



## Statements of Students' Rights and Responsibilities

Private career colleges in Ontario are regulated under the *Private Career Colleges Act, 2005*, which is administered by the Superintendent of Private Career Colleges. Prior to offering vocational programs to the public, private career colleges must be registered and have their programs approved under the Act. For a list of registered private career colleges and approved programs, please go to the Service Ontario website at [www.serviceontario.ca/pcc](http://www.serviceontario.ca/pcc).

### Dealing With Your Private Career College

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

### Contact

When you enrol in a program, you must sign and receive a written contract. The private career college is not allowed to require you to obtain a product or service as a condition of admission into the program. For example, a private career college may not require you to purchase a laptop computer from the college prior to enrolling you in a vocational program.

The written contract must contain all of the following terms:

- the approved program name;
- your address, telephone number and, if applicable, e-mail address;
- the start and expected end date;
- the language of instruction;
- the admission requirements;
- a schedule of hours of instruction;
- the location of instruction, and if instruction is provided online, the website address;
- the location of any additional training location and/or practicum (e.g., work placement), and if additional training and/or a practicum is provided online, the website address;
- the fees in Canadian dollars and a schedule indicating the time and amount of each payment;
- a place for you to acknowledge that you have received a copy of:
  - this Statement of Students' Rights and Responsibilities issued by the Superintendent of Private Career Colleges,
  - the college's fee refund policy,
  - the college's student complaint procedure,
  - the college's sexual violence policy, and

### Newberry College

[www.newbarryc.com](http://www.newbarryc.com)

Address: 55 Town Centre Court, Suite 700  
Scarborough, Toronto, ON, M1P 4X4

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- the college's policy relating to the expulsion of students;
- a consent section for the collection and use of your private information; and
- statements, in bold, that:
  - the contract is subject to the *Private Career Colleges Act, 2005* and the regulations made under the Act,
  - the private career college does not guarantee employment for any student who successfully completes a vocational program offered by the college; and
  - you are entitled to a copy of the signed contract immediately after it is signed.

### **Fee Collection**

A private career college is only allowed to charge or collect fees for a program in Canadian dollars. Furthermore, the college is not allowed to charge or collect any compulsory fee for a program that is not published on the Service Ontario website or that is higher than what is published. The college is also not allowed to charge or collect any optional fee for a program that is not approved by the Superintendent of Private Career Colleges.

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

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

### **Sale of Students' Goods and Services**

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

### **Fee Refund**

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

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

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

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

### **Cooling Off Period**

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

### **Full Refund**

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

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

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

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

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

### **Partial Refund Before a Program Begins**

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

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

### **Partial Refund After a Program Begins**

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

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## **Transcript**

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

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

## **Credential**

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

## **Student Complaint Procedure**

All private career colleges are required to have a student complaint procedure in place to resolve issues arising between the college and its students.

You must first go through a private career college's student complaint procedure before filing a complaint with the Superintendent of Private Career Colleges. A Student Complaint Form for a complaint to the Superintendent can be downloaded from the Service Ontario website at [www.forms.ssb.gov.on.ca](http://www.forms.ssb.gov.on.ca).

## **Sexual Violence Policy and Accommodation**

All private career colleges are required to have a stand-alone policy to address sexual violence and harassment involving students. In addition, all private career colleges must, without fee, appropriately accommodate the needs of students affected by sexual violence or harassment.

The sexual violence policy must be included in every enrolment contract between a student and a private career college and it must be published on each private career college's website or, where the private career college does not have a website, posted in a conspicuous location at each campus of the private career college.

At a minimum the policy must:

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- provide information about supports and services available at the college or through its agent for students affected by sexual violence or harassment;
- contact to obtain supports and services;
- provide information about supports and services in the community for students affected by sexual violence or harassment;
- inform students that the college will appropriately accommodate the needs of students affected by sexual violence or harassment and identify the specific official, office or department at the college that students should contact for accommodation;
- inform students that they are not required to report an incident of, or make a complaint about, sexual violence or harassment to obtain supports, services, or accommodation; and
- set out a process for responding to and addressing incidents and complaints of sexual violence and harassment that includes the elements specified in the regulations under the *Private Career Colleges Act, 2005*.

Every private career college student who experiences sexual violence or harassment has the right to be treated with dignity, compassion, and respect. In addition, every student has the right to choose among the available options for addressing incidents of sexual violence or harassment, whether those options are provided on campus or off. Except in extreme situations, where there is an imminent threat to the campus or broader community, the choice of options (including the choice not to exercise any option) always remains with you, the student.

### **International Students**

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

### **Fee Collection**

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

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

### **Fee Refund**

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

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

### **Insurance**

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

### **Midway Evaluation**

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

### **Qualified Instructors**

You are entitled to be taught by an instructor who holds the required combination of academic, practical and teaching experience. In case of emergency, a private career college

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is allowed to use a substitute instructor who is not fully qualified. However, the college is not allowed to use unqualified instructors to teach a total of more than 10% of a program.

## Closure

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

For more information about your rights and responsibilities in the event of the closure of your private career college while you are enrolled as a vocational student, please see the Superintendent's FACT SHEET #5: Training Completion Assurance Fund (TCAF) — Information for Students: Private Career College Closure at [www.tcu.gov.on.ca/pepg/audiences/pcc/factsheet5.html](http://www.tcu.gov.on.ca/pepg/audiences/pcc/factsheet5.html).

You can find more detailed information about student protection measures in the *Private Career Colleges Act, 2005* Facts Sheets, including information about fee refund calculation. All Fact Sheets can be downloaded from the Ministry of Training, Colleges and Universities website at [www.tcu.gov.on.ca/pepg/audiences/pcc/](http://www.tcu.gov.on.ca/pepg/audiences/pcc/).

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

Private Career Colleges Branch  
Ministry of Training, Colleges and Universities  
77 Wellesley Street West  
Box 977  
Toronto (Ontario) M7A 1N3

Telephone: (416) 314-0500 ou 1-866-330-3395  
Fax: (416) 314-0499  
E-mail: [pcc@ontario.ca](mailto:pcc@ontario.ca)

**OR**

Visit our website at: [www.tcu.gov.on.ca/pepg/audiences/pcc/](http://www.tcu.gov.on.ca/pepg/audiences/pcc/)

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## Consent to Use of Personal Information

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

I, \_\_\_\_\_, allow Newbarry College of Business, Service and Technology to give my name, address, telephone number, e-mail address and other contact information to the Superintendent of Private Career Colleges for the purposes checked below:

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

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

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(Name of Student)

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(Signature of Student)

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Date

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