

PROVINCE OF BRITISH COLUMBIA
REGULATION OF THE MINISTER OF
ADVANCED EDUCATION

Private Training Act

Ministerial Order No. M 219

I, Andrew Wilkinson, Minister of Advanced Education, order that,

- (a) effective September 1, 2016, the Private Training Regulation set out in the attached Schedule 1 is made,
- (b) effective November 28, 2016, the Private Training Regulation is amended as set out in the attached Schedule 2,
- (c) effective May 17, 2017, the Private Training Regulation is amended as set out in the attached Schedule 3, and
- (d) effective September 1, 2018, the Private Training Regulation is amended as set out in the attached Schedule 4.

June 7, 2016
Date


Minister of Advanced Education

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Private Training Act*, S.B.C. 2015, c. 5, s. 63

Other:

May 30, 2016

2/R/420/2015/33

SCHEDULE 1

PRIVATE TRAINING REGULATION

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PART 1 – GENERAL

Definitions

1 In this regulation:

“aboriginal” has the same meaning as in section 1 [definitions] of the Fees and Student Tuition Protection Fund Regulation;

“aboriginal institution” has the same meaning as in section 1 of the Fees and Student Tuition Protection Fund Regulation;

“Act” means the *Private Training Act*;

“British Columbia Electronic Identification” means an online account, with an identification and password, used to securely access online government services;

“category assignment assessment” means the assessment conducted by the registrar in accordance with Part 6 [*Category Assignment*] of the Fees and Student Tuition Protection Fund Regulation;

“certificate application date” has the same meaning as in section 1 of the Fees and Student Tuition Protection Fund Regulation;

“certificate of good standing” means a document entitled “Certificate of Good Standing” issued by the Registrar of Companies;

“Class A program” means a program of instruction prescribed under section 10 (1) (a) [*classes of programs requiring approval*] of this regulation;

“Class B program” means a program of instruction prescribed under section 10 (1) (b) of this regulation;

“Class C program” means a program of instruction prescribed under section 10 (1) (c) of this regulation;

“company” has the same meaning as in section 1 (1) [*definitions*] of the *Business Corporations Act*;

“continuous intake model” means a student intake model in which there is continuous admission of students throughout a program of instruction;

“corporation” has the same meaning as in section 1 (1) of the *Business Corporations Act*;

“course outline” means an outline for a course that includes all of the following:

- (a) the learning objectives of the course;
- (b) a list of required course materials;
- (c) a description of the method of evaluation used to assess a student’s performance in the course;
- (d) the requirements that a student must meet to complete the course;
- (e) the teaching methods used in the course;

“curriculum” means a plan that sets out learning activities and how learning activities must be designed in order to meet the learning objectives of a program of instruction;

“employer provided program” has the same meaning as in section 1 of the Fees and Student Tuition Protection Fund Regulation;

“extraprovincial company” has the same meaning as in section 1 (1) of the *Business Corporations Act*;

“extraprovincial society” has the same meaning as in section 1 [*definitions*] of the *Society Act*;

“federal regulator” has the same meaning as in section 1 of the Fees and Student Tuition Protection Fund Regulation;

“firm” has the same meaning as in section 1 [definitions] of the *Partnership Act*;

“full time”, in relation to an approved program of instruction, means

- (a) instructional time of 20 or more hours of instruction per week, or
- (b) if the program leads to employment in a career occupation regulated by the federal regulator, instructional time of 15 or more hours of instruction per week;

“health regulatory body” has the same meaning as in section 1 of the Fees and Student Tuition Protection Fund Regulation;

“host organization” means a person that provides a work experience component;

“hour of instruction” means, in respect of an institution, an hour in which students of the institution receive instruction in a program of instruction, but does not include recesses, lunch periods or other scheduled breaks between classes;

“intermittent intake model” means a student intake model in which students are admitted into a program of instruction at particular times of the year;

“international student” has the same meaning as in section 1 of the Fees and Student Tuition Protection Fund Regulation;

“language program” has the same meaning as in section 1 of the Fees and Student Tuition Protection Fund Regulation;

“letter of acceptance” means a letter issued by an institution for the purposes of Immigration, Refugees and Citizenship Canada processing an international student’s application for a study permit;

“limited partnership” means a limited partnership within the meaning of Part 3 of the *Partnership Act*;

“major shareholder” means a person who holds more than 50% of shares carrying the right to vote at general meetings of any of the following:

- (a) a company;
- (b) an extraprovincial company;
- (c) a corporation, other than a company, an extraprovincial company, a society or an extraprovincial society;

“method of delivery” includes the following:

- (a) distance education;
- (b) in-class instruction;
- (c) a method that incorporates both distance education and in-class instruction;

“notice of dismissal” means a certified institution’s written notice advising a student enrolled in an approved program of instruction that the student is dismissed from the program;

“notice of withdrawal” means a student’s written notice advising a certified institution that the student is withdrawing from an approved program of instruction in which the student is enrolled;

“other signatory” has the same meaning as in the Fees and Student Tuition Protection Fund Regulation;

“part time”, in relation to an approved program of instruction, means

- (a) instructional time of less than 20 hours of instruction per week, or
- (b) if the program leads to employment in a career occupation that is regulated by the federal regulator, instructional time of less than 15 hours of instruction per week;

“program outline” means an outline for a program of instruction that includes all of the following:

- (a) the title of the program;
- (b) the learning objectives of the program;
- (c) a description of the method of evaluation used to assess a student, if there is an evaluation in addition to the one included in a course outline for a course that is part of the program;
- (d) the requirements that a student must meet to complete the program;
- (e) a list of the titles of the courses that are part of the program;
- (f) the number of hours of instruction for each course that is part of the program;
- (g) the number of hours of instruction for each work experience component of the program;
- (h) in respect of career-related programs of instruction, the career occupation for which the program is intended to prepare a student;

“regulator” means

- (a) the federal regulator,
- (b) a health regulatory body, or
- (c) a statutory regulatory body;

“related fees” means fees related to a program of instruction, including administrative fees, application fees, assessment fees and fees charged for course materials;

“related party”, in respect of an institution, means a person who is related to the institution in that the institution could have direct or indirect control or influence over the person, or the person could have direct or indirect control or influence over the institution;

“senior educational administrator” means an individual employed or retained by a certified institution who

- (a) has a degree, diploma or certificate, or comparable education or work experience, in adult education, and
- (b) is responsible for the following:
 - (i) ensuring that the course outline, the curriculum and the program outline of an approved program of instruction are relevant to the program’s learning objectives;
 - (ii) overseeing a performance evaluation process for instructors who provide an approved program of instruction;

“society” has the same meaning as in section 1 of the *Society Act*;

“sole proprietorship” means a person who is engaged in the business of operating an institution and who is not associated in partnership with any other person or persons;

“statutory regulatory body” means a Provincial statutory body, other than a health regulatory body, that requires membership, accreditation, licensing or registration for an individual to be authorized to work in a career occupation regulated by the statutory body;

“student enrolment contract” has the same meaning as in section 1 of the Fees and Student Tuition Protection Fund Regulation;

“student intake model” means the following:

- (a) a continuous intake model;
- (b) an intermittent intake model;

“student policies” means all of the following:

- (a) the student attendance policy required under section 40 (2) [*student attendance compliance standards*];
- (b) the student dismissal policy required under section 47 (2) [*student dismissal compliance standards*];
- (c) the student grade appeal policy required under section 43 (2) [*grade appeal compliance standards*];
- (d) the work experience component policy required under section 41 (2) [*work experience component compliance standards*];
- (e) the dispute resolution process required under section 62 (1) [*dispute resolution process*];

“study permit” means a study permit issued under the *Immigration and Refugee Protection Act* (Canada);

“teaching method” includes the following methods:

- (a) teaching in a seminar format;
- (b) teaching in a laboratory;
- (c) teaching in a lecture format;

“work experience component” means a required part of an approved program of instruction that is provided by a host organization in which a student obtains practical skills relevant to the learning objectives of the program;

“work experience component monitoring” means monitoring by a certified institution of a student while the student participates in a work experience component by reviewing whether the student

- (a) is attending the work experience component, and
- (b) is meeting the learning objectives of the approved program of instruction.

Provision of documents

2 In this regulation, if an institution must provide a document, or a copy of a document, to a student, the institution must provide the document or copy to the student

- (a) in person,

- (b) by email to the student's email address, or
- (c) by registered mail to the student's mailing address in Canada.

Prescribed occupations

- 3 For the purposes of the definition of "career occupation" in section 1 [*definitions*] of the Act, the following occupations are prescribed:
- (a) an occupation described in the current edition of the National Occupational Classification as follows:
 - (i) 4154 (professional occupations in religion);
 - (ii) 4217 (other religious occupations);
 - (iii) 5232 (other performers n.e.c.);
 - (iv) 6564 (other personal service occupations), other than feng shui practitioner, massager, masseur/masseuse and Reiki master;
 - (b) an occupation of driving motor vehicles that requires a driver to hold a class 1, 2, 3, 4, 1L, 2L, 3L or 4L driver's licence or an endorsement to operate a vehicle equipped with air brakes under the *Motor Vehicle Act*;
 - (c) the occupation of driver training instructor as defined in section 27.01 [*definitions*] of the Motor Vehicle Act Regulations, B.C. Reg. 26/58.

PART 2 – CERTIFICATES

Career training program thresholds

- 4 For the purposes of
- (a) section 2 (a) [*certificate required to provide career training programs*] of the Act, the tuition prescribed is \$4 000, and
 - (b) section 2 (b) of the Act, the instructional time prescribed is 40 hours of instruction.

Application for certificate

- 5 (1) For the purposes of section 6 (a) [*application for certificate*] of the Act, if an institution applying for a registration certificate or a designation certificate does not hold a certificate on the institution's certificate application date, the institution's application must include the following information and records:
- (a) if the institution is a company,
 - (i) the names of its directors and senior officers, as defined in section 1 (1) of the *Business Corporations Act*, and its major shareholder,
 - (ii) a copy of its central securities register maintained under section 111 [*securities registers*] of that Act, and
 - (iii) a certificate of good standing;
 - (b) if the institution is an extraprovincial company, the names of its directors and senior officers, as defined in section 374 [*definitions*] of the *Business Corporations Act*, and its major shareholder;

- (c) if the institution is a corporation, other than a company, an extraprovincial company, a society or an extraprovincial society, the names of its directors and senior officers, as defined in section 1 (1) of the *Business Corporations Act*, and its major shareholder;
 - (d) if the institution is a partnership within the meaning of the *Partnership Act* or under the laws of a jurisdiction other than British Columbia, other than a limited partnership, a signed copy of the partnership agreement;
 - (e) if the institution is a limited partnership, the names of its general partners;
 - (f) if the institution is a society or an extraprovincial society,
 - (i) the names of its directors, as defined in section 1 of the *Society Act*, and
 - (ii) a copy of the most recent annual report filed under section 68 [*filing annual report*] or 78 [*return to registrar*] of that Act, as the case may be;
 - (g) if the institution is a sole proprietorship, the full name of the proprietor;
 - (h) if the institution is an aboriginal institution, the legal name of the entity that operates the institution;
 - (i) evidence that the institution has a valid British Columbia Electronic Identification;
 - (j) evidence that the institution has obtained general liability insurance;
 - (k) a written declaration by a person who has the legal authority to act on behalf of the institution as to whether the institution, or an associated institution within the meaning of section 46 [*associated institutions*] of the Act,
 - (i) has suspended operations in any jurisdiction, or
 - (ii) has been closed or involved in an action in any jurisdiction respecting the closure of the institution;
 - (l) copies of the following:
 - (i) the institution's business licence, if the institution holds a business licence issued by a local government;
 - (ii) the institution's business plan;
 - (iii) the student enrolment contract used by the institution for approved programs of instruction and for programs of instruction that do not require approval;
 - (iv) a description of the institution's proposed dispute resolution process.
- (2) For the purposes of subsection (1) (l) (ii), the institution's business plan must include the following:
- (a) a description of the programs of instruction the institution provides or intends to provide;
 - (b) an analysis of the market for the programs of instruction the institution provides or intends to provide;
 - (c) a description of any agreements the institution has entered into, or intends to enter into, with another entity to provide a program of instruction, or part

- of a program of instruction, except as the agreement relates to a work experience component;
- (d) the number of students the institution estimates will enroll in each program of instruction in each of the next 3 years;
- (e) a description of the institution's student recruitment process;
- (f) operational expenses the institution estimates it will incur in the next year;
- (g) capital costs the institution estimates it will incur in the next 3 years;
- (h) revenue sources of the institution the institution estimates it will have in the next 3 years;
- (i) estimates of what the institution will earn from each revenue source during the next 3 fiscal years, including the total tuition the institution estimates it will earn in respect of programs of instruction that require approval;
- (j) a copy of the institution's current balance sheet.

Application for certificate by institution holding certificate

- 6 For the purposes of section 6 (a) [*application for certificate*] of the Act, if an institution applying for a registration certificate or a designation certificate holds a certificate on the institution's certificate application date, the institution's application must include
- (a) the information and records required under section 5 (1) of this regulation, except those required under section 5 (1) (a) (ii), (f) (ii) and (l), or
 - (b) the following information and records from a person who has the legal authority to act on behalf of the institution:
 - (i) identification of the information and records previously provided under section 5 (1) (a) (i) and (iii), (b) to (f) (i) and (g) to (k);
 - (ii) a written declaration that the information and records identified under subparagraph (i) continue to be accurate;
 - (iii) if there is any change in the information or records identified in subparagraph (i), updated information and records.

Requirements for issuance of registration or designation certificate

- 7 (1) In this section:
- “annual total principal in delinquency”**, in relation to an institution, means the annual total principal in delinquency for the institution as determined by the minister responsible for the administration of the *Canada Student Financial Assistance Act*;
 - “cohort”** means a cohort of students that the minister responsible for the administration of the *Canada Student Financial Assistance Act* uses to determine an annual total principal in delinquency or a student loan repayment rate;
 - “federal designation”** means the designation of an institution as a designated educational institution as defined in section 2 (1) of the *Canada Student Financial Assistance Act*;

“**past 3 years**” means a 3-year period that ends on the expiry date included in an institution’s current certificate;

“**past year**” means a one-year period that ends on the expiry date included in an institution’s current certificate;

“**student loan repayment rate**”, in relation to an institution, means the student loan repayment rate as determined by the minister responsible for the administration of the *Canada Student Financial Assistance Act* for the institution.

(2) For the purposes of section 7 (1) (a) [*registrar issues certificates*] of the Act, the following requirements are prescribed for a registration certificate:

- (a) the institution must demonstrate sufficient resources to meet its obligations to students under the Act;
- (b) the institution must pay any outstanding administrative penalties, fees, fines or payments to the fund;
- (c) the institution must have a valid British Columbia Electronic Identification;
- (d) the institution must have general liability insurance;
- (e) if the institution holds a certificate, the institution must provide the financial statements required under section 51 [*reporting requirements*] and the student data report under section 53 [*additional reporting requirements – student data reports*].

(3) Subject to subsections (5) and (6), for the purposes of section 7 (1) (a) of the Act, the following requirements are prescribed for a designation certificate:

- (a) the requirements prescribed under subsection (2) of this section;
- (b) the institution must have continuously held a certificate under the Act or been registered under the former Act for the past year;
- (c) the institution must have a senior educational administrator;
- (d) if the institution has federal designation, the institution must have one of the following on the date that the ministry provides the institution with notification of the institution’s most recent student loan repayment rate and annual total principal in delinquency:
 - (i) a student loan repayment rate of 70% or more for 2 of the last 3 years;
 - (ii) an annual total principal in delinquency of less than \$100 000 in each of the last 3 years;
- (e) the institution must have students enrolled in at least 50% of its approved programs of instruction or must have had students enrolled in at least 50% of its approved programs of instruction at one time in the past year;
- (f) if the institution has continuously held a certificate or was registered under the former Act for the past 3 years, the institution must have granted a credential to students in at least 50% of the institution’s approved programs of instruction provided in the past 3 years.

(4) The requirements

- (a) prescribed under subsection (3) (d) do not apply to an institution if either of the following applies:
 - (i) the institution has fewer than 10 students in a cohort;

- (ii) the minister responsible for the administration of the *Canada Student Financial Assistance Act* is unable to determine the student loan repayment rate or the annual total principal in delinquency for the institution because the minister has insufficient data, and
 - (b) prescribed under subsection (3) (b) and (f) do not apply to an aboriginal institution.
- (5) An institution that is deemed to hold a designation certificate under section 72 [*transition – registration and accreditation*] of the Act is not required to meet the requirements set out in subsection (3) (d) to (f) of this section in respect of the first time the registrar issues a certificate to the institution under section 7 of the Act after that section comes into force.
- (6) If an institution applying for a registration certificate or a designation certificate does not hold a certificate on the institution's certificate application date, the institution, in addition to the requirements prescribed under subsections (2) and (3), must ensure that one of the following persons has participated in an orientation session provided by the registrar within 6 months of the institution's certificate application date:
- (a) a person who has the legal authority to act on behalf of the institution;
 - (b) a senior educational administrator of the institution.

Requirements for issuance of interim designation certificate

- 8 For the purposes of section 7 (2) (a) [*registrar issues certificates*] of the Act, the following requirements are prescribed for an interim designation certificate:
- (a) the institution must demonstrate sufficient resources to meet its obligations to students under the Act;
 - (b) the institution must pay any outstanding administrative penalties, fees, fines or payments to the fund;
 - (c) the institution must have a senior educational administrator;
 - (d) the institution must have a valid British Columbia Electronic Identification;
 - (e) the institution must have general liability insurance;
 - (f) if the institution holds a certificate, the institution must provide the financial statements required under section 51 [*reporting requirements*] and the student data report under section 53 [*additional reporting requirements – student data reports*].

Certificate continuation application deadline

- 9 For the purposes of section 10 [*continuation of certificate term if application made before deadline*] of the Act, the deadline prescribed is 90 days before the expiry date included in the institution's current certificate.

PART 3 – APPROVAL OF PROGRAMS OF INSTRUCTION

Classes of programs requiring approval

- 10** (1) Subject to subsection (2) of this section, for the purposes of section 11 (1) [*requirement for approval*] of the Act, the following classes of programs of instruction are prescribed as requiring approval:
- (a) career training programs;
 - (b) career-related programs of instruction, other than career training programs, provided by an institution that holds an interim designation certificate or a designation certificate or is applying for a designation certificate, for which the tuition is equal to or greater than \$1 000;
 - (c) language programs provided by an institution that holds an interim designation certificate or a designation certificate or is applying for a designation certificate.
- (2) A class listed in subsection (1) does not include the following programs of instruction:
- (a) a program of instruction that has been approved by the registrar;
 - (b) an employer provided program that is not provided to international students who require a study permit.

Approval process

- 11** (1) For the purposes of section 12 (3) (a) [*program approval process*] of the Act, the registrar must review the information and records listed in section 12 of this regulation submitted by an institution to decide whether a program of instruction is in a class prescribed under section 10 of this regulation as requiring approval.
- (2) For the purposes of section 12 (3) (b) of the Act, when deciding whether to approve a program of instruction, the registrar must do both of the following:
- (a) review all the information and records listed in section 13 [*information and records required for decision whether to approve program of instruction*] of this regulation submitted by an institution;
 - (b) take into account the considerations set out in section 14 [*considerations for approval*] of this regulation.

Information and records required for decision whether program of instruction requires approval

- 12** For the purposes of section 12 (2) (a) [*program approval process*] of the Act, an institution must submit the following information and records to the registrar in respect of a program of instruction:
- (a) the amount of tuition and related fees for the program;
 - (b) the number of hours of instruction of the program;
 - (c) the number of weeks of the program during which students enrolled in the institution receive instruction;
 - (d) the program outline;

- (e) the location where the institution provides, or from which the institution provides, the program.

**Information and records required for decision
whether to approve program of instruction**

- 13 (1) For the purposes of section 12 (2) (a) [*program approval process*] of the Act, an institution must submit the following additional information and records to the registrar in respect of the program of instruction:
- (a) the admission requirements for the program;
 - (b) the student intake model;
 - (c) if the student intake model is an intermittent model,
 - (i) the number of intakes throughout the program, and
 - (ii) the maximum number of students that may be admitted in each intake;
 - (d) the maximum number of students that may be admitted to the program;
 - (e) an outline of each course that is part of the program and the order in which courses will be provided;
 - (f) a list of equipment and facilities the institution uses to provide the program;
 - (g) a description of the method of delivery for the program;
 - (h) a description of the course materials provided to students enrolled in the program, including the language of the materials;
 - (i) the language of instruction of the program;
 - (j) whether the program is offered as a full time program, a part time program or both;
 - (k) if the program includes a work experience component,
 - (i) the institution's written work experience component policy, and
 - (ii) a list of all of the host organizations that will provide work experience components to students;
 - (l) if the institution has entered into, or intends to enter into, an agreement with another entity to provide the program, or part of the program, except as the agreement relates to a work experience component, a copy of the agreement;
 - (m) if the program of instruction is a Class A program, the credential that will be granted for the program;
 - (n) if the program of instruction is a Class A program or a Class B program, whether the program leads to employment in a career occupation regulated by a regulator and, if so, the name of the regulator;
 - (o) if the program of instruction is a Class A program offered at an institution that holds an interim designation certificate or a designation certificate, an evaluation of the program.
- (2) For the purposes of subsection (1) (o), an evaluation must
- (a) be conducted by an individual who

- (i) has expertise in career occupations that are relevant to the program of instruction, and
 - (ii) is not a related party and receives no benefit from the institution other than the payment for the evaluation, and
- (b) set out the evaluator's opinion about the following:
- (i) whether a proposed program of instruction, including the course outlines, the curriculum and the program outline, is appropriate to enable students to meet the learning objectives of the program;
 - (ii) all of the considerations listed in section 14 (a) to (e);
 - (iii) the location where the institution provides the program of instruction, based on at least one site visit to the location;
 - (iv) any other matter that the evaluator considers relevant in respect of the approval of the program of instruction.

Considerations for approval

- 14** The registrar must take into account the following considerations when deciding whether to approve a program of instruction:
- (a) whether the title of the program is consistent with the learning objectives of the program;
 - (b) whether the program leads to a credential;
 - (c) whether the following are appropriate to enable students to meet the learning objectives of the program:
 - (i) the admission requirements for the program;
 - (ii) the student intake model;
 - (iii) the maximum number of students that may be admitted to the program;
 - (iv) the course outlines and the program outline;
 - (v) the equipment and facilities the institution uses to provide the program;
 - (vi) the method of delivery for the program;
 - (vii) the order in which courses are provided;
 - (viii) the number of hours of instruction of the program;
 - (d) whether the course materials are relevant to the program and in the language in which the program is provided or in a language appropriate for the program;
 - (e) if the program includes a work experience component, whether the institution has a written work experience component policy that meets the work experience component standard prescribed under section 41 (2) and (3) [*work experience component compliance standards*];
 - (f) whether the institution has entered into, or intends to enter into, an agreement with another entity to provide the program, or part of the program, except as the agreement relates to a work experience component;

- (g) if the program is a Class A program offered by an institution that holds an interim designation certificate or a designation certificate, the evaluation of the program under section 13 (1) (o);
- (h) any information or records required by the registrar under section 12 (2) (b) [*program approval process*] of the Act.

PART 4 – COMPLIANCE STANDARDS

Division 1 – Interpretation and Application

Definitions for this Part and interpretation

15 (1) In this Part:

“clinical placement” means a type of work experience component

- (a) that is part of an approved program of instruction that leads to employment in a career occupation in the health field,
- (b) in which no more than 12 students are supervised by one instructor, and
- (c) that, subject to subsection (2), consists of not more than 50% of the hours of instruction of an approved program of instruction;

“cooperative placement” means a type of work experience component

- (a) that, subject to subsection (2), consists of not more than 50% of the hours of instruction of an approved program of instruction, and
- (b) subject to subsection (3) for which a student is paid;

“effective contract date” means, in relation to a student enrolment contract, the later of the following dates:

- (a) the date the student, or other signatory, signs the student enrolment contract;
- (b) the date a person who has the legal authority to act on behalf of the certified institution signs the student enrolment contract;

“grade appeal process” means the process set out in a policy established under section 43 [*grade appeal compliance standards*];

“practicum” means a type of work experience component

- (a) that, subject to subsection (2), consists of not more than 20% of the hours of instruction of an approved program of instruction, and
- (b) for which a student is not paid;

“preceptor” means an individual who is qualified to practise in the health field and who provides support and learning experiences to students;

“preceptorship” means a type of work experience component

- (a) in which one student is supervised by one preceptor, and
- (b) that, subject to subsection (2), consists of not more than 10% of the hours of instruction of an approved program of instruction.

- (2) A work experience component may consist of more than the percentage of hours of instruction referred to in the applicable definitions in subsection (1) if the work experience component is part of a program of instruction that

- (a) leads to employment in a career occupation that is regulated by a regulator and a higher percentage of hours of instruction, or a higher number of hours of instruction resulting in a higher percentage of hours of instruction, is a requirement of the regulator, or
 - (b) has a start date before this section comes into force.
- (3) A work experience component that is a cooperative placement may be unpaid if it is part of a program of instruction that has a start date before this section comes into force.

Prescribed compliance standards

- 16** For the purposes of the definition of “**compliance standards**” in section 1 of the Act, the compliance standards set out in this Part are prescribed for certified institutions.

Division 2 – General Compliance Standards

General compliance standards

- 17** (1) The general compliance standards set out in this section are prescribed for a certified institution.
- (2) A certified institution must do all of the following:
- (a) clearly identify in its publications, including on its website, if the institution has a website, whether a program of instruction provided by the institution has been approved by the registrar;
 - (b) in its records and publications, including on its website, if the institution has a website, use the title of an approved program of instruction that has been approved by the registrar as the title of the program of instruction;
 - (c) have a current organizational chart;
 - (d) ensure that each staff member’s title accurately reflects all of the member’s main job duties;
 - (e) maintain a valid British Columbia Electronic Identification;
 - (f) if the institution has a website, provide a link to the Private Training Institutions Branch of the ministry on the website.
- (3) A certified institution that holds an interim designation certificate or a designation certificate must do both of the following:
- (a) have a statement of purpose that is posted
 - (i) in a prominent place at each location at which the institution operates, and
 - (ii) on the institution’s website, if the institution has a website;
 - (b) make public information about the tuition and related fees for each program of instruction
 - (i) on the institution’s website, if the institution has a website, or
 - (ii) if the institution does not have a website, in the institution’s publications.

**Additional general compliance standards –
approved programs of instruction**

- 18** (1) In addition to the other general compliance standards prescribed under this Division, the general compliance standards set out in this section are prescribed for a certified institution in relation to approved programs of instruction.
- (2) A certified institution must do all of the following in relation to an approved program of instruction:
- (a) maintain admission requirements
 - (i) that are applied consistently to all students applying to be enrolled in the program, and
 - (ii) that make it likely that a student who meets those requirements will meet the learning objectives of the program;
 - (b) maintain course outlines, a curriculum and a program outline that enable students to meet the learning objectives of the program;
 - (c) ensure that the following enable students to meet the learning objectives of the program:
 - (i) the number of hours of instruction of the program;
 - (ii) the number of students enrolled in the program;
 - (iii) the method of delivery for the program;
 - (iv) the order in which courses are provided;
 - (v) the equipment and facilities the institution uses to provide the program;
 - (vi) the student intake model;
 - (d) ensure that students are provided with a copy of the course outline on the first day of a course;
 - (e) ensure that the course materials provided to students are relevant to the program;
 - (f) if the instructional time of the program is equal to or greater than 40 hours of instruction, ensure that students receive a written evaluation on a regular basis and at least once before 30% of the hours of instruction of the program have been provided;
 - (g) ensure that students are provided with copies of the student policies of the institution before the start date of the program;
 - (h) ensure that the teaching methods used in the program are appropriate to enable students to meet the learning objectives of the program;
 - (i) apply all of its student policies consistently to all students;
 - (j) subject to subsection (3), ensure that the institution provides over 50% of the hours of instruction of the program, except as they relate to a work experience component;
 - (k) in relation to Class A programs and Class B programs, ensure that course materials are in the language in which the program is provided;

- (l) in relation to Class A programs and Class B programs leading to employment in a career occupation that is regulated by a regulator, maintain evidence that the institution meets the regulator's requirements;
 - (m) in relation to Class C programs, ensure that course materials are in a language appropriate to the program.
- (3) The compliance standard prescribed under subsection (2) (j) does not apply in respect of a program of instruction that has a start date before the date this section comes into force.
 - (4) A certified institution must not compel a student to purchase required course materials from a specific source.

**Additional general compliance standards –
program advisory committee**

- 19** (1) In this section, “**program advisory committee**” means a committee that
- (a) consists of at least the following:
 - (i) individuals who
 - (A) have experience in career occupations that are relevant to approved career training programs of instruction, and
 - (B) are not related parties;
 - (ii) one staff member of the institution, who is the secretary of the committee, and
 - (b) makes recommendations to the institution in respect of an approved career training program of instruction, or in respect of a group of related approved career training programs, to ensure that programs of instruction reflect current practice in those career occupations.
- (2) Subject to subsection (3), in addition to the other general compliance standards prescribed under this Division, a certified institution that holds an interim designation certificate or a designation certificate in relation to Class A programs must
- (a) establish a program advisory committee for each approved career training program of instruction, or for a group of related approved career training programs, provided by the institution,
 - (b) ensure that each committee meets on a regular basis and, at a minimum, once every 2 years, and
 - (c) keep written records of each committee meeting for at least 4 years from the date of the committee meeting.
- (3) This standard does not apply to a certified institution in relation to an approved program of instruction that leads to employment in a career occupation regulated by the federal regulator.

Division 3 – Instructor and Other Staff Compliance Standards

Staffing and instructor compliance standards

- 20** (1) In this section, “**qualified instructor**” means an instructor who meets the requirements set out in this Division.
- (2) A certified institution must have adequate staffing and an adequate number of qualified instructors to provide approved programs of instruction.

Instructor qualification compliance standards

- 21** (1) In addition to the other staffing and instructor compliance standards prescribed under this Division, the instructor qualification compliance standards set out in this section are prescribed for a certified institution in relation to approved programs of instruction.
- (2) Subject to subsection (3), a certified institution must ensure all of the following in relation to an instructor of an approved program of instruction:
- (a) the instructor of an academic course, other than a language course or an aboriginal culture course, must have a relevant post-secondary degree in the subject area of the course;
 - (b) the instructor of a vocational or practical course must have
 - (i) a certificate, diploma or post-secondary degree relevant to the subject matter of the course and 2 years of work experience in a career occupation relevant to the subject matter of the course, or
 - (ii) 10 years of work experience in a career occupation relevant to the subject matter of the course;
 - (c) the instructor of a language course, other than an aboriginal language course, must have one of the following:
 - (i) a post-secondary degree in language instruction;
 - (ii) a certificate or diploma in language instruction and 2 years of work experience teaching a language;
 - (iii) 10 years of work experience teaching a language;
 - (iv) a certificate or diploma in language instruction and a post-secondary degree;
 - (d) if the institution holds an interim designation certificate or a designation certificate,
 - (i) each instructor must undergo a written performance evaluation every 2 years, and
 - (ii) those performance evaluations must be undertaken by or caused to be undertaken by a senior educational administrator;
 - (e) the institution must keep a record for each instructor, for at least 2 years from the date the instructor ceased to be an instructor at the institution, that includes the following:
 - (i) evidence that the instructor meets the required qualifications prescribed under this Division;

- (ii) a copy of each performance evaluation required under paragraph (d) (i), if applicable.
- (3) Subsection (2) does not apply in relation to an instructor of a course that is part of an approved program of instruction that leads to employment in a career occupation that is regulated by a regulator if the regulator has requirements in respect of qualifications for instructors.

Instructor compliance standards – exceptions

- 22 (1) Subject to subsection (2), despite the instructor compliance standards prescribed under this Division, a certified institution may employ or retain, for a course that is part of an approved program of instruction, a substitute instructor who does not meet the requirements set out in this Division if no more than 10% of the hours of instruction of the program are taught by substitute instructors who are not qualified instructors.
- (2) Subsection (1) does not apply in relation to an approved program of instruction that leads to employment in a career occupation that is regulated by a regulator if the regulator has requirements in respect of qualifications for instructors.

Division 4 – Student Enrolment Contract Compliance Standards

Requirement for student enrolment contract

- 23 (1) The student enrolment contract compliance standards set out in this section are prescribed for a certified institution.
- (2) Subject to subsection (3), a certified institution must enter into a written student enrolment contract when the student is enrolled in a program of instruction.
- (3) Subsection (2) does not apply in relation to a certified institution in relation to an employer provided program.
- (4) A certified institution must ensure that a student enrolment contract sets out accurate information about the program of instruction.

Form and content of student enrolment contract

- 24 (1) In addition to other student enrolment contract compliance standards prescribed under this Division, the student enrolment contract compliance standards set out in this section are prescribed for a certified institution in relation to approved programs of instruction.
- (2) A certified institution must ensure that a student enrolment contract
 - (a) is written in a clear and comprehensible manner and in not less than 10 point type,
 - (b) is for a term not longer than 18 months, and
 - (c) includes the information set out in subsections (3) to (6).
- (3) For the purposes of subsection (2) (c), a student enrolment contract must include all of the following information in relation to the institution and the student:
 - (a) if the institution is not an individual, the full legal name and the operating name the institution uses;

- (b) if the institution is an individual, the full name and the operating name the institution uses;
 - (c) a mailing address, telephone number, email address and, if applicable, fax number for the location where the institution provides, or from which the institution provides, the program of instruction;
 - (d) whether the certified institution holds a registration certificate, an interim designation certificate or a designation certificate;
 - (e) the student's full legal name, usual first name, mailing address, telephone number and email address;
 - (f) if the student is an international student, the student's mailing address in Canada, if the student has a mailing address in Canada;
 - (g) if the student has a personal education number, that number;
 - (h) the student's date of birth and gender.
- (4) For the purposes of subsection (2) (c), a student enrolment contract must include all of the following information in relation to programs of instruction:
- (a) the title of the program in which the student is enrolling;
 - (b) the program outline of the program in which the student is enrolling;
 - (c) the number of hours of instruction of the program that will be provided during the term of the student enrolment contract;
 - (d) the start date and end date of the program or the part of the program of instruction that will be provided during the term of the student enrolment contract;
 - (e) the number of weeks of the program during which students receive instruction;
 - (f) the language in which the program will be provided;
 - (g) the method of delivery of the program;
 - (h) if applicable, a description of the course materials and technological resources required to meet the learning objectives of the program that are not provided by the institution;
 - (i) if applicable, information about the work experience component of the program, including
 - (i) the requirements for participation in the work experience component,
 - (ii) an estimate of the costs, if any, for a student to complete the work experience component,
 - (iii) the geographic area or region of the Province where the work experience component will be provided,
 - (iv) the date or dates on which the institution plans to provide the work experience component, and
 - (v) the number of hours of instruction of the work experience component;
 - (j) the credential granted on completion of the program;
 - (k) the admission requirements for the program;

- (l) the amount of tuition for the program that is payable during the term of the student enrolment contract.
- (5) For the purposes of subsection (2) (c), a student enrolment contract must include all of the following additional information:
- (a) a list of the following fees, as applicable:
 - (i) administrative fees;
 - (ii) application fees;
 - (iii) assessment fees;
 - (iv) fees charged for course materials;
 - (b) a list of any other mandatory fees the institution may require a student to pay other than in respect of an approved program of instruction;
 - (c) the method of payment by which the student must pay tuition and other fees listed in subsections (4) (l) and (5) (a) and (b);
 - (d) the institution's tuition refund policy;
 - (e) the email address, telephone number and website address for the Private Training Institutions Branch of the ministry;
 - (f) if the program of instruction leads to employment in a career occupation that is regulated by a regulator, the requirements of the regulator for employment in the career occupation.
- (6) A certified institution must include the following 2 statements in a student enrolment contract:
- “Please be advised that under section 61 of the Private Training Act, the Registrar is authorized to collect, use and disclose personal information in accordance with the Registrar’s regulatory duties under that Act. Accordingly, this institution is authorized to disclose your personal information to the Registrar for regulatory purposes.”
- “I consent to the sharing, in accordance with applicable Provincial privacy legislation, of my enrolment and reporting information between [insert name of institution] and Immigration, Refugees and Citizenship Canada, as necessary, for the purposes of the International Student Program.”
- (7) A student enrolment contract must be dated and signed by
- (a) the student or other signatory, and
 - (b) a person who has the legal authority to act on behalf of the institution.
- (8) A certified institution must, as soon as practicable, provide to the student a copy of the signed student enrolment contract.

Student enrolment contract compliance standards – specified institutions

- 25** (1) The student enrolment contract compliance standards set out in this section are prescribed for a certified institution in relation to programs of instruction that, subject to subsection (2), do not require approval.

- (2) The programs of instruction in subsection (1) do not include programs of instruction that have been approved by the registrar.
- (3) A certified institution must include the following 2 statements in the student enrolment contract:
 - (a) a statement that the program of instruction does not require approval under the Act;
 - (b) a statement that a student may not file a claim against the fund with the trustee in respect of the program of instruction.

Application of bylaws

- 26** Despite sections 23 to 25, Bylaws 37 and 38 of the Private Career Training Institutions Agency established under the former Act for contract requirements as they read on the date this section comes into force, are prescribed as the student enrolment contract compliance standards for a certified institution in relation to an approved program of instruction that has a start date that is before the date this section comes into force.

Division 5 – Fee and Tuition Compliance Standards

Fee and tuition compliance standards

- 27** (1) The fee and tuition compliance standards set out in this Division are prescribed for a certified institution in relation to approved programs of instruction.
- (2) Sections 28 to 36 do not apply to a certified institution in relation to a student who is enrolled in an employer provided program.

Fee compliance standards

- 28** (1) A certified institution must not charge
- (a) a student, other than an international student, an application fee that is greater than \$250 for an approved program of instruction, and
 - (b) an international student an application fee that is greater than \$1 000 for an approved program of instruction.
- (2) A certified institution must not charge a student an assessment fee that is greater than \$250 for an approved program of instruction.
- (3) A certified institution, in relation to each approved program of instruction,
- (a) must not charge a student for an initial letter of acceptance, and
 - (b) may charge a student only a one-time fee that is no greater than \$250 for one or more additional letters of acceptance.

Tuition payment compliance standards

- 29** (1) If the term of a student enrolment contract in relation to an approved program of instruction is longer than 6 months,
- (a) a certified institution must not require the student to pay tuition in fewer than 2 equal instalments, and
 - (b) in relation to those instalments,

- (i) the instalment dates must be set as evenly as possible in relation to the term of the student enrolment contract, and
 - (ii) the tuition amount must be apportioned equally to each instalment date.
- (2) Subsection (1) does not apply if the effective contract date is a date before the date this section comes into force.

Tuition refund policy compliance standards

- 30** (1) A certified institution must establish a written tuition refund policy that complies with this Division.
- (2) A certified institution must not accept any tuition payable for a program of instruction unless the institution has done one of the following:
- (a) posted the institution's tuition refund policy on the institution's website, if the institution has a website;
 - (b) provided the student with a copy of the tuition refund policy.
- (3) A certified institution that receives tuition from a student, or a person on behalf of a student, must refund the student, or the person who paid on behalf of the student, the tuition that was paid in relation to an approved program of instruction in which the student is enrolled in the following circumstances:
- (a) if the certified institution receives a notice of withdrawal from the student no later than 7 days after the effective contract date and before the start date referred to in section 24 (4) (d);
 - (b) if the student, or other signatory, signs the student enrolment contract 7 days or less before the start date referred to in section 24 (4) (d) and the certified institution receives a notice of withdrawal from the student between the date the student, or other signatory, signed the student enrolment contract and the start date referred to in section 24 (4) (d);
 - (c) if
 - (i) the student does not attend a work experience component, and
 - (ii) the certified institution does not provide all of the hours of instruction of the work experience component of a program of instruction within 30 days of the end date referred to in section 24 (4) (d).
- (4) Subsection (2) does not apply if the effective contract date is a date before the date this section comes into force.

Tuition and fee refund compliance standards

- 31** (1) A certified institution must refund the tuition for a program of instruction and all related fees paid by a student or a person on behalf of a student enrolled in an approved program of instruction, if both of the following apply:
- (a) the student is enrolled in the program of instruction without having met the admission requirements for the program;
 - (b) the student did not misrepresent the student's knowledge or skills when applying for admission.

- (2) If a student does not attend any of the first 30% of the hours of instruction, referred to in section 24 (4) (c), of an approved program of instruction, a certified institution may retain up to 50% of the tuition paid under the student enrolment contract.
- (3) Subsection (2) does not apply in relation to a program of instruction that is provided solely through distance education.

**Tuition refund compliance standards –
withdrawal and dismissal from approved program of instruction**

- 32**
- (1) If a certified institution receives a notice of withdrawal from a student more than 7 days after the effective contract date and at least 30 days before the start date referred to in section 24 (4) (d), the institution may retain up to 10% of the tuition due under the student enrolment contract, up to a maximum of \$1 000.
 - (2) If a certified institution receives a notice of withdrawal from a student more than 7 days after the effective contract date and less than 30 days before the start date referred to in section 24 (4) (d), the institution may retain up to 20% of the tuition due under the student enrolment contract, up to a maximum of \$1 300.
 - (3) If a certified institution receives a notice of withdrawal from a student
 - (a) after the start date referred to in section 24 (4) (d) but before 11% of the hours of instruction, referred to in section 24 (4) (c), of the program of instruction have been provided, the institution may retain up to 30% of the tuition due under the student enrolment contract, or
 - (b) after the start date referred to in section 24 (4) (d) and after 10% but before 30% of the hours of instruction, referred to in section 24 (4) (c), of the program of instruction have been provided, the institution may retain up to 50% of the tuition due under the student enrolment contract.
 - (4) If a certified institution provides a notice of dismissal to a student and the date the certified institution delivers the notice to the student is
 - (a) before 10% of the hours of instruction, referred to in section 24 (4) (c), of the program of instruction have been provided, the institution may retain up to 30% of the tuition due under the student enrolment contract, or
 - (b) after 10% but before 30% of the hours of instruction, referred to in section 24 (4) (c), of the program of instruction have been provided, the institution may retain up to 50% of the tuition due under the student enrolment contract.
 - (5) Subsections (3) and (4) do not apply in relation to a program of instruction that is provided solely through distance education.

Tuition refund and compliance standards – distance education

- 33**
- (1) In this section, “**completed**” means that a student has received an evaluation of the student’s performance for a specific percentage of the hours of instruction, referred to in section 24 (4) (c), of a program of instruction.

- (2) If a certified institution provides a program of instruction solely through distance education and the certified institution receives a student's notice of withdrawal or the institution delivers a notice of dismissal to the student and
- (a) the student has completed up to 30% of the program of instruction, the institution may retain up to 30% of the tuition due under the student enrolment contract, or
 - (b) the student has completed more than 30% but less than 50% of the program of instruction, the institution may retain up to 50% of the tuition due under the student enrolment contract.

**Fee refund compliance standards –
withdrawal and dismissal from approved program of instruction**

- 34** A certified institution must refund fees charged for course materials paid for but not received if the student provides a notice of withdrawal to the institution or the institution provides a notice of dismissal to the student.

Fee and tuition refund payment compliance standards

- 35** A certified institution must refund tuition or fees under this Division, as applicable, to a student, or a person who paid the tuition or fees on behalf of a student,
- (a) within 30 days of the date the institution receives a student's notice of withdrawal,
 - (b) within 30 days of the date the institution provides a notice of dismissal to the student,
 - (c) within 30 days of the date that the registrar provides notice to the institution that the institution is not complying with section 30 (3) (c) [*tuition refund policy compliance standards*] or 31 (1) [*tuition and fee refund compliance standards*], and
 - (d) within 30 days after the first 30% of the hours of instruction, if section 31 (2) applies.

**Tuition refund compliance standards –
special rules for international students**

- 36** (1) Subject to subsection (2), if a student delivers a copy of a refusal of a study permit to a certified institution, the following sections apply as if the copy of the refusal were a notice of withdrawal:
- (a) sections 30 (3) (a) and (b);
 - (b) section 32 (1) to (3);
 - (c) section 34;
 - (d) section 35.
- (2) Subsection (1) does not apply
- (a) if an international student requests an additional letter of acceptance for the same program of instruction that was the subject of the refusal of a study permit, or
 - (b) in relation to a program of instruction that is provided solely through distance education.

Division 6 – Student Record Compliance Standards

Student record compliance standards

- 37 (1) The student record compliance standards set out in this section are prescribed for a certified institution in relation to approved programs of instruction.
- (2) A certified institution must keep a current student record for each student enrolled in an approved program of instruction.
- (3) A certified institution must include the following in a student record:
- (a) subject to subsection (5), a copy of the signed student enrolment contract;
 - (b) subject to subsection (5), evidence of payments for tuition and related fees;
 - (c) if applicable, a copy of a complaint made by the student to the institution in relation to an approved program of instruction of the institution, and all documents in relation to the complaint and the student's participation in the dispute resolution process;
 - (d) subject to subsection (5) and if applicable, copies of a notice of withdrawal or a notice of dismissal and documents in relation to the withdrawal or dismissal, including in relation to a refund of tuition or related fees;
 - (e) if the student is an international student who has been issued a study permit, a copy of the letter of acceptance and a copy of the study permit;
 - (f) the student's transcripts issued by the institution;
 - (g) evidence that the student has met the admission requirements for the approved program of instruction;
 - (h) a copy of the attendance record for the student;
 - (i) if applicable, documents in relation to a student's participation in the grade appeal process;
 - (j) if applicable, a copy of the credential granted to the student.
- (4) In addition to the student record compliance standards prescribed under this Division, a certified institution, in relation to Class A programs and Class B programs, must ensure that a student record includes the following if the student participates in a work experience component:
- (a) a copy of the agreement described in section 41 (4) [*work experience component compliance standards*];
 - (b) evidence that the student has met the requirements for participation in the work experience component;
 - (c) a copy of the evaluation of the student's performance in the work experience component.
- (5) Subsections (3) (a), (b) and (d) does not apply to a certified institution in relation to a student who is enrolled in an employer provided program.

Student record compliance standards – retention of student records

- 38 (1) In addition to the student record compliance standards prescribed under this Division, the student record compliance standards in this section are prescribed for certified institutions in respect of the retention of student records.

- (2) A certified institution must retain, in relation to Class A programs, a student record for at least 8 years from the following date, whichever is applicable:
 - (a) the date the student completes the program;
 - (b) the date the institution receives from the student a notice of withdrawal;
 - (c) the date the institution provides a notice of dismissal to the student.
- (3) A certified institution in relation to Class B programs and Class C programs must retain a student record for at least 3 years from the following date, whichever is applicable:
 - (a) the date the student completes the program;
 - (b) the date the institution receives from the student a notice of withdrawal;
 - (c) the date the institution provides a notice of dismissal to the student.
- (4) If a certified institution retains a student record, or part of a student record, in electronic format, the student record must be
 - (a) in a format so that copies of the student record can be made,
 - (b) backed up at least once per month,
 - (c) stored in a secure manner,
 - (d) in a format that is not proprietary software, and
 - (e) accessible, on request, by the registrar.
- (5) If a certified institution retains a student record, or any part of a student record, in paper format, the student record must be stored securely in a location that is accessible, on request, by the registrar.
- (6) On request by a student, a certified institution must, at a reasonable cost, provide the student with a copy of that student's record.

Archived student record compliance standards

- 39** (1) In this section, “**archived student record**” means
- (a) in relation to an employer provided program,
 - (i) the student's transcript issued by the institution, and
 - (ii) if applicable, a copy of the credential granted to the student by the institution, and
 - (b) in relation to any other program of instruction,
 - (i) a copy of the signed student enrolment contract;
 - (ii) the student's transcript issued by the institution, and
 - (iii) if applicable, a copy of the credential granted to the student by the institution.
- (2) The archived student record compliance standards set out in this section are prescribed for certified institutions in relation to Class A programs, other than programs of instruction that lead to employment in a career occupation regulated by the federal regulator.
 - (3) A certified institution must label an archived student record by student name and, if the student has a personal education number, by personal education number.

- (4) A certified institution
 - (a) must enter into an agreement with a third party, and
 - (b) may enter into the agreement only with a third party that is approved in writing by the minister.
- (5) A certified institution must provide an archived student record, if the record includes a transcript issued by the institution, to the third party referred to in subsection (4) within 60 days of the following dates, whichever is applicable:
 - (a) the end date of the student enrolment contract;
 - (b) the date the institution receives from the student a notice of withdrawal;
 - (c) the date the institution provides a notice of dismissal to the student.
- (6) A certified institution must ensure that the agreement referred to in subsection (4) includes provisions in respect of both of the following:
 - (a) storage of an archived student record in a secure manner for 25 years from the date the record is provided under subsection (5);
 - (b) on request by the registrar, access to archived student records by the registrar.

Division 7 – Additional Compliance Standards

Student attendance compliance standards

- 40** (1) The student attendance compliance standards set out in this section are prescribed for a certified institution in relation to an approved program of instruction.
- (2) A certified institution must establish a written student attendance policy that includes all of the following:
 - (a) minimum attendance requirements for students;
 - (b) consequences for a student who does not meet the minimum attendance requirements;
 - (c) a process for a student to report an absence.
- (3) A certified institution must ensure that the policy required under subsection (2) is fair and reasonable.
- (4) A certified institution must
 - (a) ensure that an attendance record is created and maintained for each student that includes the number of hours of instruction the student attended each day in an approved program of instruction,
 - (b) update the attendance records at the end of every week in which hours of instruction have been provided, and
 - (c) ensure that the attendance records show separately the number of hours each student attended each day in a work experience component of an approved program of instruction.

Work experience component compliance standards

- 41 (1) The work experience component compliance standards set out in this section are prescribed for a certified institution in relation to Class A programs and Class B programs.
- (2) A certified institution must establish a written work experience component policy that includes all of the following:
- (a) the process by which a student is placed in a work experience component;
 - (b) the process by which a student in a work experience component is evaluated;
 - (c) the intervals at which work experience monitoring of a student will be undertaken;
 - (d) the requirements for participation in a work experience component;
 - (e) the number of hours of instruction of the work experience component;
 - (f) identification of the work experience component as a clinical placement, cooperative placement, practicum or preceptorship.
- (3) A certified institution must ensure that the policy required under subsection (2) is fair and reasonable.
- (4) A certified institution that provides an approved program of instruction with a work experience component must enter into a written agreement with both the host organization and the student in respect of the work experience component that includes a description of all of the following:
- (a) the responsibilities of the host organization;
 - (b) the responsibilities of the institution;
 - (c) the responsibilities of the student;
 - (d) the activities that the student will undertake during the work experience component.
- (5) A certified institution must provide a copy of the agreement referred to in subsection (4) to the student before the start date of the work experience component.
- (6) A certified institution must ensure that a work experience component
- (a) is under the supervision of a person who is employed or retained by the host organization and who is qualified in a career occupation that is relevant to the program of instruction in which the student is enrolled,
 - (b) includes work experience activities that are directly related to the learning objectives of the program of instruction in which the student is enrolled or meets the requirements of a regulator,
 - (c) consists of no more than the hours of instruction referred to in section 15 [*definitions for this Part and interpretation*] for the applicable type of work experience component,
 - (d) includes at least one written evaluation of the student, and
 - (e) is provided before the end date of the program of instruction.

- (7) A certified institution must undertake regular work experience component monitoring of a student.

Prior learning assessment compliance standards

- 42 (1) In this section, “**prior learning assessment process**” means a process established by a certified institution in which the institution assesses whether a student’s prior education or experience is equivalent to a part of a program of instruction.
- (2) The prior learning assessment compliance standards set out in this section are prescribed for a certified institution in relation to approved programs of instruction.
- (3) A certified institution that has established a prior learning assessment process must ensure that the process is fair and reasonable.
- (4) Subject to subsection (5), a prior learning assessment process may not deem a student’s prior education or experience to be equivalent to a part of a program of instruction that is greater than 50% of the hours of instruction of the program.
- (5) Subsection (4) does not apply in relation to the following:
 - (a) a student for whom the registrar appoints a person to provide a comparable program of instruction under section 18 [*program completion if institution ceased to hold certificate*] of the Act;
 - (b) a student in a program of instruction that leads to employment in a career occupation regulated by a regulator.

Grade appeal compliance standards

- 43 (1) The grade appeal compliance standards set out in this section are prescribed for a certified institution in relation to approved programs of instruction.
- (2) A certified institution must establish a written student grade appeal policy to enable a student to appeal a grade received in a course that is part of an approved program of instruction.
- (3) A certified institution must ensure that the policy required under subsection (2) is fair and reasonable.

Credential compliance standards

- 44 As soon as practicable after a student meets the requirements of the applicable approved program of instruction,
 - (a) a certified institution in relation to a Class A program must grant a career training credential, and
 - (b) a certified institution in relation to a Class B program or Class C program must grant a credential other than a career training credential.

Student support service compliance standards

- 45 (1) The student support service compliance standards set out in this section are prescribed for a certified institution.

- (2) A certified institution must establish a written policy that promotes the respectful and fair treatment of students.
- (3) A certified institution that holds an interim designation certificate or a designation certificate must designate one or more individuals who are responsible for ensuring students have access to all of the following, as applicable:
 - (a) information about the student enrolment contract used by the institution;
 - (b) the student policies of the institution;
 - (c) the program outline for each approved program of instruction;
 - (d) information about housing that is available to students;
 - (e) information about transportation services that are available to students;
 - (f) information about medical insurance, the Pharmacare program and similar government health care programs that are available to students;
 - (g) information about child care services that are available to students;
 - (h) information about community services and cultural services, such as family support services, addiction services and services for immigrants, that are available to students;
 - (i) information about academic support, such as tutoring services, literacy support services and library services, that is available to students;
 - (j) information about employment resources, including resources in relation to preparing a resume, that are available to students.

Student withdrawal compliance standards

- 46** (1) The student withdrawal compliance standards set out in this section are prescribed for a certified institution in relation to approved programs of instruction.
- (2) A certified institution must allow a student to withdraw from an approved program of instruction in which the student is enrolled if the student delivers to the institution a notice of withdrawal, or a copy of a refusal of a study permit, by email, by registered mail or in person.

Student dismissal compliance standards

- 47** (1) The student dismissal compliance standards set out in this section are prescribed for a certified institution in relation to approved programs of instruction.
- (2) A certified institution must establish a written student dismissal policy for dismissals from an approved program of instruction.
- (3) A certified institution must ensure that the policy required under subsection (2)
 - (a) is fair and reasonable,
 - (b) sets out what constitutes reasonable grounds to dismiss a student, and
 - (c) includes the process by which a student may be dismissed.

Dispute resolution compliance standards

- 48 (1) The dispute resolution compliance standards set out in this section are prescribed for a certified institution.
- (2) A certified institution must retain a record of all complaints made by students and all written reasons issued under the dispute resolution process for the previous 5 years.
- (3) The record referred to in subsection (2) must be accessible, on request, by the registrar.

PART 5 – REPORTING REQUIREMENTS

Definitions for this Part

49 In this Part:

“**audit on financial information**” includes an audit on the following:

- (a) amounts due from related parties, with notes regarding collectability;
- (b) amounts due to related parties, with notes regarding repayment terms and interest rates;
- (c) annual tuition revenue;
- (d) cash and cash equivalents, including marketable securities;
- (e) student tuition accounts receivable, net of allowance for doubtful accounts;
- (f) unearned tuition revenue;

“**chartered professional accountant member**” has the same meaning as in section 1 of the *Chartered Professional Accountants Act*;

“**generally accepted accounting principles**” means the principles recommended in the CPA Canada Handbooks;

“**notice to reader**” has the same meaning as in the CPA Canada Handbooks;

“**review engagement**” has the same meaning as in the CPA Canada Handbooks.

Prescribed reporting requirements

50 For the purposes of section 13 (f) [*additional requirements for certified institutions*] of the Act, the reporting requirements set out in this Part are prescribed for a certified institution.

Reporting requirements

- 51 (1) A certified institution must submit to the registrar, no later than 5 months after the end of the institution’s fiscal year, financial statements for that fiscal year.
- (2) The financial statements required under subsection (1) must meet the requirements set out in section 52.
- (3) The financial statements required under subsection (1) must
- (a) include the following:
 - (i) a balance sheet;
 - (ii) an income statement;

- (iii) a cash flow statement,
- (b) be prepared by a chartered professional accountant member in good standing
 - (i) using the accrual basis of accounting, and
 - (ii) in accordance with generally accepted accounting principles,
- (c) be comparative, and
- (d) report the following:
 - (i) amounts due from related parties, with notes regarding collectability;
 - (ii) amounts due to related parties, with notes regarding repayment terms and interest rates;
 - (iii) tuition revenue from approved programs of instruction separately from other tuition revenue;
 - (iv) cash and cash equivalents, including marketable securities;
 - (v) tuition accounts receivable from approved programs of instruction, net of allowances for doubtful accounts;
 - (vi) unearned tuition revenue from approved programs of instruction separately from unearned revenue from other sources.
- (4) If certified institutions are carried on by or through more than one individual, corporation, firm, syndicate or association, or any combination of them under common control or direction, the institutions must submit consolidated financial statements as well as financial statements for each institution.

Required financial statements

- 52**
- (1) The following certified institutions must submit to the registrar a notice to reader with that institution's financial statements:
 - (a) a certified institution that had, in the institution's previous fiscal year, annual tuition revenue of \$25 000 or less;
 - (b) a certified institution that, in the institution's previous fiscal year,
 - (i) had annual tuition revenue greater than \$25 000 and no more than \$500 000, and
 - (ii) was assigned to category 1 or category 2 in the most recent category assignment assessment.
 - (2) A certified institution that, in the institution's previous fiscal year,
 - (a) had annual tuition revenue greater than \$25 000 and no more than \$500 000, and
 - (b) was assigned to category 3 in its most recent category assignment assessment
 must submit to the registrar a notice to reader and a review engagement on the institution's annual tuition revenue with its financial statements.
 - (3) A certified institution that, in the institution's previous fiscal year,
 - (a) had annual tuition revenue greater than \$500 000 and no more than \$1 000 000, and

- (b) was assigned to category 1 or category 2 in its most recent category assignment assessment
- must submit to the registrar a review engagement with its financial statements.
- (4) The following certified institutions must submit to the registrar a review engagement and an audit on financial information with its financial statements:
 - (a) a certified institution that, in the institution's previous fiscal year,
 - (i) had annual tuition revenue greater than \$500 000 and no more than \$1 000 000, and
 - (ii) was assigned to category 3 in its most recent category assignment assessment;
 - (b) a certified institution that, in the institution's previous fiscal year,
 - (i) had annual tuition revenue greater than \$1 000 000, and
 - (ii) was assigned to category 1 or category 2 in its most recent category assignment assessment.
 - (5) A certified institution that in the institution's previous fiscal year,
 - (a) had annual tuition revenue greater than \$1 000 000, and
 - (b) was assigned to category 3 in its most recent category assignment assessment
 must submit to the registrar an audited financial statement.

Additional reporting requirements – student data reports

- 53 A certified institution must submit to the registrar, no later than 90 days before the expiry date included in the institution's current certificate, a student data report for each student who was enrolled in, or completed, an approved program of instruction in the institution's previous fiscal year that includes the following information:
 - (a) the student's full legal name, usual first name, mailing address, telephone number and email address;
 - (b) if the student has a personal education number, that number;
 - (c) the student's date of birth and gender;
 - (d) the title of the program of instruction in which the student was enrolled;
 - (e) whether the student was enrolled full time or part time in the program of instruction;
 - (f) the start date of the program of instruction set out in the student enrolment contract;
 - (g) whether the student delivered to the institution a notice of withdrawal after the start date of the approved program of instruction and, if so, the date the notice was received by the institution;
 - (h) whether the institution provided a notice of dismissal to the student after the start date of the approved program of instruction and, if so, the date the institution provided the notice to the student;
 - (i) whether the student was granted a credential for the approved program of instruction and, if so, the date the credential was granted;
 - (j) if the student is an international student,

- (i) the citizenship of the student,
- (ii) whether the student has a study permit, or
- (iii) whether the student has a permit, visa or other written authorization to study in Canada other than a study permit.

Additional reporting requirements – specified certified institutions

- 54** (1) In addition to other reporting requirements prescribed under this Part, a certified institution that holds an interim designation certificate or a designation certificate must, in relation to Class A programs and Class B programs, submit to the registrar, no later than 90 days before the expiry date included in the institution's current certificate, the additional information set out in subsection (2) for the institution's previous fiscal year in the student data report for each student.
- (2) Subject to subsection (3), the following additional information is required under subsection (1):
- (a) whether the student
 - (i) completed an approved program of instruction and was granted a credential and, if so, the date the credential was granted, and
 - (ii) obtained employment in a career occupation related to the credential within 6 months after being granted the credential;
 - (b) whether the student
 - (i) completed an approved program of instruction leading to employment in a career occupation that is regulated by the federal regulator or a health regulatory body and was granted a credential and, if so, the date the credential was granted, and
 - (ii) is registered, licensed, certified or otherwise recognized by the federal regulator or a health regulatory body within 6 months after being granted the credential;
 - (c) whether the student
 - (i) completed an approved program of instruction and was granted a credential and, if so, the date the credential was granted, and
 - (ii) subject to subsection (3), obtained employment in a career occupation that is not related to the credential within 6 months after being granted the credential;
 - (d) whether the student
 - (i) completed an approved program of instruction and was granted a credential and, if so, the date the credential was granted, and
 - (ii) is enrolled in further training or a post-secondary institution within 6 months after being granted the credential.
- (3) If a student is an international student, the following additional information is required instead of the information listed in subsection (2):
- (a) whether the student completed an approved program of instruction and was granted a credential and, if so, the date the credential was granted;
 - (b) whether the student returned to the student's country of citizenship;

- (c) whether the student obtained employment in a country other than the student's country of citizenship.
- (4) For the purposes of subsections (2) (a) (ii), (b) (ii), (c) (ii) and (d) (ii) and (3) (b) and (c), the institution must use its best efforts to provide the required additional information.

Additional reporting requirements

- 55** (1) In addition to the other reporting requirements prescribed under this Part and subject to subsection (2), a certified institution must submit to the registrar, as soon as practicable, the following information:
- (a) if the institution is a company,
 - (i) a change in its directors or senior officers, as defined in section 1 (1) of the *Business Corporations Act*, and
 - (ii) a change in its shareholders, as defined in section 1 (1) of that Act, who hold more than 10% of shares carrying the right to vote at general meetings, other than a change in its major shareholder;
 - (b) if the institution is an extraprovincial company,
 - (i) a change in its directors, as defined in section 374 of the *Business Corporations Act*, and
 - (ii) a change in its shareholders, as defined in section 374 of that Act, who hold more than 10% of shares carrying the right to vote at general meetings, other than a change in its major shareholder;
 - (c) if the institution is a corporation, other than a company, an extraprovincial company, a society or an extraprovincial society,
 - (i) a change in its directors and senior officers, as defined in section 1 (1) of the *Business Corporations Act*, and
 - (ii) a change in its shareholders, as defined in section 1 (1) of that Act, who hold more than 10% of shares carrying the right to vote at general meetings, other than a change in its major shareholder;
 - (d) if the institution is a society or an extraprovincial society, a change to its directors as defined in section 1 of the *Society Act*.
- (2) If a notice is required under section 56 (2) (g), a certified institution is not required to submit information under subsection (1) (a) (ii), (b) (ii) or (c) (ii) of this section.

PART 6 – ADDITIONAL REQUIREMENTS FOR CERTIFIED INSTITUTIONS

Changes requiring notice

- 56** (1) In this section, “**change of control**” means
- (a) in relation to a company, an extraprovincial company or a corporation, a change in its major shareholder;

- (b) in relation to a partnership within the meaning of the *Partnership Act* or under the laws of a jurisdiction other than British Columbia, a change or alteration in the membership of the firm.
- (2) For the purposes of section 14 (1) (a) [*certain changes require notice or consent*] of the Act, the following classes of change are prescribed as requiring notification:
- (a) a change in tuition or related fees of an approved program of instruction;
 - (b) a change in a credential that is to be granted on completion of an approved program of instruction;
 - (c) a change from full time to part time or part time to full time in relation to an approved program of instruction;
 - (d) a change in an institution's fiscal year;
 - (e) a change in whether a program of instruction is provided by an institution;
 - (f) a change in the institution's address for service;
 - (g) a change of control;
 - (h) a change in the legal name or the operating name of the institution;
 - (i) a change in the list of host organizations;
 - (j) in relation to an approved program of instruction that leads to employment in a career occupation regulated by a regulator, a change required by the regulator that may reasonably be expected to have an adverse effect on students;
 - (k) a change in the student intake model in relation to an approved program of instruction;
 - (l) if the institution has intermittent student intakes in relation to approved programs of instruction,
 - (i) a change resulting in an increase in the number of times students are admitted into the program, and
 - (ii) a change in the maximum number of students admitted at each student intake;
 - (m) in relation to approved programs of instruction, a change in the maximum number of students the institution admits to a program;
 - (n) a change of senior educational administrators of the institution;
 - (o) in relation to an approved program of instruction, a change in the language of instruction.

Changes requiring notice and consent

57 For the purposes of section 14 (1) (b) [*certain changes require notice or consent*] of the Act, the following classes of change are prescribed as requiring notification and consent:

- (a) a change in the hours of instruction for an approved program of instruction;
- (b) a change in the method of delivery for an approved program of instruction;
- (c) a change in the admission requirements for an approved program of instruction;

- (d) a change in the location where the institution provides, or from which the institution provides, an approved program of instruction;
- (e) a change in the program outline for an approved program of instruction in relation to any of the following:
 - (i) the title of the program;
 - (ii) the learning objectives of the program;
 - (iii) the number of hours of instruction for each course that is part of the program;
 - (iv) the number of hours of instruction for a work experience component of the program;
 - (v) in respect of career-related programs of instruction, the career occupation for which the program prepares a student.

Notice of change

- 58** For the purposes of section 14 (2) (a) of the Act, a certified institution must notify the registrar in writing,
- (a) if a change is of a class prescribed under section 56 [*changes requiring notice*], other than section 56 (2) (d) or (g), at least 14 days before implementing the change,
 - (b) if a change is of a class prescribed under section 56 (2) (d), at least 90 days before implementing the change, and
 - (c) if a change is of a class prescribed under section 56 (2) (g), at least 7 days before implementing the change.

Change application information and consideration

- 59** (1) For the purposes of section 14 (2) (b) [*certain changes require notice or consent*] of the Act, a certified institution must submit to the registrar a description of a proposed change, including any adverse effects the change may reasonably be expected to have on students enrolled in an approved program of instruction, and what steps the institution proposes to take to address the adverse effects, if applicable.
- (2) The registrar must consider the information and records submitted under subsection (1) when deciding whether to consent under section 14 (3) of the Act to a change.

Surrender of certificate

- 60** (1) For the purposes of section 15 (1) [*surrender of certificate*] of the Act, a certified institution must notify the registrar in writing at least 14 days before surrendering a certificate.
- (2) The notice under subsection (1) must include the following information:
- (a) if the institution is not an individual, the full legal name and the operating name the institution uses;
 - (b) if the institution is an individual, the full name and the operating name the institution uses;

- (c) the addresses for each location in relation to which the institution intends to surrender a certificate.

PART 7 – CONSUMER PROTECTION

Comparable program of instruction

- 61** For the purposes of section 18 (3) [*program completion if institution ceased to hold certificate*] of the Act, a former certified institution must, within 48 hours of ceasing to hold any certificate, transfer to the registrar the student records for all students enrolled in an approved program of instruction at the institution.

Dispute resolution process

- 62** (1) For the purposes of section 19 [*dispute resolution process for student complaints*] of the Act, a dispute resolution process established by a certified institution must
- (a) be established in writing,
 - (b) require a student complaint to be made in writing,
 - (c) identify, by title,
 - (i) the individual responsible for making a determination in respect of a student complaint, and
 - (ii) if the individual referred to in subparagraph (i) is absent or named in the complaint, the individual responsible for making a determination in respect of the student complaint,
 - (d) describe how a student complaint is to be handled,
 - (e) authorize a student who makes a complaint to be represented by an agent or a lawyer, and
 - (f) require written reasons for the determination that are to be given to a student within 45 days after the date on which the student makes a complaint.
- (2) A certified institution must ensure that the dispute resolution process is fair and reasonable.
- (3) A certified institution must not impose a fee in relation to a student complaint.

PART 8 – INSPECTIONS

Prescribed government programs

- 63** For the purposes of section 29 (b) (ii) [*inspections*] of the Act, the following government programs are prescribed:
- (a) the Education Quality Assurance designation;
 - (b) StudentAid BC.

SCHEDULE 2

- 1** *Section 1 of the Private Training Regulation is amended*

(a) *by repealing the definition of “extraprovincial society” and substituting the following:*

“**extraprovincial non-share corporation**” has the same meaning as in section 1 [definitions] of the *Societies Act*;

(b) *in paragraph (c) of the definition of “major shareholder” by striking out “or an extraprovincial society;” and substituting “or an extraprovincial non-share corporation;”, and*

(c) *in the definition of “society” by striking out “of the Society Act” and substituting “of the Societies Act”.*

2 Section 5 is amended

(a) *in subsection (1) (c) by striking out “or an extraprovincial society,” and substituting “or an extraprovincial non-share corporation,” and*

(b) *by repealing subsection (1) (f) and substituting the following:*

(f) if the institution is a society or extraprovincial non-share corporation,

(i) the names of its directors as defined in section 1 of the *Societies Act*, and

(ii) a copy of the most recent annual report filed under section 73 (1) [society must file annual report] or 177 [registered extraprovincial non-share corporation must file annual report] of that Act, as the case may be; .

3 Section 55 is amended

(a) *in subsection (1) (c) by striking out “or an extraprovincial society,” and substituting “or an extraprovincial non-share corporation,” and*

(b) *in subsection (1) (d) by striking out “of the Society Act” and substituting “of the Societies Act”.*

SCHEDULE 3

1 Section 1 of the Private Training Regulation is amended

(a) *by adding the following definition:*

“**sexual misconduct**” has the same meaning as in the *Sexual Violence and Misconduct Policy Act*; , and

(b) *in the definition of “student policies” by adding the following paragraph:*

(d.1) the sexual misconduct policy required under section 48.1 [sexual misconduct policy compliance standards]; .

2 The following section is added to Part 4:

Sexual misconduct policy compliance standards

- 48.1** (1) The sexual misconduct policy compliance standards set out in this section are prescribed for a certified institution that operates one or more student residences.
- (2) A certified institution must establish a written sexual misconduct policy.
- (3) A certified institution must ensure that the policy required under subsection (2)
- (a) addresses sexual misconduct, including sexual misconduct prevention and responses to sexual misconduct,
 - (b) sets out procedures for the following:
 - (i) making a complaint of sexual misconduct involving a student;
 - (ii) making a report of sexual misconduct involving a student;
 - (iii) responding to a complaint of sexual misconduct involving a student;
 - (iv) responding to a report of sexual misconduct involving a student, and
 - (c) is posted on the institution's website, if the institution has a website or, if the institution does not have a website, is made otherwise publicly available.

SCHEDULE 4

1 *Section 17 (3) (b) (i) of the Private Training Regulation is repealed and the following substituted:*

- (i) if the institution has a website, on the institution's website, or by providing a link to that information on the website of the Private Training Institutions Branch of the ministry, or .

2 *The following section is added to Part 7:*

Online directory

- 60.01** (1) For the purposes of section 17 (1) (f) [*online directory of institutions*] of the Act, the following information is prescribed:
- (a) the address of the location where the institution provides, or from which the institution provides, a program of instruction;
 - (b) a telephone number, an email address, a fax number, if any, and a website address, if any, for the institution;
 - (c) whether the institution has requested a reconsideration of a decision under section 47 [*reconsideration on request or on registrar's initiative*] of the Act or commenced an appeal under section 50 [*appeal to commissioner*] of the Act and the outcome of the reconsideration or appeal, if applicable.
- (2) Information referred to in section 17 (1) (e) and (3) of the Act must be published in the online directory for a period of at least 2 years and not longer than 5 years.
- (3) The registrar must take into account the following considerations when deciding whether to remove information from the online directory:
- (a) whether the information is related to a matter of public interest;
 - (b) whether the information is related to the provision of a program of instruction by the institution.