must include all of the following information about each student who was enrolled in that intake:
- (a) full name;
 - (b) residential address;
 - (c) residential telephone number and cellular telephone number;
 - (d) enrolment date;

- (e) end of enrolment;
- (f) if the student ceased to be enrolled before the program end date for the intake, the reason the student ceased to be enrolled;
- (g) sources of student funding;
- (h) any information about the student's enrolment that the Director requires.

Financial reports

- 69 (1)** Subject to any requirement under subsection (2) for an audit or review, an operator must provide a copy of the college's financial statements for the previous fiscal year to the Director no later than 180 days after the end of that fiscal year.
- (2)** The Director may require that a college's financial statements be audited or reviewed in a manner specified by the Director, at the cost of the college.
- (3)** In addition to the annual financial statements, an operator must provide financial documentation and information at the request of the Director at any time.

Inspections

Inspectors' powers

- 70** In addition to the powers set out in subsection 23A(4) of the Act, an inspector may do any of the following during an inspection:
- (a) require demonstration of any equipment, software or materials required for the delivery of a program;
 - (b) speak with students in the absence of any college personnel;
 - (c) distribute and collect voluntary feedback forms from students;
 - (d) speak to any college personnel.

Adequate workspace for inspector

- 71** A college must provide an adequate workspace for an inspector to use while reviewing files or speaking with students or college personnel during an inspection.

Seizing records on closure of college

- 72** On the closure of a college for any reason, an inspector or another person designated to assist in transferring files, documents or other items from one location to another may, with written authority from the Director, seize the files, documents or other items from the premises where they are stored.

Suspension, Surrender, Revocation, Security Cancellation

Suspending certificate of registration or certificate of approval

- 73 (1)** On suspending a certificate of registration or certificate of approval, the Director must provide a written notice to the operator that includes all of the following information:
- (a) the effective date of the suspension;
 - (b) the reasons for the suspension;
 - (c) the conditions for reinstatement;
 - (d) the operator's roles and responsibilities to the students in light of the suspension;
 - (e) a list of any documents or materials the Director requires in relation to the suspension.
- (2)** An operator must submit any documents or materials required under clause (1)(e) to the Director.

Suspending intakes

- 74** The Director may suspend intakes to a college or to a program for any of the following reasons:
- (a) issues concerning the solvency of the college are under review;
 - (b) there are or are likely to be insufficient numbers of instructors for the program;
 - (c) issues concerning instructor qualification are under review;
 - (d) the maintenance or continuance of accreditation, certification or licensing of a program or instructor is under review;
 - (e) the availability or continued availability of facilities or equipment required for the program is under review;
 - (f) labour market supply or attachment is under review.

Remaining student files to Director on closure

- 75** On closure of a college, the operator must immediately forward to the Director the remaining original student files being held by the operator together with any additional information requested by the Director.

Surrendering certificate of registration

- 76 (1)** An operator must apply in writing to the Director to surrender the college's certificate of registration.

- (2) The Director must approve and register the surrender of a certificate of registration when all of the following are met:
 - (a) all obligations to students have been met;
 - (b) any students who had not completed their programs before the surrender have been transferred to other programs satisfactory to them to complete their training;
 - (c) if applicable, financial or other provisions have been made for the students and the students and Director consider them satisfactory;
 - (d) all requirements of the Act and regulations have been met, including the requirement in Section 75 for the operator to transfer remaining student files to the Director on the closure of the college;
 - (e) the operator has met any other reasonable requirement of the Director.
- (3) On approving and registering the surrender of a certificate of registration, the Director must send written notice of the approval and registration to the operator.

Revoking certificate of registration or certificate of approval

- 77 (1) On revoking a certificate of registration or certificate of approval, the Director must provide a written notice to the operator that includes all of the following information:
- (a) the effective date of the revocation;
 - (b) the reasons for the revocation;
 - (c) a list of any documents or materials reasonably required by the Director in relation to the revocation.
- (2) An operator must submit any documents or materials required under clause (1)(c) to the Director.
 - (3) An operator must immediately send the Director all of their remaining original student files and any additional information requested by the Director when the operator's certificate of registration is revoked and either of the following also applies:
 - (a) the time for requesting a review under subsection 28[(2)] of the Act has expired;
 - (b) a review was conducted under Section 28 of the Act and the Senior Executive Director confirmed the Director's decision to revoke the certificate of registration.

Cancelled security

- 78 (1)** If a surety bond is cancelled or if a college's certificate of registration is revoked or surrendered and the surety bond is not forfeited, the Director may, 1 year after the cancellation or, subject to subsection (2), 1 year after the effective date of the revocation or surrender, deliver the surety bond to the person bound by it.
- (2)** At the Director's sole discretion, if no student has been under contract for 1 year, the Director may deliver a surety bond to the person bound by it before the end of 1 year from the effective date of the revocation or surrender of the certificate of registration that the bond relates to.

Claims Against Fund

Notifications on college closure

- 79 (1)** An operator of a college that is closing must immediately provide all of the following information to the Director about students enrolled in the college at the time of the closure:
- (a) the students' names, addresses, telephone numbers, and email addresses;
 - (b) if any portion of a student's tuition was paid from the proceeds of a loan, the name and address of the lender and any Provincial or federal agency that guaranteed or insured the loan;
 - (c) if any portion of a student's tuition was paid by a third-party sponsor, the name and address of the third-party sponsor;
 - (d) programs in which the students are registered, including the start date of the program for each intake, the expected end date of the program for each intake and the date the college closed;
 - (e) any information reasonably required by the Director to determine eligibility for making claims against the Fund.
- (2)** No later than 30 days after the date a college closes, the Director must notify all of the following of their rights under the Fund and how to make a claim:
- (a) each student enrolled in the college at the time of the closure;
 - (b) each third-party sponsor of a student enrolled in the college at the time of the closure.

Filing claim

- 80 (1)** A claim against the Fund must be filed no later than 1 year after the date the claimant receives the notice from the Director under subsection 79(2).

- (2) A claim filed after the time specified in subsection (1) is not acknowledged, and the Province is relieved of further duty or action on behalf of the claimant with respect to that claim.
- (3) A third-party sponsor is eligible to make a claim against the Fund.

No liability for Province

81 No liability accrues to the Province from claims made against the Fund.

Administrative Sanctions

Monetary sanction amount

82 (1) The amount of a monetary sanction is as set out in the following table:

Monetary Sanction Amount		
1st	2nd	3rd or Subsequent
\$100	\$200	\$500

- (2) Subject to subsection (3), in determining whether a monetary sanction for a contravention is a 2nd, 3rd or subsequent monetary sanction, only a monetary sanction that was imposed for the same contravention within the 3-year period immediately before the date of the monetary sanction that is the basis of the current monetary sanction [*sic*] is counted as a previous monetary sanction.
- (3) The 3-year period referred to in subsection (2) must not include any period of time earlier than the date these regulations come into force.

Deadline for paying monetary sanction

- 83 (1)** Except as provided in subsection (2), a person who is served with a notice of a monetary sanction must pay the monetary sanction no later than 30 days after the date the notice is served.
- (2) A monetary sanction that is appealed to the Senior Executive Director is not required to be paid unless the Senior Executive Director decides that the monetary sanction must be paid, and in that case it must be paid no later than 30 days after the date of the Senior Executive Director’s decision.

Failure to pay monetary sanction

84 If a monetary sanction is not paid by the deadline set out in Section 83, the amount of the monetary sanction is a debt due to the Crown in right of Nova Scotia.

Administrative sanction does not relieve person from duty to comply

85 The imposition of an administrative sanction does not relieve a person from their duty to comply with the order respecting the contravention for which the administrative sanction was imposed.

Review by Senior Executive Director

Definition for Sections 87 to 90

86 In Sections 87 to 90, “review” means a review of a decision, order or administrative sanction requested under Section 28 of the Act.

Form of review request

87 A request for a review must contain all of the following information:

- (a) the name and contact information of the affected party;
- (b) a copy of the decision, order or administrative sanction that is the subject of the request;
- (c) a request that the decision, order or administrative sanction be reversed or varied and, if a variance is requested, the particulars;
- (d) documentation of substantial cause to reverse or vary the decision, order or administrative sanction.

Notice to Director of request to review

88 Within a reasonable time after receiving a request for a review and before beginning the review, the Senior Executive Director must notify the Director in writing that the request has been filed.

Senior Executive Director must conduct review

- 89** (1) The Senior Executive Director must conduct a review on receipt of a request filed in accordance with subsection 28(2) of the Act.
- (2) At the Senior Executive Director’s option, the review may be conducted orally or through written submissions.
- (3) The Senior Executive Director may ask any person for clarification of or information in addition to the information submitted in the request for the review.

Onus on person requesting review

90 In any review, the onus is on the person requesting the review to establish, on a balance of probabilities, that the order, decision or administrative sanction should not be confirmed.

Notice and Deemed Receipt

Method of notification

91 Unless otherwise specified, notice required under these regulations must be in writing and submitted by mail with postage prepaid, by courier or by other means of personal delivery.

Deemed receipt

- 92** (1) Any notice under these regulations that is sent by mail with postage prepaid is deemed to have been received on the 5th day following the date of mailing.
- (2) Any notice under these regulations that is sent by courier or other means of personal delivery is deemed to have been received on the date of delivery.