



**Department of Education**

# **Standard Operating Procedures**

## **For Private Training Institutions in Newfoundland and Labrador**

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## Disclaimer

Operators of Private Training Institutions are advised that the information contained in this Standard Operating Procedures document is meant to assist compliance with the *Private Training Institutions Act* and *Regulations*. This information is not intended to replace the legislation governing private training institutions.

Should there be any questions or concerns pertaining to information contained in this document, operators of Private Training Institutions are advised to refer to the *Private Training Institutions Act* and *Regulations*.

The Department of Education reserves the right to amend the contents of this document at any time as deemed necessary.

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## 1. INTRODUCTION

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### 1.1 Background

Registration of Private Training Institutions in the Province of Newfoundland and Labrador is governed by the *Private Training Institutions Act* (The Act) and *Regulations*. The governing legislation is contained in Appendix A.

The Act defines a private training institution (PTI) as a facility used for the purpose of providing instruction or training in vocational program(s). Any facility offering a vocational program of 50 or more instructional hours must be registered as a PTI in order to operate in Newfoundland and Labrador unless an exemption is specified under the *Private Training Institutions Act* and/or *Regulations*.

### 1.2 Purpose of Manual

This manual was developed to assist in the registration and operation of a PTI. The manual provides the information and guidelines needed to assist an applicant in preparing the necessary documentation to register and operate as a PTI for the delivery of vocational training programs in Newfoundland and Labrador.

The Department is available to provide advice and guidance should assistance be requested.

### 1.3 Organization of Manual

This manual is organized by chapters as follows:

- **Chapter 1** outlines the organization of the manual and provides a list of terms and definitions used throughout the manual
- **Chapter 2** outlines submission requirements for registration of new PTIs including those for maintaining active registration
- **Chapter 3** outlines submission requirements and processing procedures for registration of new private training programs
- **Chapter 4** outlines submission requirements and processing procedures for registration of program changes
- **Chapter 5** outlines requirements for registration and approval of instructional staff
- **Chapter 6** outlines requirements for annual PTI registration renewal
- **Chapter 7** outlines how complaints are to be registered with the Department
- **Chapter 8** outlines the purpose and procedures governing site evaluations, including those for routine site visits, compliance site visits, site visits resulting from complaints, program approvals or changes in facilities
- **Chapter 9** outlines student refund requirements

- **Chapter 10** outlines elements to be contained in a PTI's student handbook
- **Chapter 11** outlines circumstances under which cancellation of registration may occur
- **Chapter 12** outlines responsibilities of institutions involved in the train out of students impacted by the closure of a PTI
- **Chapter 13** outlines PTI fee requirements associated with new institution registration, registration renewal, program approval, instructor approval, and inspection
- The appendices include all forms that must be completed by a PTI for initial registration, registration maintenance, and registration renewal.

#### 1.4 Terms and Definitions

The terms, defined below, are used throughout the Standard Operating Procedures.

<b>Act</b>	<i>Private Training Institutions Act.</i>
<b>Campus</b>	Single premise at which one or more programs of study are provided by a PTI; or two or more premises at which programs of study are provided by a PTI and which the Superintendent, due to the proximity of the premises, considers to be a campus; or two or more premises in communities governed by the Nunatsiavut Government or the Innu Nation at which courses of study under the Labrador Aboriginal Training Partnership are provided by a PTI and which the Superintendent considers to be a campus.
<b>Certificate</b>	A document awarded to a candidate who successfully completes a post-secondary program of study less than 12 weeks or 360 instructional hours in duration and which certifies the number of institutional hours of that program of study.
<b>Corporation</b>	The Private Training Corporation incorporated under section 4 of the <i>Act</i> .
<b>Curriculum Standards</b>	Curriculum standards define the learning outcomes for a specific vocational program. These standards provide expectations and instructional guidance and include recommended teaching materials, textbook referrals, and other suggested resources for specific levels of learning within the vocational program for which they were written.

<b>Demonstrator</b>	A person working under the general supervision of an instructor who assists with instruction, usually for practical program learning purposes.
<b>Department</b>	Department of Education, which is responsible for the <i>Act</i> .
<b>Designation</b>	Designation is the standing an institution has under the <i>Private Training Institutions Act</i> permitting the offering of programs for which student financial assistance is available.
<b>Diploma</b>	A document awarded to a candidate who successfully completes a post-secondary program of study of at least 12 weeks or 360 instructional hours duration, and which certifies the number of institutional hours of that program of study.
<b>Distributed Learning</b>	A method of instructional delivery that accommodates a separation of geographical locations for part (or all) of the course of instruction, and includes some combination of web-based instruction, streaming video conferencing, face-to-face classroom time, distance learning through print, audio, video or electronic media, or other combinations of electronic and traditional educational models.
<b>Instruction</b>	Classroom, web-based, media-based and/or formalized laboratory/shop teaching.
<b>Instructor</b>	An individual registered under the <i>Act</i> to deliver theoretical and/or practical program learning outcomes.
<b>Minister</b>	Minister responsible for the <i>Act</i> .
<b>Moratorium</b>	An authorized suspension imposed by the Department on an activity of a PTI based on non-compliance with provincial legislation.
<b>Plan of Training</b>	A document that details the full scope of learning for a particular apprenticeship trade/designated occupation, including both theoretical and practical training competencies and industry experiences necessary to write a provincial or interprovincial examination and attain the requirements for Red Seal Certification.



<b>Private Training Corporation</b>	A corporation established under the <i>Act</i> to administer the <i>Train Out Fund</i> and make recommendations to the minister with respect to the operation of the <i>Act</i> and <i>Regulations</i> , the financial stability of a PTI and any other issues that the minister may require to be reviewed.
<b>Private Training Institution</b>	A privately owned and operated business registered under the <i>Act</i> offering programs of study which are vocational in nature and 50 hours or greater in duration.
<b>Professional Association</b>	Groups which exist for a common purpose and have a vested interest, i.e., in the development of professionals in a particular occupation.
<b>Proprietary Curriculum</b>	Curriculum that is owned (and usually developed by) a PTI.
<b>Program</b>	A program of study which is vocational in nature and includes 50 or more instructional hours or equivalent
<b>Provincial Curriculum</b>	Curriculum that is owned (and usually developed by) Government for use by institutions.
<b>Red Seal Program</b>	The Interprovincial Standards Red Seal Program is a partnership between the Government of Canada and Provinces/Territories which allows qualified tradespersons to obtain a Red Seal endorsement on their provincial/territorial certificates through the successful completion of an interprovincial examination. The Red Seal program acknowledges a tradesperson's competence and ensures recognition of their certification throughout Canada without further examination.
<b>Regulations</b>	<i>Private Training Institutions Regulations.</i>
<b>Security</b>	A surety bond or irrevocable letter of credit, or, at the discretion of the minister, a combination of a surety bond and an irrevocable letter of credit, which is required by all registered PTIs for the purposes defined under the <i>Regulations</i> .
<b>Semester</b>	A minimum study period of 12 weeks and a maximum study period of 17 weeks with no more than three semesters in one academic year.
<b>Site</b>	A premise at which one or more programs of study are provided by a registered PTI.

<b>Student Record</b>	A written or electronically stored record of academic, financial and other information pertaining to a student registered in a program of study, including a copy of a certificate/diploma, transcript and other student performance records where applicable.
<b>Superintendent</b>	An individual, appointed by the Lieutenant-Governor in Council, who exercises the powers and performs the duties outlined in the <i>Private Training Institutions Act</i> and <i>Regulations</i> .
<b>Train Out Fund</b>	A fund established for the protection of students receiving training at a PTI in the event of the closure of that PTI. The fund consists of fees that operators of all PTIs pay as required by the <i>Private Training Institutions Act</i> and <i>Regulations</i> and is managed by the Private Training Corporation.
<b>Tuition Fees</b>	Monies paid by individuals, sponsors, or third parties on behalf of a student for the cost of a program, and does not include the cost of books, supplies or other costs.
<b>Vested Interest</b>	Having or being entitled to a benefit as a result of an association with a PTI.
<b>Vocation</b>	An occupation included in the <i>National Occupational Classifications</i> as published by the Canadian Government Publishing Centre in Ottawa.

## **2. SUBMISSION REQUIREMENTS FOR REGISTRATION OF NEW PRIVATE TRAINING INSTITUTIONS**

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This chapter is mandated through sections 2, 5.1, 6, 7, 8, 11, 12 and 19.1 of the *Private Training Institutions Act* and sections 3, 4, 5, 6, 11, 12, 13, 14, 26.5 and 26.6 of the *Private Training Institutions Regulations*.

In accordance with the *Act* and *Regulations*, PTIs providing programming of 50 hours or more in a vocation identified under the *National Occupational Classifications* must be registered with the Department, however training provided by the following private institutions are not required to be registered:

- A religious organization;
- A corporation without share capital;
- A non-profit organization;
- A school organized or operated for employees by an employer;
- A school or correspondence course operated or provided by the government of a province/territory or the Government of Canada; or,
- A school or course exempted by the Lieutenant-Governor in Council.

The purpose of registration is to ensure PTIs meet established criteria for delivery of quality training programs. The process collects information that allows the Department to evaluate the adequacy of training facilities, relevance of curriculum, and instructor qualifications.

Upon submission of the required information and documents by the proposed institution, an assessment is conducted by the Department to determine that all application requirements have been addressed and a recommendation is made to the Superintendent. If approved, a Certificate of Registration is granted and forwarded to the institution. Following approval, the Department creates a registration record for the institution and monitors ongoing compliance with provincial legislation.

Where an application relevant to this section has been received and is deemed to be incomplete, the institution is notified in writing and provided a 6 month period to meet all application requirements.

Where the requirements for a complete application have not been submitted after a period of 6 months, the application will be considered withdrawn and all documents will be disposed of as per Government's Confidential Records policy.

NOTE: All information and forms required for registration are available on the Department's website at <https://www.gov.nl.ca/education/post-secondary-education/private-training/>. Should additional information be required, please contact the Department at (709) 729-3100.

## **2.1 Application Process - New Application**

In order to register a PTI, the Department requires information on both the proposed institution and the programs it intends to offer. For a complete list of required documents, please refer to the Private Training Institution Application Checklist in Appendix B and Chapter 3: *Submission Requirements for Registration of New Programs*.

### **2.1.1 Application for Registration**

A copy of the Application for Registration of Private Training Institution (PTI - 1) is in Appendix C. A fee of \$2,000 made payable to *The Newfoundland Exchequer* must accompany each application (see Chapter 13 for description of fees).

### **2.1.2 Security**

Financial security is an important component of a PTI's operation in this province. Prior to registration each institution must demonstrate financial security by obtaining a surety bond or irrevocable letter of credit. Every PTI under the same administration with one or more delivery sites within the boundaries of a municipality is deemed to be one unit for security purposes.

Operation of a site in another municipality is deemed to be another PTI and requires separate security. In order to obtain initial registration with the Department, a minimum \$50,000 security is required. The Department requires the original documentation containing the seal of the Surety Company or financial institution which includes the terms and conditions set out in the *Regulations*.

NOTE: The *Regulations* require all institutions to hold security before approval is obtained. PTIs shall obtain security in the minimum amount of \$50,000. The security is re-evaluated each year at the time of registration and is calculated at 15% of the previous year's net tuition revenue. The maximum security required for registered PTIs is \$150,000.

### **2.1.3 Student Program and Tuition Contract**

The Student Program and Tuition Contract addresses student information including: program of enrolment, entrance requirements, tuition fees, source of payment and other data relevant to the program of study. A copy of the institution's student contract must be submitted and approved by the Department.

The following information must be included in any student contract:

- Within the body of the contract or on a separate sheet annexed to the contract, a statement in bold face type that
  - **The contract is subject to the *Private Training Institutions Act* and *Regulations* made under the Act; and,**

- **Refunds are available in accordance with sections 17 and 18 of the Regulations;**
- Name and location of the PTI;
- Business name of the registered company which operates the PTI (if different from the operating name of the PTI);
- Name and permanent address of the student;
- Student's funding source(s);
- Name of the program as registered with the Department;
- A list of all courses offered in that program of study;
  - This list can be appended to the contract;
- Program costs;
  - This would include a breakdown of all expenses associated with the program per semester, including tuition, books, supplies, and registration or other fees, as well as work term costs, if applicable;
- Duration of the program of study;
  - The start and finish dates of the program of study must be clearly stated;
  - The length of classroom and work term weeks, where applicable, must be included;
- Program pre-requisites and entrance requirements;
  - The contract must include both academic and non-academic entrance requirements and indicate whether the student has met these requirements;
- The following terms of agreement:
  - The student agrees to abide by the PTI's policies and procedures;
  - Taking the program (course) does not guarantee employment;
  - The PTI will provide all courses of instruction for the program as they are described and registered with the Department;
  - The PTI will provide the equipment and facilities deemed necessary to complete the educational requirements of the program;
  - The PTI will provide instructors and demonstrators to deliver each course of instruction within the program and who have been approved and registered by the Department;
  - A signed copy of the contract will be provided to the student at the time of signing;

- If the student is under 16 years of age, the PTI must seek written approval from the Superintendent before the student is permitted to enrol in the program;
- The student confirms that he/she has been interviewed by PTI personnel and has been given the following information:
  - An outline of the program of study;
  - The institution's policies and procedures;
  - A combination of sources of program graduate employment information which may include:
    - The PTI's own graduate statistics for full-time employment in the field;
    - Career Search;
    - Federal Employment Outlook; and/or,
    - Employment opportunities for graduates of the program;
- At the student's request, a complete copy of the *Regulations*, under the *Act*, is available from the PTI's Administrative Office (Sections 17-23 of the *Regulations*, referring to the terms and conditions of tuition and refund policies, are appended to the contract); and,
- Work terms are arranged by the PTI under the policies and procedures referred to in the student handbook which has been provided to the student at least 48 hours prior to signing a contract;
- Student Signature;
  - The student must sign and date the contract to indicate that he/she has received information on the institution's policies and procedures and has been interviewed by the PTI's personnel prior to signing;
  - The student must be given a copy of the signed contract and a copy must be retained by the PTI in the student's file;
- PTI signature;
  - A signing authority for the PTI must sign and date the contract.

A sample *Student Program and Tuition Contract* is included in Appendix B for reference.

#### **2.1.4 Record Keeping**

Maintaining student records is an important aspect of the operation of a training institution. A PTI must provide information on how it will ensure the security of all student records.

Records should be kept for each student and contain:

- A copy of the signed Student Program and Tuition Contract, including any addendum(s) made to the contract while the student is enrolled;

- Evidence that program entrance requirements have been met, including academic and non-academic documentation;
- Results of instructor and, if applicable, employer evaluations of the student that have been conducted throughout the program, including all tests and assignments completed by the student. Complete academic records should be retained by the PTI for two years beyond graduation;
- The student's financial record with declining balance sheet (electronic or hard copy);
- Prior to meeting the graduation requirements, a signed copy of the student's transcript (with seal where applicable) showing all courses/program components completed to date for each semester;
- A signed copy of the student's final official transcript associated with the release of the diploma/certificate, bearing the seal of the PTI;
- A signed copy of the diploma/certificate, bearing the seal of the PTI;
- A copy of the student Contract Termination Report (PTI - 4), where applicable (submitted to the Department at the end of each month); and,
- A copy of any other certificates issued during training (e.g., WHMIS, First Aid, etc.).

Student records will be reviewed during compliance visits to ensure legislative requirements are met.

PTIs are required to submit a Contract Termination Report (PTI - 4) (see Appendix C) to the Department for each student who leaves the program prior to the contracted program end date.

### **2.1.5 Evaluation of Institution, Program and Instructors**

PTIs are advised that a formal evaluation process must be developed for the institution, instructional staff and programs. PTIs must provide to the Department any copies of the evaluation tools to be used.

Students must be given the opportunity to formally evaluate the institution, program and instructors at least once per semester. These evaluations should be conducted toward the end of each semester and retained by the PTI.

Copies of student evaluations may be reviewed as part of the compliance audit process, review of registered programs, or through the investigation of student complaints.

### **2.1.6 Copies of Catalogues, Sales Circulars, and Any Other Advertising**

The *Regulations* set out the manner in which all advertising may be published or used in any media. In accordance with Section 6.(3) of the *Regulations*, PTIs must first be registered before advertising in the province is permitted.

A PTI must file with the Department a copy of its brochure or calendar which contains any information provided to students on registered programs.

Any other advertising which a PTI proposes to use upon registration must be submitted for review with its application. All advertising must include the name, physical address and telephone number of the PTI.

Only PTIs which are registered for programs approved by the Department can use the following words in its advertisements "Registered and approved under the Private Training Institutions Act, Province of Newfoundland and Labrador".

Section 6 of the *Regulations* states:

#### **Advertisement**

6. (1) All advertising for private training institutions shall be in accordance with the *Trade Practices Act*.
- (2) An advertisement for a private training institution shall include the name and address and telephone number of the private training institution.
- (3) All private training institutions offering courses covered by these regulations are required to be licensed before advertising in the province.
- (4) Only private training institutions which are registered for programs approved by the department can use the following words in its advertisements "Registered and approved under the *Private Training Institutions Act*, Province of Newfoundland and Labrador".
- (5) A private training institution shall not guarantee employment to a student or prospective student.
- (6) The minister may require that duplicate copies of all advertisements relating to private training institutions be submitted for approval before being used.
- (7) The minister may require a private training institution to discontinue use of an advertisement found to be in contravention of the Act or these regulations.

\* *Trade Practices Act repealed 2009*



### **2.1.7 Student Handbook**

PTIs must provide a student handbook to students at least 48 hours prior to signing a contract, which outlines policies of the institution. The information and policies required to be contained in the student handbook is outlined in Chapter 10.

To support the policies included within the Student Handbook, the Department recommends that PTIs conduct a regular (i.e., annual/semi-annual) review of the individual policies and procedures in place for students to determine effectiveness and areas for improvement.

Further, PTIs may consider implementing an in-service for all faculty and staff concerning the policies and procedures outlined in the Student Handbook. With respect to section 10.8 (“Policy on Accommodations for Students with Disabilities”), PTIs may consider delivering sensitivity training to all faculty and staff involved in the provision of accommodations.

### **2.1.8 Eligibility to Issue Tuition, Education and Textbook Amounts Certificate (T2202A)**

A registered PTI operating in the Province of Newfoundland and Labrador should apply to the federal government to determine its eligibility to issue a T2202A certificate to students.

### **2.1.9 Student Aid Designation**

In order for a PTI to be designated through the Student Financial Services Division of the Department, an institution offering programs for which student assistance is available **must have been in continuous operation as a registered PTI for 1 year and have graduated at least one class of students.**

PTIs are advised that application must be made to the Student Financial Services Division for designation and to ensure compliance under the Newfoundland and Labrador Designation Policy.

Questions regarding designation through the Student Financial Services Division should be forwarded to:

Director  
Student Financial Services Division  
Department of Education  
Coughlan College, MUN Campus  
214-216 Prince Philip Drive  
St. John's, NL A1B 3R5  
Telephone: (709) 729-3576  
Fax: (709) 729-2298  
Email: studentaid@gov.nl.ca

### **2.1.10 Site Visit – Institution Registration**

A site visit is required prior to final institution registration, which will include inspection of all facilities utilized for delivery of any proposed program.

Once the initial inspection of facilities has been approved and operations have commenced, the Department will conduct additional site visits to ensure continued compliance with provincial requirements and applicable legislation (see Chapter 8).

Where applicable, approved sites must post notice as per section 25 of the *Regulations* regarding students' goods and services which states:

#### **Students' goods and services**

25. (1) The keeper or operator of a private training institution shall not sell or permit the goods produced or services provided by a student of the private training institute to be sold at a price in excess of 50% of the average rates for the specified goods or services in the industry.
- (2) Where goods or services referred to in subsection (1) are produced or provided, a printed notice in a form approved in writing by the minister setting out the maximum prices of the goods or services and stating that the services are rendered by a student shall be displayed in a conspicuous location at the entrance of the private training institution and at other locations that the minister may require.
- (3) Where a private training institution offers the services of the students to the public and shares premises where the same or similar services not performed by students of a private training institution are offered to the public, the keeper or operator of the private training institution shall erect a sign at the entrance to the school to indicate to the public that it is the entrance to the school.

A Municipal Occupancy Permit and Fire and Health Inspection Certificates must be secured from the appropriate authorities and filed with the Department prior to PTI registration.

## **2.2 Registration Appeals Process**

An application to register a PTI in the province of Newfoundland and Labrador that has been refused may be appealed.

The request for appeal must be received in writing by the Department within 30 days of the original decision and shall include information not previously submitted with the original application for registration of a new institution.

All requests for appeal must be addressed to:

Superintendent of Private Training Institutions  
Department of Education  
P. O. Box 8700, Confederation Building  
3rd Floor, West Block  
St. John's, NL A1B 4J6

### **2.3 Maintaining Active Registration of a Private Training Institution**

Maintaining active registration of a PTI is accomplished when the following conditions are met:

- A complete registration renewal application for a calendar year is received no later than December 31st of the previous calendar year, as per section 6.3 of the *Act* (see Chapter 6 for complete details regarding the registration renewal process \*);
- All instructor approval and program change fees (as per Chapter 13) are paid and up to date;
- A current Audited Financial Statement is on file with the Department, which is due 90 days after a PTI's fiscal year end;
- Quarterly Train Out Fund payments are paid and up to date; and,
- Security requirements are met and on file with the Department.

*\* PTIs may be required to submit additional student statistical information to the Department for all approved programs for planning and evaluation purposes.*

Should a PTI have its registration deemed inactive as a result of not meeting the above conditions, the Department will retain the current registration files for the institution; however, requests for action to any registered file(s) and/or requests to establish new file(s) under the current registration will not be processed.

Should a PTI make changes to its registration (e.g., its address for service, its officers or directors in the case of a corporation, or members in the case of a partnership) notification must be made in writing to the Superintendent within five (5) calendar days of the event.

NOTE: The Superintendent may refuse to renew, suspend or revoke a registration as per section 8(2) of the *Act* where the PTI does not comply with these requirements.

### **2.4 Moratorium on Program Enrolment**

Where an institution is in violation of the *Act* and/or *Regulations*, the Superintendent may impose a moratorium on enrolment in one or more registered programs until the institution is in full compliance with the legislation.

### **3. SUBMISSION REQUIREMENTS FOR REGISTRATION OF NEW PROGRAMS**

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This chapter is mandated through sections 8, 15 and 19.1 of the *Private Training Institutions Act* and sections 4, 5, 16, 20, 23.1, 24, 25, and 26.6 of the *Private Training Institutions Regulations*.

Once an institution is registered, applications for new programs and/or changes to currently registered programs must be submitted to:

Superintendent of Private Training Institutions  
Department of Education  
P. O. Box 8700, Confederation Building  
3rd Floor, West Block  
St. John's, NL A1B 4J6

Institutions served by regional offices of the Department are advised that **copies** of any new program/program change application documentation must also be submitted to the applicable regional office.

The Superintendent has the sole authority for program approval.

NOTE: Only complete proposals will be reviewed. After 30 days, where all required information has not been submitted, incomplete proposals will be returned.

#### **3.1 Preliminary Program Proposal**

The preliminary program proposal outlines the proposed program's development plans and enables the Department to evaluate the application prior to curriculum development by the institution.

Review of the preliminary proposal will occur within 30 days of receipt of the proposal and may include:

- A recommendation that the PTI proceed with the development of a detailed proposal;
- A recommendation that development of the detailed proposal be deferred or the application withdrawn;
- Identification of a possible duplication of programs; and/or,
- A request for further information.

NOTE: Notification to proceed with the development of the detailed proposal is not an indication of program approval.

When submitting the preliminary proposal, PTIs should refer to the Preliminary Program Proposal Checklist in Appendix B to ensure all information has been included.

Institutions are advised that program proposals may not be processed where the PTI is in violation of the *Act* or *Regulations*.

A fee of \$1,000, as per Chapter 13 and made payable to Newfoundland Exchequer by certified cheque or money order, must accompany the application if the curriculum is proprietary in nature; a \$250 fee is required for provincial curriculum (please note that advanced-level provincial apprenticeship programs are exempt from the \$250 fee).

The preliminary proposal must address in detail each of the following items:

### **3.1.1 Program Title and Summary**

This must include the National Occupational Classification (NOC) code, the proposed program duration (classroom instruction and work term weeks), as well as course titles and a summary of program content (i.e., major topics). The Department notes that this information may be tentative and subject to change with the formal curriculum development.

### **3.1.2 Educational Need and Projected Graduate Employability**

Evidence of labour market demand for graduates in each proposed training program must include the following:

- Training related job opportunities currently advertised locally, provincially and nationally, including evidence of current job advertisements for that sector from all regions, where available;
- Two Needs Assessment and Market Analysis Questionnaires (PTI - 2) completed by independently commissioned parties with experience and/or training in the occupation (see Appendix C for a copy of the required Needs Assessment and Market Analysis Questionnaire (PTI - 2), which lists specific evaluator credentials);
- Written projection of labour market demand from appropriate sources (federal and provincial where available); and,
- Three independently-written letters of support for the program from employers who currently hire, or intend to hire, individuals in this occupation. **The individuals providing the letters of support must be separate in identity from those completing the PTI - 2 forms.**
  - NOTE: Letters prepared by the PTI and signed by employers will not be accepted

NOTE: The Department reserves the right to consult with other industry associations, employers or government agencies in order to determine industry need for the proposed program.

### **3.1.3 Tentative Program Implementation/Delivery**

This must include the following:

- Approximate date to submit the developed curriculum;
- The anticipated date for first enrolment in the program; and,
- Proposed student to instructor ratio.

### **3.1.4 Consultations**

A list of agencies or employers that have or will be consulted in the development of the detailed curriculum must be provided.

Other legislation may apply and institutions must be aware that compliance with other requirements may be necessary prior to receiving program approval. Where compliance with other legislation is applicable, evidence will have to be submitted to indicate that such compliance has been achieved or that the PTI has taken appropriate measures to receive compliance prior to program approval.

### **3.1.5 Source of Program Design**

The institution must identify whether the program curriculum is proprietary in nature, adopted from another source or a combination of sources. **Where curriculum will require a lease agreement, a copy of the lease agreement must be submitted with the detailed proposal.**

Where it is the intention of a PTI to utilize the registered curriculum of an existing PTI, documentation must be submitted verifying the release of the registered curriculum to the applicant. PTIs must be aware that release of currently registered curriculum to another PTI does not guarantee program approval nor automatically extend to future program/curriculum changes; all PTIs wishing to adopt program changes must advise the Department accordingly.

### **3.1.6 Advertising**

In order to gauge interest in a training area, PTIs may seek expressions of interest from the general public for training in a field of study prior to submitting any details to the Department. In this instance there shall be no mention of pending government approval in the advertisement, however the advertisement **must clearly state that the college is in the process of determining expressions of interest in the field of study.**

PTIs are permitted to advertise a program as a potential offering prior to approval only where a preliminary program proposal has been submitted to the Department for consideration. The advertisement must clearly state that the program will be offered pending government approval.

Copies of any advertising developed at this stage for the proposed program must be

included (e.g., brochures, newspaper advertisements, website pages) and be compliant with section 7 of the *Consumer Protection and Business Practices Act*.

### **3.1.7 Procedures for Program Evaluation**

The application must outline how the proposed program will continue to meet the needs of both students and industry. This could include program advisory committees established for program review, student surveys, graduate follow-up procedures and/or labour market analyses. Any copies of surveys or other program evaluation tools should be included with the application.

The PTI should expect to receive a response from the Department within 30 days of receipt of a complete preliminary proposal. This will allow the Department time to conduct, where necessary, additional consultations. Where documentation is missing or additional information is required, the timeline of 30 days commences when all required documents have been received by the Department.

Should an institution wish to make a presentation of its proposal to the Department, all reasonable efforts to accommodate such requests will be made within the 30 day time frame. Presentation of a preliminary proposal does not change the requirements or subsequent analysis to be conducted by the Department.

## **3.2 Detailed Program Proposal**

After the Department processes the preliminary proposal, the PTI may be invited to proceed with the development of a detailed proposal which includes the detailed curriculum, Curriculum Evaluation Questionnaire (PTI - 3) (see Appendix C), and delivery model.

To ensure all information has been included when submitting the detailed program proposal, PTIs should refer to the Detailed Program Proposal Checklist found in Appendix B.

**NOTE: Application for registration of a new program requires the submission of a complete application at least 5 months prior to the expected program start date.** As an example, programs expecting first enrolments on September 1<sup>st</sup> require submission of a complete program application by March 31<sup>st</sup>. This deadline will ensure adequate time is provided to address applications for student funding.

Detailed program proposals must contain the following information:

### **3.2.1 Formal Title of the Program**

The final program title must be identified under the National Occupational Classification (NOC).

### **3.2.2 Delivery Site**

The delivery site must be conducive to learning and appropriate for the delivery of the

proposed program. Classroom and laboratory facilities must meet fire and health standards and inspection certificates (e.g., fire, health and municipal occupancy), where applicable, and must be on file with the Department prior to the commencement of classes.

Should the location of the delivery site be different from a currently approved and registered location of the institution, a site visit may be required (see Chapter 8 for additional details regarding site inspections).

### **3.2.3 Credential to Be Awarded to Graduates**

A copy of the certificate/diploma issued must include:

- Name of PTI;
- Name of student;
- Name of program of study;
- Program duration (in hours or weeks);
- Date of successful program completion;
- Signature of PTI representative/signing authority as registered with the Department; and,
- Seal of the PTI.

A copy of the transcript issued must include:

- Name and address of student;
- Marks attained in each course within the program;
- Mark required for successful completion of each course within the program;
- Overall grade average;
- Whether or not the certificate/diploma was awarded;
- Signature of PTI representative/signing authority as registered with the Department; and,
- Seal of the PTI.

### **3.2.4 Entrance Requirements**

Entrance requirements must indicate, where applicable, each of the following:

- Academic requirements (i.e., education level and any subject-specific competency level) required for entrance to the proposed program;
- Any non-academic criteria that are required for entrance to the proposed program; and,
- Assessment process for mature applicants, including the academic assessment tool to be used and the results required.



### **3.2.5 Requirements for Successful Completion**

Requirements for successful completion of the program must identify the evaluation procedures to be used. These may include, but are not limited to, practical and theoretical assessments, work term requirements, course grade averages, or additional third party certification(s) to be completed.

### **3.2.6 Detailed Program Information**

#### **A. Instructional Delivery Method**

The instructional methods to be used in the delivery of the course content must be identified. These may include: classroom-led instruction; lab/shop-facilitated learning/demonstration; and/or distributed learning.

#### **B. Course Content**

Curriculum must reflect training in the main duties as outlined under the National Occupational Classification (NOC).

Each course outline submitted for proprietary PTI programs must contain:

- Course title;
- Length of the course (classroom hours and lab/shop hours);
- Detailed learning outcomes, containing all theoretical and practical outcomes to be achieved \* (A guideline for writing learning outcomes is located on the Department's website);
- Grade to be obtained for successful completion;
- Course prerequisites (where applicable);
- Instructional resources to be used;
- A list of textbooks required (where applicable); and,
- Evaluation criteria.

*\* In developing course learning outcomes, institutions must be cognizant of instructor approval requirements. Course outcomes which span multiple disciplines or subject areas may present challenges in obtaining instructor approval due to legislative requirements. Ideally, individual course content should be developed to be taught by one instructor holding a specific combination of credentials and work experience.*

#### **C. Program Resources**

A list of resources to support program delivery must include, but is not limited to:

- A description of shop/lab facilities, including floor plan (where applicable);
- Classroom materials required to deliver the theoretical outcomes as specified in the course outlines, including:
  - Audio-visual materials;

- Print media; and,
- Equipment and supplies, with student/equipment ratios identified;
- Lab/shop materials required to perform the practical objectives as specified in the course outlines (where applicable), including:
  - Consumable materials; and,
  - Tools and equipment, with student/equipment ratios identified.

If aspects of practical training are to take place in an industrial or commercial setting, letters of agreement and/or contracts with the partnering agency must be submitted and shall include:

- Specific responsibilities of each partner;
- Whether the students will be required to abide by the policies of the partnering agency, and if so, a copy of the policies must be included;
- Who will be responsible for both policy and safety orientation training of students while at the site of the partnering agency; and,
- Contract renewal and/or cancellation clauses.

Additionally, the letters of agreement and/or contracts must clearly outline the following practical training information:

- The nature and duration of the training to be provided, including whether training will be provided in specific blocks or over the entire duration of the program;
- A schedule, including the number of students to be accommodated at the industrial setting;
- Hours of student access to equipment and/or facilities;
- A description of the training facilities to be provided by the partnering agency, including floor plan;
- A list of resources, by course, which will be provided by the partnering agency;
- A list of tools and/or equipment to be used for all aspects of practical training which will be provided by the partnering agency; and,
- The name(s) of individual(s) responsible for the supervision, training and evaluation of students while at the site of the partnering agency.

#### **D. Work Term**

If a work term or on-the-job component is part of the program, the PTI must submit a copy of any work term policies and associated documents to be provided to students and work term hosts.

Students must be advised that in order to access work terms, they must maintain good standing with the entrance requirements outlined for the program and meet all other defined prerequisites.

The PTI has an obligation to ensure that the student has a placement that is relevant to the training. The following information must therefore be submitted to the Department:

- Work term duration, including placement within the full program schedule;
- Detailed work term learning outcomes specific to the program;
- Work term evaluation tools to be completed by the employer/work term host;
- Work term evaluation tools to be completed by the institution; and,
- Work term evaluation tools to be completed by the student.

All work term evaluations must form part of the student record. The PTI is required to monitor the progress of a student throughout the work term. This typically will require contact with both the host and the student at the end of the first week, follow-up and/or visit to the work site at the midpoint of the work term, and contact with both the host and the student during the final week of the work term.

In circumstances where the work term placement is limited to 60 hours or less, it is acceptable to have both the work term host and the student agree to contact the training institution should concerns arise during the placement. Where there are no concerns raised, the PTI may forego contacting the host and student during the placement.

PTIs are advised that provincial and/or other curriculum may have specific requirements for monitoring and evaluating work terms which must be followed.

## **E. Class Schedule**

Class schedule for proprietary programs must include the time dedicated to each course and the number of contact hours per week. If there is a laboratory/shop component, the amount of time the students will spend in the lab each day must be identified.

### **3.2.7 Instructional Staff Credentials**

In addition to the credentials and experience defined under private training legislation for instructor/demonstrator approval, institutions must outline any specific qualifications and/or work experience required for potential instructors hired to teach core competencies/courses within the program.

Where a curriculum evaluator (see section 3.2.8) recommends additional specific credentials/experience, the Department may require this recommendation to be honoured.

Chapter 5 provides additional information regarding approval requirements for instructional staff.

### **3.2.8 External Evaluation**

An application must include a written evaluation of the proposed curriculum completed by an industry representative. This industry representative may be an employer and/or a member of a professional association or other related body/organization. Specific credential details for the curriculum evaluator are outlined in the Curriculum Evaluation

Questionnaire (PTI – 3), found in Appendix C.

The application must demonstrate that the evaluators have no vested interest in the institution and have extensive knowledge in the program area. All evaluators must complete the Curriculum Evaluation Questionnaire (PTI - 3).

Once the external evaluation has been completed, if there are recommendations for change to the original curriculum as a result of the review, the following process is required:

1. The curriculum may be revised to address those changes or a rationale put forth to maintain the original document. The revised curriculum and/or the rationale to maintain the original document must be re-submitted to the industry representative for consideration and validation.
2. An outline of recommended changes implemented, the complete revised curriculum (electronic and hard copy), as well as the final curriculum review from industry must be submitted to the Department.

NOTE: The Department reserves the right to have the curriculum further evaluated by industry representatives, and to seek advice from other authorities within government or industry, and the training institution submitting the application will be advised accordingly. Where further consultation and/or review of curriculum materials is required by other authorities, this will be completed within 30 days of the Department having received the initial Curriculum Evaluation Questionnaire (PTI - 3).

### **3.2.9 Credit Transfer Arrangements**

The PTI must provide a clear policy statement addressing the parameters governing the acceptance of transfer credit from other post-secondary training institutions. Articulation agreements that exist with other institutions must be identified and submitted.

### **3.2.10 Costs to Students**

An itemized list of program costs including tuition, books, supplies, and other costs to students must be included. If individual course costs exist, these should be identified.

Where applicable, the PTI must advise students of additional costs for certification(s) available through outside agencies (e.g., Microsoft certifications) as a result of completing program requirements. These costs are not to be included under the total tuition costs of the program and must be advertised as separate.

The Superintendent reserves the right to request a rationale for any or all costs identified in the program application.

### **3.2.11 Program Site Inspection**

If all information has been received and the Department determines that a site inspection is necessary, the PTI will be notified.

Programs with practical training components will require a site inspection before final approval will be granted. This site inspection will verify tools, equipment, supplies and resources required, and adequacy of facilities. The site inspection will be conducted by the Department and may involve an industry representative as chosen by the Department through consultation with the PTI.

PTIs must request the site inspection within 6 months of being granted approval in principle to offer the program. **All applicable program site inspection fee(s), as per Chapter 13, must be paid in full prior to a site inspection being conducted.**

Where a site inspection has not been completed within the 6 month time frame, the application will be returned unless the PTI has formally requested an extension.

Where a request for an extension has been received, the PTI will be granted an additional 3 months to have a site inspection completed and to finalize the requirements for registration of the program. In extenuating circumstances, an additional 3 month extension may be granted to finalize registration of the program.

### **3.2.12 Final Program Approval and Registration**

Once all relevant program proposal information has been received by the Department, the PTI should expect to receive a decision concerning the new program application within 90 days.

If the application is approved, registration of the program will take place after all site inspections are completed and any other conditions have been met.

Should another campus or institution seek approval of a previously registered proprietary program, the Department will require:

- Written permission of the institution owning the proprietary curriculum for release of the curriculum;
- The registration fee as outlined in Chapter 13; and
- Other information and program application requirements requested by the Department.

### **3.2.13 Provincial Apprenticeship Programs**

PTIs wishing to offer provincial entry-level apprenticeship programs may submit a modified program proposal. This program proposal must contain information as outlined in sections 3.1.2, 3.1.3, 3.1.4, 3.1.5, 3.1.7, 3.1.8, 3.2.2, 3.2.6E, 3.2.8, and 3.2.9 of this document.

Additionally, institutions offering provincial apprenticeship programs must adhere to the following guidelines:

- Use of the provincial program outlines (Plans of Training) which provide the minimum requirements for these trades programs;
- Provide adequate shop and classroom facilities;
- Provide equipment and materials required to perform the tasks as specified in the program outlines;
- Adhere to all requirements outlined in the tool and equipment list;
- Ensure instructors of apprenticeship programs have an interprovincial journeyman certificate in programs designated as interprovincial (Red Seal); and,
- Ensure instructors of apprenticeship programs have a provincial journeyman certificate in programs designated as provincial (Blue Seal).

Upon approval of entry-level apprenticeship training, PTIs wishing to offer the advanced-level must first obtain accreditation of the entry-level program through the Provincial Apprenticeship and Certification Board. Once the entry-level program has been accredited, the institution may submit a request to offer advanced-level training. In extenuating circumstances (e.g., a lack of existing accredited entry-level programs), an institution may be granted special permission to deliver advanced-level training while it pursues accreditation of its entry-level program.

A formal request must be made to the Department to register advanced-level training. A detailed proposal is not required.

**Please be advised that approval under the *Act* and *Regulations* does not guarantee that an institution will deliver advanced-level training, only that it will be eligible to offer such training.** Scheduling of advanced-level training will be determined by the Apprenticeship and Trades Certification Division of the Department in consultation with the PTI.

### **3.3 Program Appeals Process**

Where an application to register a vocational training program has been denied approval, a PTI may appeal that decision. The application for appeal must be received by the Department in writing within 30 days of the communication of the original decision and must include information which addresses the Department's rationale for denial of the program.

The Department reserves the right to request or collect additional information it deems necessary to aid the decision on an appeal.

Consideration of requests from the PTI to present its program appeal in person will be given after a review of the appeal submission has been conducted by the Department. Where necessary, the Department will contact the PTI to provide the opportunity for the in person presentation of the appeal rationale.

See Chapter 8 for information regarding appeals for program site inspections.

### **3.4 Program Status**

#### Active Programs

During the annual PTI registration renewal process (see Chapter 6), PTIs are required to identify all programs for which they wish to retain registration for the coming calendar year.

#### Inactive Programs

Registered programs that may have outstanding compliance requirements impacting student enrolment (e.g., site inspection for updated curriculum or equipment) will be made inactive by the Department. Alternatively, the Department may make programs inactive which have not had active enrolment for 5 consecutive years or which are under review in accordance with section 4(1.2) of the *Regulations*.

Programs that have been made inactive will not be removed from the institution's registration record; however **PTIs will not be permitted to take enrolments until further approval is granted by the Department**. Access to funding under the Student Financial Services and Employment and Training Services divisions of the Department will be suspended for those programs made inactive.

If a PTI wishes to reactivate a program made inactive as a result of outstanding compliance issues, where all outstanding compliance requirements have been addressed, the Department will change the status of that program from 'inactive' to 'active' and permit continued enrolment and access to student funding.

If a PTI wishes to reactivate a program made inactive as a result of no active enrolment for five consecutive years or which are under review in accordance with section 4(1.2) of the *Regulations*, a request must be submitted to the Department for further review which includes updated labour market information and industry support, as well as curriculum evaluation. Where the Department is satisfied with the information provided, the status of that program will be changed from 'inactive' to 'active' and continued enrolment and access to student funding will be permitted.

#### Deregistered Programs

Institutions may choose to deregister programs that have previously been registered with the Department. For PTIs that do not renew the registration of a program during the annual PTI registration renewal process, the Department will deregister the program and remove it from the PTI's registration record.

The Department reserves the right to de-register a PTI's program as a result of program review. This may include programs previously registered as active or inactive.

**Where programs will be removed from the institution's registration record, the PTI will be advised accordingly.**

If an institution wishes to deliver a deregistered program again, a new application must be submitted in accordance with sections 3.1 and 3.2 of this document.

### **3.5 Program Review**

Under section 4(1.2) of the *Regulations*, the Superintendent shall review registered programs of study every three years based on the following criteria:

- A needs assessment, including a market analysis;
- Admission standards;
- Curriculum content;
- Program duration;
- Graduate certification; and,
- Number of prior graduates.

Under section 4(1.3) of the *Regulations*, the Superintendent may, at his or her discretion, undertake an assessment of an approved program of study at any time.

PTIs will be advised when a review has been enacted under section 4(1.3) and may be requested to submit information or documentation as necessary to inform the process.

### **3.6 Moratorium on Program Enrolment**

In instances where concerns have been raised with or by the Department regarding a registered program or programs, the Superintendent may impose a moratorium on enrolment until the concerns raised have been addressed to the satisfaction of the Department.

The Department may be made aware of concerns through:

- An assessment of any program of study offered at a PTI;
- Regular auditing by the Department;
- Students enrolled in registered program(s);
- General complaints registered with the Department;
- Site inspection(s) of training facilities; and/or,
- On-going communication with the PTI.

PTIs will be advised accordingly prior to any program moratorium being imposed.



## **4. SUBMISSION REQUIREMENTS FOR REGISTRATION OF PROGRAM CHANGES**

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This chapter is mandated through sections 8, 15 and 19.1 of the *Private Training Institutions Act* and sections 4, 5, 16, 20, 23.1, 24, 25, and 26.6 of the *Private Training Institutions Regulations*.

Once an institution is registered, applications for changes to currently registered programs must be submitted to:

Superintendent of Private Training Institutions  
Department of Education  
P. O. Box 8700, Confederation Building  
3rd Floor, West Block  
St. John's, NL A1B 4J6

**Institutions served by regional offices of the Department are advised that copies of any program change application documentation must also be submitted to the applicable regional office.**

The Superintendent has sole authority for program approval.

### **4.1 Program Changes**

Requests for changes to currently registered programs will require the following:

- An outline of proposed changes, including a detailed rationale and program matrix which includes the following:
  - Original program courses;
  - Courses retained;
  - Courses removed;
  - Courses added;
  - Course prerequisites;
  - Course duration changes;
  - Course content changes; and,
  - Course name changes;
- A complete curriculum (revised version);
  - Where it is the intention of the applicant to adopt changes previously approved for the registered curriculum of an existing PTI, documentation must be submitted verifying the release of the revised curriculum to the applicant;
  - Copying PTIs on a request for program changes does not constitute a request by those institutions to have records adjusted to reflect the changes; each registered PTI must make a formal request;
- Names of industry representatives who have been contacted to complete a review of the revised curriculum (where applicable);
- Identification of new lease agreements or changes to existing lease agreements, where applicable;

- Updated tool/equipment/supply lists for curriculum changes involving revised practical requirements;
- Names of previously approved and currently registered instructional staff to deliver new curriculum areas and/or application for instructor approval for new curriculum areas;
- Changes to the cost of the program (where applicable);
- Changes to the duration of the program (where applicable); and,
- Changes to the name of the program (where applicable).

Upon review of the request for changes, the Department may request additional information from the PTI which could include the following:

- Results of industry reviews/Curriculum Evaluation Questionnaire (PTI - 3);
- Where recommendations from the industry review require additional changes, the curriculum must address those changes and the updated curriculum re-submitted to the industry representative for feedback;
- An outline of recommended changes implemented, the complete revised curriculum, as well as the final curriculum review from industry must be submitted to the Department; and,
- Identification of the National Occupational Classification(s) (NOC(s)) applicable to the program.

A program change is considered any change to the registration record of a registered program, and **the applicable fee, as per Chapter 13, must be submitted with the request for changes.**

Substantive program changes are those that include - in addition to changes to program name, course name(s), program entrance requirements, course pre-requisites, program cost(s) and/or program duration - changes to curriculum content (requiring industry review/support) through the removal of existing courses, addition of new courses, and/or modifications of existing course learning outcomes. Substantive program changes also include those involving practical training components requiring a site inspection.

Non-substantive program changes are those involving only changes to program name, course name(s), program entrance requirements, course pre-requisites, program duration and/or any curriculum changes not requiring industry review/support (e.g., removal of an existing course due to repetition of content with another course; content changes to leased curriculum resulting from changes implemented by the lessor of the curriculum).

NOTE: Institutions will be notified of any outstanding requirements. Where, after 30 days all required information has not been submitted, incomplete applications for program changes will be considered withdrawn and returned.

## **4.2 Program Site Inspection**

Where all information has been received and the Department determines that a site inspection is necessary, the PTI will be notified. Program changes involving practical training components will require a site inspection before final approval is granted.

The site inspection will verify tools, equipment, supplies and resources required, as well as the adequacy of facilities. This site inspection will be conducted by the Department with assistance from an industry representative, who will be chosen by the Department and acknowledged by the institution as having no conflict or vested interest.

**All applicable program site inspection fee(s), as per Chapter 13, must be paid in full prior to a site inspection being conducted.**

See Chapter 8 for additional information regarding program site inspections.

## **4.3 Final Program Change Approval and Registration**

The PTI should expect to receive a response from the Department within 60 days of receipt of a complete application for program changes. Where documentation or information is missing, the timeline of 60 days begins when all required documentation/information has been received.

If the application is approved, registration of the program changes will take place after all site inspections are completed and any other conditions have been met.

Should another campus or institution seek approval for adoption of program changes previously approved, the Department will require:

- Written permission of the institution owning the proprietary curriculum for release of the curriculum;
- The registration fee as outlined in Chapter 13; and
- Other information and program application requirements requested by the Department.

## **4.4 Program Change Appeals Process**

Where an application for program changes has been denied, a PTI may appeal that decision. The application for appeal must be received by the Department in writing within 30 days of the communication of the original decision and must include information which addresses the Department's rationale for denial of the program change.

The Department reserves the right to request or collect additional information it deems necessary to aid the decision on an appeal.

Consideration of requests from the PTI to present its program change appeal in person will be given after a review of the appeal submission has been conducted by the Department. Where necessary, the Department will contact the PTI to provide the opportunity for the in person

presentation of the appeal rationale.

See Chapter 8 for information regarding appeals for program site inspections.

## **5. SUBMISSION REQUIREMENTS FOR REGISTRATION OF INSTRUCTIONAL STAFF**

This chapter is mandated through sections 8, 14, 16 and 19.1 of the *Private Training Institutions Act* and sections 3, 5, 7 and 8 of the *Private Training Institutions Regulations*.

Once a program and/or program changes have been approved by the Department, training institutions must submit an application for approval of instructional staff (instructors and demonstrators) for all courses/modules of the program to be delivered. Please note that a guest lecturer, guest speaker, workshop or seminar leader/facilitator is not required to be approved if delivering program outcomes required for graduation that are less than 9 hours in duration and do not require formal evaluation leading to a grade (e.g. awareness seminars).

PTIs must ensure that all requests for approval/registration of instructional staff have been assessed for competency, based on the criteria for approval as outlined in sections 5.1 and 5.2 of this document. **The Department reserves the right to return any applications where it is questionable whether this process has been followed** (e.g., in applications where an instructor has been requested to teach all courses within a proprietary program).

The fee for new instructor approval requests, as per Chapter 13, must be submitted with the application for each new approval. While instructor approval requests are submitted to regional offices for review, the **accompanying fee(s) must be submitted to the St. John's office, clearly identifying the instructor for which the fee applies**. Failure to pay fees in a timely manner will result in a delay in the processing time for new instructor approval requests.

Normally, once all requirements are received by the Department, the application for instructional staff approvals will be finalized within 3 weeks and the PTI notified of the outcome.

PTIs should take responsibility for ensuring that instructors and demonstrators, upon approval/registration, continue with professional development activities to remain current in their field of instruction. PTIs must also ensure that instructors are abiding by the policy requirements established for post-secondary instructor certification (see section 5.2). In instances where an approved instructor does not accept a position of employment or the PTI chooses not to employ the approved instructor, the PTI must notify the Department to have the instructor removed from registration.

### **5.1 Minimum Instructor Qualifications**

Instructor qualifications should complement the curriculum being delivered. Generally, under current legislation this would mean a certificate or diploma related to the field of instruction supplemented by experience within the field. **The combination of training and experience must total 6 years, and at least 2 years of the experience must be directly related to the field of instruction.** The 2 years need not be consecutive, but the résumé must clearly indicate that this requirement has been satisfied.

PTIs must submit instructor approval requests for individual courses contained within the registered curriculum. Instructor approvals are only granted for individual courses, and are

assessed based on the training, certification and/or direct work experience provided for the proposed instructor.

Instructors of apprenticeship programs must have a current Newfoundland and Labrador Certificate of Qualification indicating the appropriate provincial or interprovincial certification in the subject area of instruction supplemented by at least 2 years of trade-related work experience. The combination of training and work experience shall equal a minimum of 6 years in total. In addition, there may exist other criteria specific to the trade (e.g., equipment endorsements) that must be met prior to approval being granted.

Where applicable, PTIs must adhere to the certification requirements of professional groups and organizations and/or certification requirements identified within the registered program in addition to the *Act* and *Regulations*. This includes requirements for certification issued by licensing bodies.

Recommendations relative to instructor qualifications (resulting from the curriculum review associated with program registration) may be mandated by the Department for instructor approval.

Résumés accompanying an instructor approval request should clearly indicate education/training completed and details of work experience attained by the individual. It is important to include time periods (from month/year to month/year) for education and work experience so that it can be determined whether the six-year criteria have been met. The instructor's personal address and contact information should be included on the résumé.

Copies of certificates, diplomas, and/or degrees must accompany the résumé, and in some instances an official copy of transcripts will be required. Letters of recommendation will be accepted as a part of the assessment process, and references may be checked to verify and/or clarify work experience.

## **5.2 Post-Secondary Instructor Certification**

In accordance with section 7 of the *Regulations*, all private training instructors are required to complete a teacher training program comprised of Memorial University courses leading to post-secondary instructor certification.

Instructors who possess a Bachelor of Post-Secondary Education degree or a Master of Education degree are not required to complete additional courses towards post-secondary instructor certification. Individuals holding such designations may apply for the Post-Secondary Instructor's Certificate. Flight Training Instructors are exempt under section 3(2) of the *Regulations* from completion of post-secondary instructor certification requirements.

Instructors who possess a Bachelor of Education degree will be expected to complete the following Memorial University Education courses:

ED 2710	Course Organization and Development
ED 2730	General Methods of Teaching in Post-Secondary Education
ED 3280	Educational Assessment (or ED 4950 – Assessment of Learning*)

\* For individuals who have previously completed Memorial University's ED 4950 (Assessment of Learning), the Department can accept this in place of ED 3280 for the purpose of post-secondary instructor certification. Please note that Memorial University does not consider these two courses to be equivalent; should instructors choose to pursue a Diploma or Degree in Post-Secondary Education from Memorial University they would be required to complete ED 3280 under the current requirements for these credentials.

Instructors holding a Bachelor of Education will be required to complete these courses at a rate of two courses per year, and as a result will be given approximately 2 years to complete the requirements upon approval. Application to begin the prescribed Education courses must be made immediately upon approval.

Effective July 1, 2016, all other applicants must complete the following Memorial University Education courses in order to obtain post-secondary instructor certification\*\*:

ED 2710	Course Organization and Development in Post-Secondary Education
ED 2730	General Methods of Teaching in Post-Secondary Education
ED 2740	Ethics & Professionalism in Adult and Post-Secondary Education
ED 3280	Educational Assessment

and two (2) of

ED 2700	Academic Literacies in Adult and Post-Secondary Learning Contexts
ED 2720	Introduction to Post-Secondary Education
ED 2801	The Adult as Learner
ED 2806	Sociology of Adult Education
ED 3801	Educational Media

These instructors will be required to complete the above courses at a rate of two courses per year, and as a result will be given 3 years to complete the requirements upon approval. Application to begin the prescribed Education courses must be made immediately upon approval.

\*\* Instructors approved prior to July 1, 2016 will have the option to complete the above combination of Memorial University courses in order to obtain post-secondary instructor certification, or the required courses under the previous policy (ED 2710; ED 2720; ED 2730; ED 2801; ED 3280; and ED 3801).

Memorial University has established the following deadlines for application to enrol in the Diploma in Post-Secondary Education:

- Fall (September – December) – June 15th
- Winter (January – April) – October 1st
- Spring (May – August) – January 15th

**NOTE: These dates are subject to change and instructors should be advised to confirm deadlines directly with Memorial University prior to application.**

Based on these deadlines, the Department utilizes the following formula for determining required completion dates for post-secondary instructor certification training:

- For instructors approved between January 1st and May 31st of a calendar year, assigned deadline for course completion will be August 31st + 3 years and the first semester for enrolment in university courses will be the Fall Semester (September – December) of that calendar year;
- For instructors approved between June 1st and September 15th of a calendar year, assigned deadline for course completion will be December 31st + 3 years and the first semester for enrolment in university courses will be the Winter Semester (January – April) of the next calendar year; and,
- For instructors approved between September 16th and December 31st of a calendar year, assigned deadline for course completion will be April 30th of the next calendar year + 3 years and the first semester for enrolment in university courses will be the Spring Semester (May - August) of the next calendar year.

For instructors required to complete only three courses (i.e., instructors possessing a Bachelor of Education degree) the same rate of completion (i.e., two courses per year) remains in effect.

Instructors will be advised of these requirements when their approval to instruct is granted. Instructor progress will be monitored by the Department for compliance. Non-compliance with these requirements may result in future denial of approval to instruct in additional curriculum areas, placement on continued registration with conditions, and/or may result in the cancellation of the registration of the instructor under the *Act*.

Where, after approval, a PTI chooses not to retain an approved instructor, the PTI must notify the Department that the approved instructor no longer forms part of its registration record. Subsequently, the Department will remove the identified individual from the PTI's registration record.

### **5.3 Instructional Staff Teaching Hours**

Where instructors are teaching an average of 10 hours or less per week of a semester, post-secondary instructor certification training courses will **not** be assigned. Instructors under this category could include substitute or itinerant instructors hired occasionally by the training institution to teach specific courses.

The training institution must indicate that it is applying for instructor approval under this policy. Where a training institution does not indicate that it is applying under this policy, the approval will be processed and post-secondary instructor certification requirements will be assigned as per section 5.2 of this document.

To verify the instructional assignment, PTIs will be required to provide the teaching schedule(s) for the current semester assigned to the instructor(s) approved under this policy. For substitute instructors, the Department recognizes that teaching schedule(s) may not be available until the end of the semester, at which time the PTI must submit teaching assignments for the registered substitute instructors.



Instructors approved under this policy will be granted approval for one semester at a time. **A PTI must notify the Department each semester where it wishes to retain the registration of those instructors. This notification will include submission of the teaching schedule for each new semester.**

Where the training institution has not notified the Department of the intention to retain registration of any instructor approved under this policy within 30 days after the start of a new semester, they will be removed from the training institution's registration record and the institution will be notified accordingly.

#### **5.4 Demonstrator Qualifications**

A Demonstrator is a person appointed by a PTI to assist an instructor to meet subject or program objectives.

A demonstrator must work under the general supervision of the instructor and must possess a certificate or diploma relating to the field of instruction supplemented by a minimum of 1 year related work experience.

Demonstrator approvals may be granted for entire programs with significant practical components or for individual courses/modules, and are assessed based on the training, certification and/or direct work experience of the proposed demonstrator. Like an instructor, a demonstrator's qualifications should complement the curriculum being delivered.

Where applicable, PTIs must adhere to the certification requirements of professional groups and organizations and/or certification requirements identified within the registered program in addition to the *Act* and *Regulations*. This includes requirements for certification issued by licensing bodies.

Demonstrators for apprenticeship programs must have a current Newfoundland and Labrador Certificate of Qualification indicating the appropriate provincial or interprovincial certification in the subject area of instruction supplemented by at least 1 year of trade-related work experience. In addition, there may exist other criteria specific to the trade (e.g., equipment endorsements) that must be met prior to approval being granted.

Specific duties of the demonstrator include the following:

- Reinforces student awareness of standards, learning outcomes and expected evaluation methods;
- Uses lesson plans delivered by the Instructor to reinforce theoretical and practical material;
- Conducts laboratory and shop sessions using projects designed by the Instructor;
- Assists in student evaluation and, using Instructor's answer keys or guides, evaluates student progress and maintains appropriate records;
- Assists in shop and laboratory management;

- Assists in and offers constructive advice during periodic subject and/or program review;
- Performs other related duties to assist the Instructor in other areas such as field trips and on-the-job training assignments; and,
- Supervises group activities relative to program outcomes where formal instruction by the lead instructor is not required.

## **5.5 Instructional Staff Appeals Process**

Where an application for instructor or demonstrator approval has been denied by the Department, the training institution may appeal that decision in writing within 30 days of the decision.

Instructor/demonstrator appeals must be submitted to the Manager of Private Training and include the following:

- Additional documentation supporting the application for approval **not previously submitted**; and,
- Any additional information the institution feels is relevant to the application/appeal.

A decision by the Department on the request for appeal will be made within 3 weeks of receipt of all additional documentation and/or information relevant to the request.

## **5.6 Continued Instructor Registration with Conditions**

Where it has been determined that an instructor has not been complying with the requirements for post-secondary instructor certification (i.e., the instructor has not completed his/her Memorial University course requirements at the rate of two courses per year and within the assigned time frame), the Department may permit continued registration under the following conditions:

1. Completion of a minimum of one course consecutively every semester until all assigned courses are complete; Memorial University has three full-time semesters each year;
2. Submission of proof of application and enrollment (within three weeks of the commencement of each university semester) in one of the outstanding courses required for post-secondary instructor certification; and,
3. Submission (within three weeks of the end of each university semester) of proof of completion of one of the outstanding courses required for post-secondary instructor certification.

Continued instructor registration with conditions will remain in effect until all post-secondary instructor certification course requirements have been completed or until the instructor has returned to compliance with his/her original instructor approval requirements.

Non-compliance with continued registration with conditions may result in the instructor:

- Having his or her registration and approval to teach under the *Private Training Institutions Act* revoked;
- Being prevented from registration as an instructor at another PTI under the *Private Training Institutions Act*, and/or,
- Denial of approval to teach additional curriculum areas.

## **5.7 Monitoring of Continued Instructor Registration with Conditions**

Where it has been determined that an instructor is not complying with the terms of continued registration with conditions, the Department will allow the PTI the opportunity to provide a rationale for the instructor's non-compliance.

The training institution must provide a rationale in writing and may be required to submit supporting documentation to validate the rationale. Any supporting documentation must be submitted within 2 weeks of being notified by the Department of the need for this information.

Where the submitted documentation provides justification for non-compliance, the Department will permit instructor registration to continue with the understanding that the terms of conditional approval remain in effect.

Where the training institution has not submitted additional information or the submitted documentation does not provide justification for non-compliance with instructor approval requirements, the Department will advise the PTI by registered mail of the following:

- **the non-compliance by the specific instructor places the institution at risk of**
  - **having a moratorium placed on enrolment in the programs where the non-compliant instructor is teaching; or**
  - **having the registration of the program cancelled; and,**
- **the institution must provide a written response to the Department within 5 business days of receipt of the letter** (date to be specified).

The response by the PTI must indicate how it will effectively address the matter. In the response, the PTI may choose to voluntarily have the non-compliant instructors removed from its registration and make application to have replacement instructors approved and registered, or to provide an action plan for the non-compliant instructors to complete the post-secondary instructor certification requirements.

If no response is received within the specified time frame, all funding agencies will be notified of the moratorium placed on program enrolment and a timeline established for the possible cancellation of the training institution's registration for the specific program.

## 6. OTHER REGISTRATION REQUIREMENTS

This chapter is mandated through sections 6, 8, 12 and 19.1 of the *Private Training Institutions Act* and sections 4, 7, 10.2 and 26.2 of the *Private Training Institutions Regulations*.

### 6.1 Registration Renewal

PTIs wishing to continue operation into the next calendar year must make application for renewal by December 31<sup>st</sup> by **submitting the following documents**:

- Application for Renewal of Private Training Institution Registration (PTI - 5);
- Annual Statistical Report (PTI - 6) for the year ending December 31<sup>st</sup>; and,
- All Contract Termination Reports (PTI - 4) for the year ending December 31<sup>st</sup> which have not already been submitted.

These required forms can be found in Appendix C and are available on the Department's website at <https://www.gov.nl.ca/education/post-secondary-education/private-training/>.

Security requirements are reassessed by the Department at the time of registration renewal, and where an increase in the amount of the security is required the PTI must submit an original endorsement from the surety company/financial institution for the amount of the increase. If the security has expired or is due for renewal at this time, the institution must submit an original continuation certificate or verification of renewal from the surety company/financial institution.

Monies owing to the Private Training Corporation for the Train Out Fund must be paid in full,

#### Payment of funds

- 26.2**
- (1) A private training institution shall pay to the corporation a contribution to the Train Out Fund as required by subsection 17.1(3) of the Act at an annual rate of 1% of collected student tuition fees.
  - (2) Money paid under subsection (1) shall be paid on March 31, June 30, September 30 and December 31 in a year, and shall be based on the tuition fees collected by the private training institution for the 3 months of the preceding quarter.
  - (3) The corporation shall reconcile the money paid under subsection (1) and shall make any adjustments necessary annually at the end of a private training institution's financial year and those adjustments shall be completed by March 31 following the end of the private training institution's financial year.
  - (4) For the purpose of this section, where tuition fees are included in grant money received by an institution on behalf of a student, the superintendent shall determine that portion of the grant which shall be considered to be tuition fees.
  - (5) Notwithstanding paragraph 5(4)(c), where a private training institution fails to pay to the corporation the contribution required under this section, the minister may, in his or her discretion, revoke or limit the right of that institution to enrol new students.

The Superintendent may request any additional information from an applicant that is considered necessary to determine whether or not to issue or renew a Certificate of Registration. Registration renewal will not be finalized or approved until the Department has received this documentation.

### **6.1.1 Audited Financial Statement**

Every PTI must submit an annual audited financial statement to the minister within 3 months of the end of the PTI's fiscal year. The statement must set out the PTI's:

- Assets and liabilities; and,
- Receipts and expenditures for the preceding fiscal year.

The Department requires the PTI to submit a letter from its auditor verifying that the amount paid to the Private Training Corporation is correct based on 1% of collected tuition revenue.

### **6.1.2 Program Status**

PTIs should identify all programs for which they wish to retain registration for the coming calendar year. See Chapter 13 for the fee(s) associated with renewal of registered programs.

PTIs may choose to deregister programs that have previously been registered with the Department. Where PTIs indicate that they do not wish to maintain registration of a program, the Department will consider those programs to be deregistered and will remove these programs from the institution's registration record.

For further information on program status, please refer to section 3.4 of this document.

## **6.2 Notice of Changes**

In accordance with section 12 of the *Act*, PTIs shall notify the Superintendent of a change in its address for service and/or the officers or directors in the case of a corporation or of the members in the case of a partnership. This notification must be submitted in writing within 5 days of the change occurring.

**NOTE: The Superintendent may refuse to renew, suspend or revoke a registration as per section 8(2) of the *Act* where the PTI does not comply with these requirements.**

## **7. STUDENT COMPLAINT PROCEDURES**

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This chapter is mandated through sections 13, 14, 16, 19.1 and 20 of the *Private Training Institutions Act* and sections 13, 14 and 26.6 of the *Private Training Institutions Regulations*.

### **7.1. Initial Process**

The student complainant's first course of action is to review and follow the PTI's complaint resolution policy/procedure. Typically, this would require addressing their complaint/issue with the administration of the PTI in writing. The response of the PTI to the complainant should also be in writing to eliminate any misunderstanding in interpretation.

Where the student has followed the PTI's complaint resolution policy/procedure and

- the student is not satisfied with the response from the PTI and the issue remains unresolved; or,
- the student has not received a response to his/her concerns,

the student may notify the Department and issue a formal complaint. The Department will then advise the student to complete the Student Complaint Form (PTI – 7; see Appendix C) and submit a copy for review.

NOTE: Each PTI is required to develop an internal conflict/complaint resolution policy which deals with both academic and administrative student issues. This policy must be submitted to the Department for review prior to institution registration. Where there are any revisions or updates to the PTI policy, these updates must also be submitted to the Department.

### **7.2 Investigation**

Upon receipt of the formal complaint, the Department will notify the PTI that a student is unsatisfied with a recent response or lack of response from the PTI to his/her concerns, and has requested that the Department initiate an investigation.

The Department will review the Student Complaint Form and, where necessary, collect further documentation from the PTI and/or student for review. A site visit may also be conducted to assess any information provided or to collect additional information that is pertinent to the investigation.

When the investigation has been completed, the Department will release investigation results relative to the complaint to the student and PTI, including the identification of recommendation(s) for possible actions necessary to reach a resolution. Where there has been a violation of the *Act* or *Regulations*, the Department may, through registered mail, order corrective measures by the PTI within a defined time frame and advise the student accordingly.

In the event of a continuing dispute between a student and a PTI, the Superintendent may appoint a mediator to assist in resolving the dispute.

## **8. SITE VISITS AND INSPECTIONS**

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This chapter is mandated through sections 8, 13, 14, 16 and 19.1 of the *Private Training Institutions Act* and section 4 of the *Private Training Institutions Regulations*.

Following the initial inspection and subsequent registration of an institution, ongoing site visits play an important role in the maintenance of quality education. The Department may conduct site visits for various reasons.

### **8.1 Site Inspection as a Requirement for Program Approval**

Where an institution submits a request for a new program, requests a change to an existing program, or wishes to reinstate a program previously made inactive, a site inspection may be required and the PTI will be advised by the Department of the need for an inspection. Normally, site inspections will be conducted for programs containing practical learning outcomes and with specific equipment or facility requirements.

Where applicable, the institution will be required to adhere to standards established by government departments or agencies, industry associations, and other organizations for specific vocational training programs in addition to those requirements already established by the Department for program approval or defined within the submitted curriculum.

Once the PTI has all of the required equipment/facility requirements in place to deliver program learning outcomes, it must contact the Department to arrange a site inspection to verify the tools, equipment and/or supplies required for program delivery. Depending on the vocational program, additional consultation with government departments or agencies, industry associations, and other organizations may be necessary. The consultant assigned to the institution will then schedule the site inspection through discussion with the PTI and, if applicable, with an industry representative, who will participate in the site inspection.

All program site inspection fees, as per Chapter 13, are required to be paid in full prior to any site inspections being conducted. Failure to pay fees in a timely manner will result in a delay in the processing time for program/facilities approval requests.

Departmental recommendations resulting from the site inspection must be implemented by the PTI, and a follow-up inspection may be required prior to final approval. All mandatory requirements as outlined for practical training must be in place before final program approval will be granted and enrolment can take place. Where recommendations and/or mandatory practical requirements have not been implemented by the PTI within a period of 6 months and verified through site inspection, the program application will be considered withdrawn by the Department.

## **8.2 Site Inspection for a Change of Facility**

A currently registered PTI that wishes to change the delivery site for a program will be required to submit a formal request for site inspection and approval. A site inspection will be conducted by the Department and all requirements, as identified in sections 2.1.10 and 8.1 of this document, and where applicable, are expected to be met.

All facility/site inspection fees, as per Chapter 13, are required to be paid in full prior to any inspections being conducted. Failure to pay fees in a timely manner will result in a delay in the processing time for facility approval requests.

Program delivery is permitted at the new site only after final approval has been granted by the Department.

## **8.3 Compliance Site Visits**

A formal compliance site visit is conducted annually to ensure that all legislative requirements to operate a PTI in the province of Newfoundland and Labrador are being met and adhered to. Prior to visiting an institution, the Department will review the PTI's registration records. Any discrepancies, issues or clarification required as a result of this preliminary review will be discussed with PTI personnel at the time of the compliance visit.

Through consultation with the institution's administration, the consultant assigned to the PTI will schedule a compliance visit, advise the administration of the operational requirements to be reviewed, and provide a list of the documentation to be collected for review during the visit. Where there are challenges with scheduling the compliance visit within a reasonable time frame, the Department reserves the right to move forward with the compliance visit at its discretion.

Items collected or reviewed during the compliance visit will include:

- Instructor information, including:
  - A list of current instructors and their teaching assignment (by individual course) for the semester;
  - Where not previously provided on a regular basis, evidence of each instructor's current enrolment in courses remaining for post-secondary instructor certification; and,
  - Where not previously provided on a regular basis, a copy of each instructor's official memorial University transcript identifying assigned university courses completed for post-secondary instructor certification;
- A list of administrative staff including title and position (full time/part time);
- A copy of all institutional policies developed for and/or provided to students;
- A copy of the application for admission to the training institution;
- A copy of the student contract for tuition;
- A copy of the certificate/diploma issued to students for each registered program;
- A copy of the transcript (for each registered program) issued to students;



- A copy of the student handbook;
- Work term information including learning outcomes, evaluation format, evaluation forms/reports (for students, work term hosts and the PTI), and monitoring process;
- Program information for each registered program, including:
  - tuition costs;
  - book costs;
  - supply/equipment costs;
  - other costs;
  - duration of the program (including both classroom and work term weeks);
  - length of each semester, reported as number of hours per week;
  - number of students currently enrolled; and,
  - enrolment dates for each group;
- Program outlines for each registered program (this information is to be attached to student contracts for tuition);
- Overview of changes to the facility and/or equipment since the last review;
- A copy of the evaluation form completed by students of instructors (completed instructor evaluations may be reviewed on site);
- Sample course outlines from each current instructor presented to students at the beginning of each course within their program;
- Current advertising and promotional materials;
- An audit of randomly selected closed and current student files (both academic and financial); and,
- Student surveys conducted by the Department.

The compliance visit is followed by a written report from the Department to the institution, with any issues identified. The report will be released to the PTI within 60 days of the compliance visit. Where there are required actions under the legislation, the institution will have 30 days to respond in writing. If no response is received from the institution, the report will be considered final.

The response received from the PTI will be included as an appendix to the report and will be filed with the Department.

Where necessary, a follow-up site visit may be scheduled in consultation with the PTI to verify that specific compliance issues have been addressed.

#### **8.4 Routine Site Visits**

The Department may conduct routine site visits to ensure compliance with provincial legislation and the maintenance of standards. These visits may be conducted on an unscheduled basis.

Routine site visits may be used to ensure that all program resources are in place and that the facility continues to meet the needs of the students. These routine site visits could involve:

- Meeting with administration to discuss current and/or pending registration files;

- Consulting with instructors on aspects of program delivery;
- Surveying students to obtain feedback on program delivery;
- Inspecting facilities including equipment required for delivery of practical objectives;
- Documenting resources;
- Reviewing a random selection of student files; and/or,
- Collecting any documentation or information deemed necessary by the Department.

If concerns are identified as a result of a routine site visit, the PTI will be notified via registered mail of corrective actions required.

### **8.5 Site Visits Resulting From Complaints**

The Department may conduct a site visit as part of a complaint investigation (see Chapter 7). The Department may assess facilities or interview administration, instructors and students to receive feedback. Analysis and/or collection of student records, school files or additional documentation may also be necessary as part of the investigative process.

### **8.6 Moratorium on Program Enrolment**

As a result of concerns raised during routine site visits, compliance visits or site visits resulting from student complaints, the Superintendent may impose a moratorium on enrolment within one or more registered programs until such a time that all concerns have been addressed and demonstrate compliance with the legislation. See section 3.6 of this document for additional information.

### **8.7 Site Inspection Appeals Process**

A registered PTI that has requested a site inspection for delivery of a specific vocational training program (see sections 8.1 and 8.2 of this document), and has been denied approval of that site may appeal that decision.

Notification that the PTI wishes to appeal the Department decision must be received in writing within 30 days of the original decision being communicated to the institution. If the Department receives no notification within 30 days, the application will be considered closed and returned to the PTI.

Once the notice of appeal has been received, the Department will work with the PTI to arrange a further site inspection. This inspection must:

- Provide evidence that inadequacies identified as a result of the original site inspection have been addressed; or,
- Identify an alternate site which meets all the requirements for approval (see section 2.1.10 of this document); and,
- In keeping with current policy, be scheduled within 6 months of the appeal notification being sent to the Department.

## **9. STUDENT REFUNDS**

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This chapter is mandated through sections 17 and 19.1 of the *Private Training Institutions Act* and sections 15, 16, 17, 18, 19, 20, 21, 22 and 23 of the *Private Training Institutions Regulations*.

### **9.1 Student Refund Required**

The following outlines conditions under which PTIs are obligated to issue student refunds:

- Refunds are required where:
  - A student voids the contract at least 21 days before commencement of a program, the monies paid (including the registration fee, where applicable) are refundable;
  - A student voids the contract less than 21 days before commencement of a program, the monies (with the exception of the registration fee, where applicable) are refundable;
  - A student does not give notice in writing before commencement of a program and does not attend the first 5 consecutive days of the program, monies paid (with the exception of the registration fee, where applicable, and 10% of the program fees for one semester to a maximum of \$500) are refundable; or
  - After the program has started a student gives notice in writing of his/her intention to void the contract, the student is entitled to a refund with the exception of the following:
    - Registration fee, where applicable;
    - 10% of the course fees for a semester when the student **withdraws 21 days after the commencement of the semester**;
    - The retail cost of equipment and supplies (unless returned to the institution unopened or as issued within 10 days of receipt); and,
    - The fees for the portion of the program already supplied and serviced (any portion of a week shall be considered 1 week for the calculation of the amount of the refund).

NOTE: Any notice given by a student to void a contract must be made in writing, delivered either personally or by registered mail to the training institution.

## **9.2 Student Refund Not Required**

The following outlines conditions under which PTIs are not obligated to issue student refunds:

- Refunds are not required where:
  - A PTI has supplied and serviced two-thirds or more of the program contracted for and has not received proper notice of the student's intention to cease attending before that date; or
  - The registration of the PTI is cancelled or expires before the program has been completed and the student and the closing PTI agree in writing with a PTI offering the same or similar program that the student can complete the program at no additional cost.

Where a PTI is required to refund money to students, refunds shall be made to the entitled student within 30 days of the receipt by the PTI of the notice. If a student receives a student loan, the refund is to be made payable to both the entitled student and the National Student Loan Centre.

NOTE: If any interpretation is in contradiction to the Private Training Institutions Act and Regulations, the Act and Regulations will supersede.

## **10. REQUIRED INFORMATION FOR STUDENTS**

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This chapter is mandated through sections 8 and 19.1 of the *Private Training Institutions Act* and sections 13 and 26.6 of the *Private Training Institutions Regulations*.

PTIs must provide students with the following information at least 48 hours prior to the signing of a contract.

This information may be distributed to students through any or all of the following:

- Student Handbook;
- College Calendar;
- Information Booklets; and/or,
- Website Information.

In order to address the 48 hour timeline, institutions may distribute this information – either electronically (email or website), via regular mail or in person - with the student's letter of acceptance into a program of study.

### **10.1 Campus Information**

The following campus/institutional information must be included:

- Campus name and location;
- Contact information for the institution (e.g., phone number, fax number, email address, website address);
- Hours of operation, including:
  - Daily operating hours, including evening hours where applicable;
  - Holiday schedules and semester breaks; and,
  - Unscheduled closing times policies (e.g., weather related closures);
- Student services available (e.g., student financial assistance, student council, student employment services, day care centre, cafeteria/canteen, resource centre/library, lunchroom, lockers, parking facilities, recreational services);
- Access to the Internet, including hours of accessibility outside of instruction time; and,
- Access to academic, financial, and employment advice.

### **10.2 Attendance Policies**

Attendance may be recorded and the attendance policy may include:

- Allowable time missed for theory and practical instruction, defined weekly, monthly or by semester; and,
- Penalties associated with absenteeism.

### **10.3 Admissions and Advanced Standing Policies**

The following admissions and advanced standing policy information must be included:

- General academic requirements for entry into all programs;
- Specific academic requirements for individual programs, if applicable;
- Non-academic requirements for individual programs, if applicable;
- Be at least 16 years of age;
- Requirements for entry of mature students, including:
  - Minimum age requirements;
  - Associated assessment procedures, including any standardized instruments used; and,
  - Grade equivalency requirements;
- Policy on advanced standing, including:
  - Credit transfer policy; and,
  - Prior Learning Assessment and Recognition policy; and,
- Policy on conditional acceptance;
  - A conditional acceptance may be issued to a student who has applied to the PTI but not provided all required documentation. Official enrolment and signing of the contract cannot occur until all entrance requirements have been met (e.g., high school graduation or equivalent, certificate of conduct, medical form).

### **10.4 Program/Course Information**

The following program and course information must be included:

- Start and end date of each program and/or duration of program(s);
- Names of all courses in the program of study and brief course descriptions; and,
- Statement indicating that specific course outlines are expected to be given by the instructor during the first week of classes and that course outlines are to include: a course summary, course prerequisites, and evaluation criteria.

### **10.5 Academic Policies**

The following academic policy information must be included:

- Disciplinary procedures for cheating and plagiarism;
- Testing/evaluation policies;
- Policy on failed tests;
- Policy on supplementary examinations;
- Policy on examination re-writes;
- Policy on re-assessment of grades (e.g., re-reads);
- Policy on repeating courses and course availability;
- Policy on independent course study;
- Policy on student access to results of evaluations; and,
- Policy on conditional re-admission.

## **10.6 Work Term Information**

All aspects of the work term, including evaluation, must be clearly stated and include:

- Whether the work term is paid or unpaid;
- Where in the program the work term takes place;
- Attendance reporting requirements;
- Procedures used to monitor the work term;
- The student's responsibilities under the work term;
- The institution's responsibilities under the work term;
- The work term host's responsibilities under the work term;
- Procedures for final evaluation of work term; and,
- Penalties associated with student failure to abide by work term policies.

## **10.7 Complaint Resolution Process**

The student must be advised that a mechanism exists for conflict/complaint resolution. While the training institution may develop its own conflict/complaint resolution process, it is recommended the policy include the following:

- A requirement that the student address any issues or complaints with the administration of the PTI as a first course of action;
- A requirement that the student put any concerns in writing; and,
- A requirement that the administration respond in writing to the student complaint where one is received.

These procedures are consistent with the student complaint procedures identified in Chapter 7, where Departmental involvement may be required.

## **10.8 Policy on Accommodations for Students with Disabilities**

The handbook must contain a policy of the PTI's mechanisms for accommodating students with diagnosed disabilities. This policy should have flexibility to provide accommodations without creating undue hardship for both the student and the PTI. The accommodations policy may include:

- A clear description of the disability-related supports and programs available;
- Process to be followed by students requesting accommodations (this may include the role of an advocate);
- Clear and distinctive procedures to be followed by the institution in preparing to receive a student with a disability (this may include the role of an advocate);
- Process by which the institution responds to requests for individual accommodations, including approved and denied requests (this may include the role of an advocate);
- Formalized procedures for staff to follow in ensuring classroom delivery of specific supports are given the attention they require;

- Frequency in which the institution reviews individual accommodation plans to ensure that actions being taken continue to remain effective;
- Disciplinary actions to be taken against a student with a disability which considers whether the behaviour in question is a manifestation of the student's disability. Consideration should be given to formal assessment/evaluations, student observations, information provided by the student and/or advocate, effectiveness of accommodations provided; and,
- A description of the types of activities the institution engages in to promote inclusive design within their academic faculties, programs, policies, and services.



## 11. CANCELLATION OF REGISTRATION

This chapter is mandated through section 8 of the *Private Training Institutions Act* and sections 5 and 23.1 of the *Private Training Institutions Regulations*.

Suspension and cancellation of registration is used as a last resort by the Department in serious matters of PTI non-compliance. A PTI found to be in violation of the Act, Regulations and/or the policies and procedures of the Department may receive a warning of suspension and/or cancellation of program and/or institutional registration.

Institutions should become familiar with section 5 of the *Regulations*:

### **Refusal of registration - cancellation**

5. (1) An applicant is entitled to registration or renewal of registration by the minister to conduct or operate a private training institution and to be issued a certificate of registration except where
  - (a) the applicant cannot demonstrate its financial ability to operate a private training institution;
  - (b) past conduct on the part of the applicant affords reasonable grounds for belief that the applicant will not operate the private training institution in accordance with the law or with accepted educational or professional ethics; or
  - (c) the private training institution is not proposing to offer courses in accordance with the Act and the regulations.
- (2) The minister may cancel registration for specific programs of study where it can reasonably be expected that the course or courses of study or the method of training offered by the private training institution is not in compliance with the stated objectives of the program as approved.
- (3) The minister may cancel a private training institution's registration where the applicant is carrying on activities that are or will be, if the applicant is registered, in contravention of this Act or the regulations.
- (4) The registration of a private training institution may be cancelled
  - (a) upon request in writing of the registrant in the form prescribed by the minister;
  - (b) where a keeper or operator of a private training institution ceases to operate the institution; or
  - (c) where the institution has not paid the money to the Private Training Corporation required under section 26.2.
- (5) A private training institution which has its registration cancelled or voluntarily cancels its registration shall surrender the certificate of registration within 30 days.
- (6) Where the registration of a keeper or operator of a private training institution is refused or cancelled, the registration of all agents, sales personnel and representatives of the private training institution are also refused or cancelled.
- (7) Notice of a cancellation of registration of a private training institution shall be published by the department.
- (8) The minister may require a private training institution to submit for review further information or other material respecting the operation of the private training institution.

### **11.1 Voluntary Closure by Private Training Institution**

- Where a PTI chooses to cease operations, notification in writing should be made to the Superintendent at least 30 days prior to the closure date. Upon closure of the institution, the PTI must:
- Transfer of all student records (academic and financial) to the Department within 14 days of the closure; and,
- Surrender its Certificate of Registration within 30 days of the closure.

Where possible, a complete list of student names, by enrolment year, should be provided as part of the student transfer record transfer.

### **11.2 Cancellation of Registration by the Superintendent**

Where, as a result of violation of legislation, a PTI has its registration cancelled by the Superintendent, the PTI will be notified via registered mail. This notification will inform the PTI that:

- Student records (academic and financial) must be transferred to the Department within 14 days of the notice of cancellation;
- The Certificate of Registration must be surrendered within 30 days of the notice of cancellation;
- The Minister, Chair of the Private Training Corporation, and Student Financial Services and the Labour Market Development divisions have been notified of the registration cancellation;
- The security agency for the PTI will be notified that registration of the PTI is cancelled and that the security must continue in force and remain on deposit for a period of 2 years after the date of cancellation of the registration;
- Notice of the cancellation will be published by the Department; and,
- The registration of all agents, sales personnel and representatives of the PTI will be cancelled.

Where possible, a complete list of student names, by enrolment year, should be provided as part of the student transfer record transfer.

Where the Superintendent determines a train out is necessary, the train out responsibilities as identified in Chapter 12 will apply.

## **12. TRAIN OUT**

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This chapter is mandated through sections 17.1 of the *Private Training Institutions Act* and sections 5, 10.01 through 10.07, and section 18 of the *Private Training Institutions Regulations*.

### **12.1 Responsibility of Closing Private Training Institution**

Where the Superintendent determines a train out is necessary due to the closure of a registered PTI, the closing PTI will be required to provide to the Superintendent:

- A complete list of the programs with current enrolment;
- A list of names and contact information of all students enrolled in each program; and,
- A list of courses completed by each enrolled student.

The Minister may require a PTI to submit for review, any information or other material with respect to the operation of the PTI, as deemed necessary for the purpose of train out.

Where the train out is the result of the cancellation of a PTI's registration, the requirements of the closing PTI as identified in Chapter 11 will apply.

### **12.2 Responsibility of Receiving Institution**

Where an institution has agreed to participate in the train out of a closed PTI, the Superintendent will ensure that the receiving institution:

- Delivers program(s) that will address all graduation requirements for students completing the train out;
- Ensures that students are contracted to complete only those outstanding training requirements as identified by the Department;
- Identifies instructional staff who will deliver required training and where necessary, make application for approval and registration of new instructional staff;
- Issues transcripts for all courses completed through the train out;
- Issues diplomas/certificates to graduating students in accordance with the receiving institution's policies or as requested by the Superintendent;
- Issues T2202A forms to students completing the train out; and,
- Releases a list to the Department, once the train out is complete, of all students who completed or participated in the train out.

The Department will provide program curriculum to the receiving institution and work with them to resolve delivery issues and to ensure a smooth transition for students. This curriculum will remain the property of the Department and will only be provided to the receiving institution for the purpose of train out.

Where a PTI wishes to continue delivery of provincial curriculum upon completion of the train out, it must make application to the Superintendent in accordance with program approval requirements outlined in Chapter 3 of this manual.

Upon completion of the train out, where PTIs wish to continue delivery of proprietary curriculum, approval must be obtained from the closed institution before consideration can be given by the Superintendent.

### 13. FEES

This chapter is mandated through section 19.1 of the *Private Training Institutions Act* and section 4 of the *Private Training Institutions Regulations*.

#### 13.1 Fee Schedule

The following fees apply to the registration and operation of PTIs:

Category	Fee (effective July 1, 2013)	Fee (effective July 1, 2016)
<b>New Institution Application</b>		
Application for a New Private Training Institution	\$1,000.00	\$2,000.00
<b>Registration Renewal</b>		
Annual Institution Registration – Per Campus	\$500.00	\$500.00
Annual Program Registration: Active Programs – Per Program, Per Campus	\$100.00	\$200.00
Annual Program Registration: Inactive Programs – Per Program, Per Campus	\$100.00	\$100.00
Annual Demonstrator/Instructor Registration – Per Demonstrator/Instructor, Per Campus	N/A	\$25.00
<b>Program Approval and Registration</b>		
New Proprietary Program Submission – Per Program	\$1,000.00	\$1,000.00
Registration of Provincial Curriculum – Per Program, Per Campus	\$100.00	\$250.00
Registration of Approved Proprietary Program to an Additional Campus – Per Program, Per Campus	\$100.00	\$200.00
Program Change Request: Substantive Changes – Per Program, Per Request, Per Campus	\$25.00	\$100.00
Program Change Request: Non-Substantive Changes – Per Program, Per Request, Per Campus	\$25.00	\$50.00
Program/Program Change Appeal – Per Program, Per Request, Per Campus	\$25.00	\$25.00
<b>Instructional Staff Approval</b>		
New Instructor Approval Request – Per Instructor, Per Request	\$25.00	\$100.00
Existing Instructor Approval Request – Per Instructor, Per Request	\$25.00	N/A
Demonstrator Approval Request – Per Demonstrator, Per Request	\$25.00	N/A
Instructional Staff Appeal – Per Instructor/Demonstrator, Per Request	\$25.00	N/A

<b>Category</b>	<b>Fee (effective July 1, 2013)</b>	<b>Fee (effective July 1, 2016)</b>
<b>Inspections</b>		
New Facilities Inspection – Per Campus	\$300.00	\$450.00
New Program Inspection – Per Program, Per Campus	\$300.00	\$450.00
Follow-Up Site Inspection – Per Program, Per Campus	\$300.00	\$450.00
<b>Other</b>		
Late Fees: Various non-compliance issues – Per Non-Compliance issue, Per Campus	N/A	\$100.00

**Cheques or money orders for the above noted fees are to be made payable to Newfoundland Exchequer.**

### **13.2 New Institution Application Fee**

This fee is required to be submitted with the Application for Registration (PTI – 1) of a new private training institution. The new institution application fee applies to each permanent PTI campus for which registration is sought.

All fees are required to be paid in full before review of a new institution application can occur by the Department.

See Chapter 2 for requirements pertaining to registration of new institutions.

### **13.3 Registration Renewal Fees**

These annual fees are required to be submitted with the Application for Renewal of Private Training Institution Registration (PTI – 5). Annual program registration fees apply to each active program, inactive program, instructor and demonstrator for which the PTI wishes to maintain registration at each campus.

All fees are required to be paid in full before any processing of registration renewal documents can be finalized by the Department.

See Chapter 6 for requirements pertaining to registration renewal.

### **13.4 Program Approval and Registration Fees**

These fees are required to be submitted with any program requests, including those for new proprietary program offerings, new provincial curriculum offerings, offerings of a registered program to an additional campus, and changes to registered programs.

The fees for registration of provincial curriculum and registration of an approved proprietary program to an additional campus apply to each program at each campus. **For provincial apprenticeship programs, program registration fees are only required for entry-level programs; advanced-level programs are exempt from program registration fees.**

The fee for program change requests applies to each program submitted with each request, per campus. As an example, if one submission requests non-substantive changes to three different programs, the fee will be (3 x \$50.00 = \$150.00). If this request applies to a second campus, the fee for each campus will be \$150.00.

A program change is considered any change to the registration record of a registered program, and the applicable fee will apply to any such program change.

Substantive program changes are those that include - in addition to changes to program name, course name(s), program entrance requirements, course pre-requisites, program cost(s) and/or program duration - changes to curriculum content (requiring industry review/support) through the removal of existing courses, addition of new courses, and/or modifications of existing course learning outcomes. Substantive program changes also include those involving practical training components requiring a site inspection.

Non-substantive program changes are those involving only changes to program name, course name(s), program entrance requirements, course pre-requisites, program duration and/or any curriculum changes not requiring industry review/support (e.g., removal of an existing course due to repetition of content with another course; content changes to leased curriculum resulting from changes implemented by the lessor of the curriculum).

Program change fees do not apply to the following:

- Requests involving only changes to program fees; or,
- Requests resulting from the implementation of provincial curriculum changes

Requests for common curriculum changes spanning multiple programs may be considered one request for payment purposes.

All fees for new program offerings must accompany the program application. Failure to pay fees in a timely manner will result in a delay in the processing time for program approval requests.

Fees for program change requests will be collected semi-annually for any requests processed during the previous six-month period (January – June; July – December). Failure to pay fees in a timely manner will result in a stay being placed on the Department's processing of additional files for the institution.

See Chapters 3 and 4 for requirements pertaining to program submissions.

### **13.5 Instructional Staff Approval Fees**

This fee is required to be submitted with any new instructor approval request.

Instructional staff approval fees do not apply to the following:

- Requests for existing instructors;
- Requests for approval of demonstrators; or,
- Appeals to instructional staff approval letters

The fee for new instructor approval requests applies to each new instructor submitted with each request. As an example, if one submission requests approval for three new instructors, the fee will be  $3 \times \$100.00 = \$300.00$ .

Fees for new instructor approvals must be submitted with the application for approval. While instructor approval requests are submitted to regional offices for review, the **accompanying fee(s) must be submitted to the St. John's office, clearly identifying the instructor for which the fee applies**. Failure to pay fees in a timely manner will result in a delay in the processing time for new instructor approval requests.

See Chapter 5 for requirements pertaining to instructional staff submissions.

### **13.6 Inspection Fees**

These fees are required to be submitted for any of the following:

- Where new facilities are established (this would apply to a new PTI or an existing registered institution that changes facilities); and/or,
- Where an inspection is required to verify tools and/or equipment prior to program registration; and/or,
- Where a follow-up inspection is required to verify tools and/or equipment required for program delivery (new and/or existing programs, including provincial curriculum) not in place previously

Facilities inspection fees apply to each campus requiring an inspection.

Program site inspection fees apply to each program registered to each campus. As an example, if a site inspection is required for two different programs, the fee will be  $2 \times \$300.00 = \$900.00$ .

All fees are required to be paid in full prior to any site inspections being conducted. Failure to



pay fees in a timely manner will result in a delay in the processing time for program/facilities approval requests.

See Chapter 8 for requirements pertaining to site inspections.

### **13.7 Other Fees**

A late fee will be charged where PTIs fail to submit the following required compliance documentation by the date(s) required under legislation or as specified by the Department:

- A copy of the annual Audited Financial Statement;
- A response to the annual compliance report; and,
- The registration renewal application

Late fees apply to each non-compliance issue identified above, per campus (where applicable).

Failure to pay the late fees in a timely manner will result in a stay being placed on the Department's processing of additional files for the institution.

See Chapter 6 for requirements pertaining to the audited financial statement and registration renewal, and Chapter 8 for requirements pertaining to compliance visits.

# **APPENDIX A: PRIVATE TRAINING LEGISLATION**

*Private Training Institutions Act*

*Private Training Institutions Regulations*

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**Important Information**

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[Responsible Department](#)

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RSNL1990 CHAPTER P-25

**PRIVATE TRAINING INSTITUTIONS ACT**

Amended:

1997 c13 s53; 1998 c33; 2004 c47 s30; 2006 c40 s14

**CHAPTER P-25**

**AN ACT RESPECTING THE REGULATION OF PRIVATE TRAINING  
INSTITUTIONS**

*Analysis*

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### Short title

1. This Act may be cited as the *Private Training Institutions Act*.

1988 c16 s1

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### Definitions

2. In this Act

- (a) "corporation" means the Private Training Corporation incorporated by this Act;
- (b) "inspector" means a person appointed under section 13 as an inspector and includes the superintendent;
- (c) "minister" means the minister appointed under the *Executive Council Act* to administer this Act;
- (d) "private training institution" means a facility used for the purpose of providing instruction or training in a vocation and a course of study whether by correspondence or home study course but does not include
  - (i) the Memorial University of Newfoundland ,
  - (ii) a facility operating under the *Provincial Institutes Act* or the *Community Colleges Act*,
  - (iii) a school or correspondence course operated or provided by the government of a province or the Government of Canada,
  - (iv) a school organized or operated for his or her employees by an employer,
  - (v) a school board under the *Schools Act*, or
  - (vi) a school or course exempted by the Lieutenant-Governor in Council;
- (e) "superintendent" means the Superintendent of Private Training Institutions; and

(f) "vocation" means an employment, trade, calling or pursuit designated by the regulations as a vocation.

1988 c16 s2; 1990 c26 Sch B

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### **Superintendent**

3. The Lieutenant-Governor in Council shall appoint a Superintendent of Private Training Institutions, who shall exercise the powers and perform the duties conferred upon him or her under this Act.

1988 c16 s3

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### **Corporation established**

4. (1) There is incorporated a corporation to be known as the Private Training Corporation.

(2) The corporation is not a Crown corporation and is not an agent of the Crown.

(3) The board of directors of the corporation shall be appointed by the Lieutenant-Governor in Council and shall consist of no less than 5 and no more than 7 persons, and the membership of the board of directors may be prescribed by the Lieutenant-Governor in Council under paragraph 19(1)(v).

(4) The minister may designate one member of the board of directors as the chairperson and another as the vice-chairperson.

(5) A director shall not hold office for more than 3 consecutive years and is eligible for reappointment.

(5.1) A member of the board of directors appointed under this section whose term of office has expired shall continue to be a member of the board until he or she is reappointed or replaced and his or her decisions and actions as a director shall be considered to be valid.

(6) A majority of the directors, one of whom shall be the chairperson or vice-chairperson constitutes a quorum.

(7) Where a vacancy occurs on the board of directors, the minister may appoint a person to fill the vacancy for the balance of the term of the director replaced.

(8) A vacancy on the board of directors does not impair the capacity of the board of directors to act.

(9) The accounts of the corporation shall be audited at least once a year by an auditor appointed by the corporation.

(10) The corporation has, subject to this Act, all the rights, powers and privileges of a natural person.

[1998 c33 s4; 2004 c47 s30](#)

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### **Powers of corporation**

5. (1) The Private Training Corporation established under section 4 shall have the powers vested

by law in a corporation.

- (2) In addition to the powers referred to in subsection (1), the corporation may
  - (a) acquire assets and property both real and personal by purchase, lease, grant, hire, exchange or otherwise and dispose of that property;
  - (b) provide for the management of its property and effects and of its affairs and business;
  - (c) make by-laws concerning the meetings of the board and its transactions as approved by the minister;
  - (d) hold and administer those bank or trust accounts necessary for the administration of the Train Out Fund and the general operations of the corporation;
  - (e) invest the funds of the Train Out Fund in accordance with regulations made under paragraph 19(1)(z); and
  - (f) do all other matters and things including the employment of staff and other persons that may be necessary or desirable for exercising the powers conferred by this Act.

[1998 c33 s4](#)

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### **Duties of corporation**

#### **5.1** The corporation shall

- (a) administer the Train Out Fund established under section 17.1 in the manner that may be prescribed by the regulations;
- (b) where required, make recommendations to the minister with respect to
  - (i) the operation of this Act and the regulations,
  - (ii) the financial stability of a private training institution based upon annual audited financial statements of that institution as required by the minister, and
  - (iii) any other issues that the minister may require to be reviewed; and
- (c) perform those other duties as required by the minister.

[1998 c33 s4](#)

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### **Insufficient funds - liability limited**

**5.2** (1) The liability of the corporation with respect to the Train Out Fund is limited to the pay out of funds on deposit and the corporation has no other financial obligations with respect to the Train Out Fund.

- (2) If there is insufficient money in the Train Out Fund to provide compensation as required by the regulations, the compensation provided shall
  - (a) not exceed the amount of money in the fund; and
  - (b) be provided on a proportional basis.

### **Registration required**

6. (1) A person shall not act as an agent of or maintain or operate a private training institution unless registered by the superintendent under this Act.

(2) An application for or renewal of registration shall be made to the superintendent in writing and shall be in the form and contain the particulars prescribed by the minister.

(3) An application for renewal of registration expires on December 31 in the year for which it is granted.

### **Agents**

7. (1) A person shall not

(a) hold himself or herself out as an agent of a private training institution kept or operated either inside or outside the province; or

(b) canvass, receive, take or solicit contracts for the purchase or sale of a course of study of a private training institution described in paragraph (a),

unless

(c) registered as an agent of a private training institution; and

(d) the person keeping or operating the private training institution is registered.

(2) A registered agent of a private training institution shall, when canvassing or soliciting, carry the certificate of registration issued under section 8 and shall, upon the request of a person, produce the certificate for inspection.

(3) A person who violates this section is guilty of an offence and liable on summary conviction to a fine of not more than \$250.

### **Certificate of registration**

8. (1) Where an applicant for registration or for renewal of registration of a private training institution

(a) complies with the requirements of the superintendent;

(b) satisfies the superintendent that the private training institution is provided with competent instructors and sufficient equipment for the teaching of a designated vocation; and

(c) is providing or is prepared to provide proper instruction in a vocation at reasonable rates,

the superintendent may register the applicant as the keeper or operator of a private training institution for the teaching of the designated vocation or may register the applicant as agent of a private training institution and may issue a certificate of registration accordingly.

(2) The superintendent may refuse to renew or may suspend or revoke a registration where the applicant does not comply with subsection (1), where the registrant is in breach of a term or condition of the registration, or upon other grounds as prescribed by the regulations.

(3) Where, before the expiry of a certificate, a registrant has applied for renewal of the registration and paid the prescribed fee, his or her registration shall be considered to continue

(a) until the renewal is granted; or

(b) until an appeal as prescribed by the regulations is conducted and concluded.

1988 c16 s8; [1998 c33 s3](#)

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#### **Rep. by 1998 c33 s4**

9. [Rep. by 1998 c33 s4]

[1998 c33 s4](#)

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#### **Rep. by 1998 c33 s4**

10. [Rep. by 1998 c33 s4]

[1998 c33 s4](#)

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#### **Further application**

11. A further application for registration may be made where material circumstances have changed.

1988 c16 s11

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#### **Notice of changes**

12. A private training institution shall, within 5 days after the event, notify the superintendent in writing of a change in

(a) its address for service; and

(b) the officers or directors in the case of a corporation or of the members in the case of a partnership.

1988 c16 s12

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#### **Inspection**

13. (1) An inspector may at reasonable times, where it is reasonably necessary to determine



compliance with this Act

- (a) enter and inspect a private training institution or an office of an agent of the private training institution;
- (b) with respect to the business of being an agent, of operating a private training institution or providing correspondence courses, require the production of books, records or other documents and may examine them, make copies of them or remove them temporarily for the purpose of making copies;
- (c) inspect and take samples of material, books, lessons and equipment used in providing instruction or training in a vocation and of work performed by persons receiving that instruction or training;
- (d) require that a person offering correspondence courses provide to the inspector samples of material, books, lessons and equipment used in providing instruction or training in a vocation and of work performed by persons receiving that instruction or training;
- (e) perform tests, take photographs or make recordings in a private training institution; and
- (f) observe the instruction or training being provided in a private training institution.

(2) Where the minister believes on reasonable grounds that a person has contravened this Act or the regulations, an inspector may, with a warrant issued under subsection (3) at a reasonable time enter upon the premises of the private training institution or the office of an agent and may investigate, inquire into and examine the affairs of the private training institution and into the books, documents, correspondence and records in relation to the business.

(3) A Provincial Court judge who is satisfied by information upon oath or affirmation that there are reasonable grounds for believing that there is on the premises anything that there are reasonable grounds to believe will give evidence with respect to an offence under this Act may issue a warrant authorizing an inspector to enter and search those premises and to make the inquiries and copies of books, documents, correspondence and records that are considered necessary, subject to the conditions that may be specified in the warrant.

(4) The owner or person in charge of the premises referred to in this section and a person found there shall give an inspector reasonable help to enable the inspector to carry out his or her duties and functions under this section and shall provide the information that the inspector may reasonably require.

1988 c16 s13

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### **Order after inspection**

**14.** Where an inspector makes an inspection under section 13 and is of the opinion that this Act or the regulations are not being complied with, the inspector may in writing order the registrant to take corrective measures within the time limits prescribed in the order.

1988 c16 s14

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### **Goods or services of student**

**15.** A person who keeps or operates a private training institution shall not sell or permit to be sold to the public, the goods or services of a student of the private training institution, except where the actual occupational experience is a requirement of the training program.

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### **Service**

**16.** (1) A notice or order required to be given under this Act is sufficiently given where delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at that person's last-known address.

(2) Where service is made by registered mail, the service shall be considered to be made on the 3rd day after the day of mailing unless the person on whom service is being made establishes that he or she did not through absence, accident, illness or other cause beyond his or her control receive the notice or order until a later date.

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### **Rescission of contract**

**17.** A person who enters into a written contract with a private training institution in respect of a course of instruction may rescind the contract by delivering a notice personally or by registered mail addressed to the private training institution at the address shown in the contract within 2 days after the duplicate original copy of the contract first comes into the possession of the person and where the contract is rescinded, the person shall immediately return goods received under the contract and the private training institution shall return money received or realized in respect of the contract.

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### **Train Out Fund**

**17.1** (1) There is established a fund which shall be known as the Train Out Fund.

(2) The Train Out Fund shall be credited with those funds as prescribed by the regulations.

(3) A private training institute shall contribute to the Train Out Fund those funds derived from a percentage of the student tuition in the manner and at a rate prescribed by the regulations.

(4) The Train Out Fund may be used for those purposes prescribed by the regulations.

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### **Statement as evidence**

**18.** (1) A statement as to

(a) the registration or non-registration of a person;

(b) the filing or non-filing of a document or material required or permitted to be filed with the superintendent;

(c) the time when the facts upon which proceedings are based first came to the knowledge of the superintendent; and

(d) other matters concerning the registration, non-registration, filing or non-filing,

purported to be certified by the superintendent is, without proof of the office or signature of the superintendent, receivable in evidence as proof of the facts stated in it in an action, proceeding or prosecution.

(2) A document under this Act purporting to be signed by the minister, or a certified copy of it, is receivable in evidence in an action, prosecution or other proceeding as proof that the document is signed by the minister without proof of the office or signature of the minister.

1988 c16 s18

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## Regulations

**19.** (1) The Lieutenant-Governor in Council may make regulations

- (a) prescribing vocations to which this Act and regulations apply;
- (b) exempting a vocation or class of private training institutions from this Act or the regulations;
- (c) governing applications for registration or renewal of registration and prescribing terms and conditions of registration, including the manner in which and the procedures by which appeals with respect to registration or renewal of registration may be made;
- (d) requiring the payment of fees on application for registration or renewal of registration;
- (e) requiring registered private training institutions to be bonded in the form and terms and with the collateral security that is prescribed and providing for the forfeiture of bonds and the disposition of the proceeds;
- (f) requiring and governing the books, accounts and records relating to compliance with this Act that shall be kept by private training institutions;
- (g) requiring private training institutions to make returns and provide information to the superintendent;
- (h) stipulating that information required to be provided or contained in a form or return shall be verified by affidavit;
- (i) prescribing the accommodation and equipment required by private training institutions and the means of instruction to be used;
- (j) requiring the approval of the superintendent for courses of study, requirements for admission, qualifications of teachers and demonstrators' methods of instruction and premises and equipment used in connection with a private training institution;
- (k) prescribing the minimum number of hours of instruction in a vocation that shall constitute a course of instruction in that vocation;
- (l) prescribing the maximum fees that shall be paid or received for a course of instruction in a vocation;
- (m) prescribing the terms and conditions upon which money paid for or on account of instruction in a private training institution shall be either retained by the payee or be repayable to the payor;

- (n) prohibiting the use of advertising relating to a private training institution that may tend to mislead and requiring the discontinuing of a specified advertisement or means of advertisement by the owner of a private training institution;
  - (o) regulating the selling or offering for sale of a course of instruction offered by a private training institution;
  - (p) prescribing the amount that may be charged for the material used by or the services supplied to a student of a private training institution;
  - (q) providing that a certificate or other document as to the competency of a student shall not be issued by a private training institution unless the student has submitted to the examination that may be prescribed by the regulations;
  - (r) prescribing the nature of examinations for certificates of competency, the manner, times and places of holding the examinations and the persons who shall sit as examiners;
  - (s) prescribing the grounds upon which a certificate of registration may be refused renewal, suspended or revoked under section 8;
  - (t) prescribing any provisions which may be required to be included in a contract between a student and a private training institution;
  - (u) notwithstanding the *Student Assistance Act* or regulations, prescribing the terms and conditions which a private training institution shall meet or fulfill to be designated as an institution which offers student assistance;
  - (v) prescribing the membership of the board of directors of the corporation;
  - (w) prescribing the funds which shall be credited to the Train Out Fund and the purposes for which those funds may be used;
  - (x) prescribing the rate of student tuition for the contribution required to be paid by private institutions under subsection 17.1(3) and the manner in which those contributions shall be paid;
  - (y) prescribing the manner in which any loans made by the minister to the Train Out Fund may be made and the manner in which those loans may be repaid;
  - (z) prescribing the manner in which the funds administered by the corporation from the Train Out Fund may be invested;
  - (aa) with respect to the administration of the Train Out Fund generally; and
  - (bb) governing the conduct, operation and management of private training institutions.
- (2) Regulations made under subsection (1) may be made with retroactive effect.
- (3) Regulations made under this section may confer powers or impose duties on the minister with respect to matters dealt with in those regulations.

[1998 c33 s6; 2006 c40 s14](#)

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**Fees and forms**

**19.1** The minister may set fees and prescribe forms for the purpose and administration of this Act.

[1997 c13 s53](#)

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## **Offences**

**20.** (1) A person who

- (a) knowingly provides false information in an application under this Act or the regulations or in a statement required to be provided under this Act or the regulations;
- (b) fails to comply with an order, direction or other requirement made under this Act or the regulations;
- (c) contravenes this Act or the regulations; or
- (d) is a director or officer of a corporation and knowingly concurs in the providing, failure or contravention,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than 1 year, or to both a fine and imprisonment.

(2) The maximum penalty for a corporation convicted of an offence under subsection (1) is \$25,000.

(3) A proceeding under paragraph (1)(a) shall not be started more than 1 year after the facts upon which the proceeding is based first came to the attention of the superintendent.

(4) A proceeding under paragraph (1)(b) or (c) shall not be started more than 2 years after the time when the subject matter of the proceeding arose.

1988 c16 s20

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**Important Information**

(Includes details about the availability of printed and electronic versions of the Statutes.)

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**CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 1114/96**

*Private Training Institutions Regulations*  
under the  
*Private Training Institutions Act*  
(O.C. 96-862)

Amended by:

74/98  
77/98  
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34/00  
84/00  
2001 c42 s45  
49/03  
87/04  
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**CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 1114/96**

*Private Training Institutions Regulations*  
under the  
*Private Training Institutions Act*  
(O.C. 96-862)

Under the authority of section 19 of the *Private Training Institutions Act* and the *Subordinate Legislation Revision and Consolidation Act*, the Lieutenant-Governor in Council makes the following regulations.

**REGULATIONS**

*Analysis*

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## Short title

1. These regulations may be cited as the *Private Training Institutions Regulations* .

194/89 s1

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## Definitions

2. In these regulations

(a) "Act" means the *Private Training Institutions Act* ;

(a.1) "campus" means

(i) a single premise at which one or more courses of study are provided by a private training institution,

(ii) 2 or more premises at which courses of study are provided by a private training institution and which the superintendent considers, due to the proximity of the premises, to be a campus, or

(iii) 2 or more premises in communities governed by the Nunatsiavut Government or the Innu Nation, at which courses of study under the Labrador Aboriginal Partnership Training Program are provided by a private training institution and which the superintendent considers to be a campus;

(b) Rep. by NR 84/00 s1

(b.1) "corporation" means the Private Training Corporation incorporated under section 4 of the Act;

(c) "correspondence course" means a course of study which is delivered by print, audio, video or electronic media in which students complete assigned work and return the material for grading;

(d) "course" means a program of study which includes 50 or more instructional hours or an equivalent;

(e) "demonstrator" means a person who assists with instruction;

(f) "department" means the Department of Education;

(g) "diploma" means a document awarded to candidates who successfully complete a post-secondary education course of study of at least 12 weeks or 360 instructional hours duration and which certifies the number of institutional hours of that course of study;

(h) "instruction" means classroom teaching, formalized lab or shop work;

(i) "minister" means the minister appointed under the *Executive Council Act* to administer the Act;



- (j) "non-resident school" means a private training institution which does not operate a physical plant within the province;
- (j.01) "satellite campus" means a premise that is operated by a private training institution that
- (i) is geographically separate from a campus,
  - (ii) is not a permanent site,
  - (iii) does not provide all the educational and administrative services of a campus, and
  - (iv) is used for the delivery of courses or programs under the Labrador Aboriginal Training Partnership;
- (j.1) "security" means a surety bond or irrevocable letter of credit or, in the discretion of the minister, a combination of a surety bond and an irrevocable letter of credit, which is of full force and effect for the purpose of
- (i) securing performance of student contracts entered into by the operator, and
  - (ii) fulfilling obligations imposed by these regulations
- from a surety company or financial institution acceptable to the minister;
- (k) "semester" means a minimum period of 12 weeks and a maximum period of 17 weeks for resident schools;
- (k.1) "tuition fees" includes money paid by sponsors or third parties on behalf of a student; and
- (l) "vocation" means each of the occupations included in the alphabetical index of occupational titles in Volume I of the Canadian Classification and Dictionary of Occupations (CCDO) 1971 and the CCDO Guide, Fourth Edition, 1982 and subsequent CCDO guides as published by the Canadian Government Publishing Centre in Ottawa.

[194/89 s2](#); [24/99 s1](#); [84/00 s1](#); [10/11 s1](#)

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### **Jurisdiction and exemptions**

**3.** (1) These regulations apply to all private training institutions except a private training institution conducted or operated by

- (a) a religious organization;
- (b) a corporation without share capital incorporated under the laws of Canada or the province; or
- (c) a non-profit organization legally constituted under the laws of Canada or the province and not operated for profit.

(2) A vocation consisting of aircraft training taught by an organization under the supervision of the Ministry of Transport of the Government of Canada is exempt from sections 7, 8 and 24.

194/89 s3

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## **Board membership**

**3.1** The board of directors of the corporation shall be comprised of the following persons as appointed by the Lieutenant-Governor in Council:

- (a) one representative of the Department of Education;
- (b) one representative of the Department of Finance;
- (c) one representative of the Association of Career Colleges or its successor body;
- (d) one owner or operator of a private training institution;
- (e) one student of a private training institution; and
- (f) 2 community representatives.

[24/99 s2](#)

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## **Registration - renewal**

**4.** (1) A person applying to be registered as the keeper or operator of a private training institution shall make application to the minister in a form approved by the minister.

(1.1) The superintendent shall approve every course of study offered by an institution prior to the registration of that institution, or in the case of renewal of registration or reinstatement, every new course of study not previously approved, and shall, for the purpose of his or her assessment, require and review

- (a) a needs assessment, including a market analysis;
- (b) admission standards;
- (c) curriculum content;
- (d) program duration; and
- (e) graduate certification.

(1.2) Notwithstanding subsection (1.1), the superintendent shall, every 3 years from the approval of a course of study under that subsection, review every course of study of an institution based on the criteria prescribed by paragraphs (1.1)(a) to (e) and make those requirements that he or she considers necessary.

(1.3) Notwithstanding subsections (1.1) and (1.2), the superintendent may, in his or her discretion, undertake an assessment of any approved course of study offered by a private training institution at any time.

- (2) An application for registration shall be accompanied by the following:
  - (a) a cheque payable to the Newfoundland and Labrador Exchequer Account for the amount of the registration fee;
  - (b) information as requested by the minister;

- (c) a copy of the student contract form for the taking of a course of instruction used or proposed to be used by the private training institution;
  - (d) a copy of the catalogues, sales circulars and other advertisements proposed to be used in connection with the private training institution;
  - (e) the names and addresses of all sales agents operating in the province who are employed by or in connection with the private training institution and information as to whether the private training institution is situated inside or outside of the province; and
  - (f) the security required under section 10.
- (3) An applicant shall comply with applicable municipal and provincial laws.
- (4) An application for renewal of registration or reinstatement shall be accompanied by
- (a) the security or evidence of the continuation of that security as required under section 10; and
  - (b) an audited financial statement in compliance with section 10.2.
- (5) During the time that an application for registration of a private training institution is being processed by the department, no significant changes shall be made in the application without the written approval of the superintendent.
- (6) A registration is not transferable.
- (7) An application for renewal of registration shall be accompanied by
- (a) a cheque payable to the Newfoundland and Labrador Exchequer Account for the amount of the registration fee; and
  - (b) a detailed statement outlining changes proposed to be made in the facts set out in previous applications for registration and renewal.

[194/89 s4; 24/99 s3; 84/00 s2; 2001 c42 s45; 2010 c31 s16](#)

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### **Refusal of registration - cancellation**

**5.** (1) An applicant is entitled to registration or renewal of registration by the minister to conduct or operate a private training institution and to be issued a certificate of registration except where

- (a) the applicant cannot demonstrate its financial ability to operate a private training institution;
- (b) past conduct on the part of the applicant affords reasonable grounds for belief that the applicant will not operate the private training institution in accordance with the law or with accepted educational or professional ethics; or
- (c) the private training institution is not proposing to offer courses in accordance with the Act and the regulations.

(2) The minister may cancel registration for specific programs of study where it can reasonably be expected that the course or courses of study or the method of training offered by the private training institution is not in compliance with the stated objectives of the program as

approved.

(3) The minister may cancel a private training institution's registration where the applicant is carrying on activities that are or will be, if the applicant is registered, in contravention of this Act or the regulations.

(4) The registration of a private training institution may be cancelled

(a) upon request in writing of the registrant in the form prescribed by the minister;

(b) where a keeper or operator of a private training institution ceases to operate the institution; or

(c) where the institution has not paid the money to the Private Training Corporation required under section 26.2.

(5) A private training institution which has its registration cancelled or voluntarily cancels its registration shall surrender the certificate of registration within 30 days.

(6) Where the registration of a keeper or operator of a private training institution is refused or cancelled, the registration of all agents, sales personnel and representatives of the private training institution are also refused or cancelled.

(7) Notice of a cancellation of registration of a private training institution shall be published by the department.

(8) The minister may require a private training institution to submit for review further information or other material respecting the operation of the private training institution.

[194/89 s5](#); [24/99 s4](#); [84/00 s3](#)

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## **Advertisement**

**6.** (1) All advertising for private training institutions shall be in accordance with the *Trade Practices Act* .

(2) An advertisement for a private training institution shall include the name and address and telephone number of the private training institution.

(3) All private training institutions offering courses covered by these regulations are required to be licensed before advertising in the province.

(4) Only private training institutions which are registered for programs approved by the department can use the following words in its advertisements "Registered and approved under the *Private Training Institutions Act* , Province of Newfoundland and Labrador".

(5) A private training institution shall not guarantee employment to a student or prospective student.

(6) The minister may require that duplicate copies of all advertisements relating to private training institutions be submitted for approval before being used.

(7) The minister may require a private training institution to discontinue use of an advertisement found to be in contravention of the Act or these regulations.

[194/89 s7](#); [2001 c42 s45](#)

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### **Instructional and sales staff**

7. (1) Private training institutions shall seek approval for instructional staff before hiring in a format specified by the minister.

(2) Every instructor at a private training institution shall possess a certificate or diploma related to the field of instruction supplemented by years of experience within the field and the combination of training and experience shall equal a total of 6 years.

(3) Every demonstrator at a private training institution shall possess a certificate or diploma related to the field of instruction supplemented by a minimum of one year of related work experience.

(4) All instructors at private training institutions shall be required to complete a teacher training program as prescribed by the minister.

194/89 s8

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### **Ministerial approval**

8. Notwithstanding subsection 7(2), the minister may approve the employment of an instructor or demonstrator at a private training institution who in the opinion of the minister is proficient in the subject or subjects which that person proposes to teach at the private training institution or who in the opinion of the minister is proficient in the vocation or occupation for which instruction is to be given by that instructor or demonstrator.

194/89 s9

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### **Registration required**

9. Sales agents for non-resident schools shall be registered under the *Direct Sellers' Act* .

194/89 s10

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### **Security**

10. (1) In this section and in sections 10.01 and 10.02, "train-out" means a course of study undertaken by a student at a private training institution in substitution for a course of study the student was undertaking but had not finished at a private training institution that has closed or no longer offers the course of study.

(2) A private training institution shall obtain security in the minimum amount of \$50,000 or 15% of the institution's total tuition revenue to the nearest \$1,000 from the previous academic year, whichever is greater.

(3) The maximum amount for the security

(a) as of January 1, 1999 shall be \$100,000;

(b) as of January 1, 2000 shall be \$125,000; and

(c) as of January 1, 2001 shall be \$150,000.

(4) Subsections (2) and (3) shall apply to a private training institution upon registration, re-registration or reinstatement of that private training institution.

(5) An applicant for one or more licences to provide one or more courses of study shall submit separate security for each campus at which the applicant intends to provide a course of study.

(5.1) Notwithstanding subsection (5), a satellite campus is not required to submit a separate security.

(6) Where the minister accepts as security a combination of a surety bond and an irrevocable letter of credit and that security is forfeited, the total amount of both the surety bond and the irrevocable letter of credit shall be distributed according to these regulations.

(7) For the purpose of claims referred to in subsection (9) every security shall continue in force and shall remain on deposit for a period of 2 years following the cancellation of the registration or the security.

(8) Where the security or the registration has been cancelled and the security has not been forfeited, the minister may,

- (a) 2 years following the cancellation of the registration to which the security relates; or
- (b) 2 years after the cancellation of the security,

deliver the security to the person bound under it and to the person who deposited that security.

(9) The security referred to in subsection (2) and (3) is forfeited and the amount of the security becomes due and payable as a debt to the Crown and the minister may call upon the surety company or financial institution to satisfy

- (a) an amount owing to a student
  - (i) where a keeper or operator of a private training institution fails to make the repayment of fees to a student prescribed by sections 17 and 18,
  - (ii) where a registrant has been convicted of
    - (A) an offence under the Act, or
    - (B) an offence involving fraud or theft or conspiracy to commit an offence involving fraud or theft under the *Criminal Code* and where the conviction has become final,
  - (iii) where proceedings by or in respect of a registrant have been taken under the *Bankruptcy Act* (Canada) either by way of assignment or by petition or where proceedings have been taken by way of winding-up and in the case of a petition a receiving order under the *Bankruptcy Act* (Canada) or a winding up order has been made and the order has become final, or
  - (iv) where during the 2 year period referred to subsection (7) the minister receives notice in writing of a claim against the registrant by or on behalf of a student in respect of a course of study or a contract for a course of study together with evidence satisfactory to the minister as to the validity of the claim or that legal proceedings have been commenced against the registrant; and
- (b) an amount paid by the minister or the corporation to facilitate train-out of students of a

closed private training institution including

- (i) money paid to other private training or educational institutions to replace tuition fees paid by a student to a private training institution for which services were not received before the closure of the institution or cancellation of the security or the registration, and
- (ii) money paid to other private training or educational institutions for costs incurred by those institutions to complete student training which was interrupted or terminated as a result of the closure of a private training institution.

(9.1) For the purpose of these regulations, the date of forfeiture of security is the date the minister calls upon the surety company or financial institution to satisfy the amounts payable under the security in accordance with subsection (9).

(10) Where the Crown becomes a creditor or a person in respect of a debt due the Crown arising from the provisions of subsection (9), the minister may take proceedings that he or she considers appropriate under the *Bankruptcy Act* (Canada), the *Judicature Act*, the *Corporations Act* or the *Winding-Up Act* (Canada) for the appointment of an interim receiver, custodian, trustee, receiver or liquidator.

[84/00 s4; 87/04 s1; 10/11 s2](#)

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### **Distribution of sufficient proceeds**

**10.01** (1) Where the proceeds of the security are sufficient to satisfy the total amount of all claims filed with the minister within the 6 month period from the date of forfeiture mentioned in subsection 10 (9.1), the superintendent shall distribute the proceeds of the security among the claimants as required by this section.

(2) Where

- (a) a judgment based on a claim in respect of fees owing to a student under section 17 or 18 of these regulations is obtained by a student and filed with the minister;
- (b) a judgment based on a claim in respect of a course of study or contract for a course of study is obtained by a student and filed with the minister; or
- (c) the minister or the corporation provides evidence satisfactory to the superintendent as to the validity of a claim referred to in paragraph 10(9)(b)

the superintendent may, within 6 months of the date of forfeiture, pay over the money recovered under the security.

(3) A claim by a student under paragraphs (2)(a) and (b) shall include reasonable legal expenses incurred by the student to obtain judgment, as determined by the superintendent.

(4) Where proceeds remain after distribution under this section, the remainder shall be paid to the security company or the financial institution from which the security was obtained.

(5) This section applies to any security required under the Act or these regulations, including any security forfeited but not distributed at the time of the coming into force of this section.

[87/04 s2](#)

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### **Distribution of insufficient proceeds**

**10.02 (1)** Where the proceeds of the security are insufficient to satisfy the total amount of all claims filed with the minister within the 6 month period from the date of forfeiture mentioned in subsection 10(9.1), the superintendent shall distribute the proceeds of the security among the claimants as required by this section.

- (2) Where the claimants to the proceeds of the security comprise
  - (a) students referred to in subparagraph 10(9)(a)(i) who are entitled to a repayment of fees under these regulations but whose entitlement did not arise upon the closure of a private training institution;
  - (b) students referred to in section 10.01 whose claim arose upon the closure of a private training institution and who did not participate in train-out facilitated by the corporation or the minister; or
  - (c) the corporation or the minister,

the proceeds shall be distributed in the following order of priority:

- (d) firstly, proceeds shall be distributed proportionally among students based upon
  - (i) the amount of repayment of fees owing to a student under section 17 or 18 of these regulations for which he or she has obtained judgment, or
  - (ii) the amount of tuition fees each paid to a private training institution, including an institution that closed prior to the completion of a course of study by the student and an institution whose security or registration has been cancelled, for which he or she has obtained judgment;
- (e) secondly, where proceeds remain after distribution under paragraph (d) and the minister or the corporation has provided evidence satisfactory to the superintendent as to the validity of the claim, those proceeds shall be distributed to the minister or the corporation to replace tuition fees paid by a student to a private training institution for services which the student did not receive before the closure of that institution or the cancellation of the security or the registration of the institution;
- (f) thirdly, where proceeds remain after distribution under paragraph (e), those proceeds shall be distributed proportionally among students for claims for amounts, other than tuition fees, for which they have obtained judgment; and
- (g) finally, where proceeds remain after distribution under paragraph (f) and the minister or the corporation has provided evidence satisfactory to the superintendent as to the validity of the claim, those proceeds shall be paid to the minister or the corporation for costs incurred by the minister or the corporation to facilitate the train-out of the students.

(3) A student who may receive a distribution of proceeds under paragraph (2)(f) shall also include a student who participated in train-out and who obtained judgment for a claim for amounts other than tuition fees.

(4) A claim by a student under paragraph (2)(d) or (f) or subsection (3) shall include reasonable legal expenses incurred by the student to obtain judgment, as determined by the superintendent.

- (5) Where proceeds remain after distribution under this section, the remainder shall be paid



to the security company or the financial institution from which the security was obtained.

[84/00 s4; 87/04 s3](#)

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### **Time limit**

**10.03** Only judgments of creditors that have become final before the expiration of the 6 month period from the date of forfeiture mentioned in section 10(9.1) shall be eligible to share in the proceeds of the security.

[84/00 s4; 87/04 s4](#)

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### **Payment into court**

**10.04** Notwithstanding section 10.03, the superintendent may pay to the Trial Division from the proceeds of the security an amount payable under these regulations to a creditor where a judgment has been obtained but has not become final before the expiration of the 6 month period from the date of forfeiture and that amount shall be held in trust for the creditor until the judgment becomes final.

[84/00 s4](#)

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### **Claims by students**

**10.05** Sections 10.03 and 10.04 apply to claims by students only.

[84/00 s4](#)

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### **Payment directly on student loan**

**10.06** (1) An amount a student is entitled to receive under section 10.01 or 10.02 shall

- (a) firstly, be applied against a Newfoundland and Labrador student loan; and
- (b) secondly, be applied against any other student loan

which the student has obtained from a financial institution in relation to a course of instruction that the student is unable to complete because of closure of the institution or cancellation of its security or registration.

(2) The superintendent shall pay the amount referred to in subsection (1) directly to the financial institution.

(3) Notwithstanding subsection (1), where a student has received proceeds of security for legal expenses incurred in obtaining a judgment under paragraph 10.02(2)(d), (f) or subsection 10.02(3), those proceeds shall first be paid to satisfy legal expenses allowed under paragraph 10.02(4).

[84/00 s4](#)

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### **Application of certain provisions**

**10.07** Paragraph 10(9)(b) and sections 10.01 to 10.06 apply to any security required under the Act and these regulations, including any security forfeited but not distributed at the time of the coming

into force of this section.

[84/00 s4; 49/03 s1](#)

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## Returns

**10.1** A private training institution shall, in the required form, make the returns and provide information to the superintendent that the minister may require.

[77/98 s1](#)

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## Audited financial statements

**10.2 (1)** A private training institution shall submit to the minister an audited financial statement setting out

- (a) its assets and liabilities; and
- (b) its receipts and expenditures for the preceding financial year.

(2) A statement required under subsection (1) shall be filed within 3 months of the end of the private training institution's financial year.

[24/99 s6](#)

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## Certificate to be displayed

**11. (1)** The owner or operator of a private training institution shall display the certificate of registration in a location on the premises where it can be readily observed by the students and the public.

(2) The owner or operator of a private training institution shall, upon request, make available to a student of the institution an up-to-date copy of these regulations.

[194/89 s12](#)

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## Provincial agent

**12.** The minister may require that a private training institution have in the province an agent or manager who has authority to accept or cancel contracts for the private training institution and to repay or refund money paid by or on behalf of persons for or on account of fees.

[194/89 s13](#)

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## Contract

**13.** Instruction shall not be given to a student in a private training institution until a contract, the form of which has been approved by the minister, has been completed between the student and the keeper or operator of the private training institution and every contract shall include

- (a) the subjects included in the course of study;

- (b) the tuition fee for the course;
- (c) the total cost to the student of instructional materials and equipment required for the course of instruction and for which the student will be charged in addition to the regular tuition fee;
- (d) the commencement date for the course of instruction; and
- (e) in the case of a course of instruction by correspondence, a termination date for completion of the course or a statement of contract time for refund purposes.

194/89 s14

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### **Details required**

**14.** A contract for a course of instruction shall set out either in the body of the contract or on a separate sheet that is annexed and forms part of the contract a statement in bold face type that

- (a) the contract is subject to the Act and the regulations made under the Act; and
- (b) refunds are available in accordance with sections 17 and 18.

194/89 s15

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### **Voiding of contract**

**15.** (1) Except where part of the course of instruction has been supplied and serviced, where a commencement date for a course of instruction is not stated in the contract, the contract is voidable at the option of the student.

(2) A student may exercise the option under subsection (1) by giving notice in writing by registered mail to the private training institution of the student's intention to treat the contract with the private training institution as void.

194/89 s16

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### **Student registration fee**

**16.** A private training institution may charge a student registration fee prescribed by the minister and that registration fee shall be applied to the total cost of the course of instruction.

194/89 s17

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### **Retention and repayment of fees**

**17.** (1) Where a student has contracted for a course of instruction at a private training institution and subsequently exercises the option to void the contract at least 21 days before the commencement date of the course, the private training institution shall refund money paid by or on behalf of the student including the registration fee under section 16.

(2) Where a student has contracted for a correspondence course at a private training institution and subsequently exercises the option to void the contract within 14 days of signing the

contract, the private training institution shall refund money paid by or on behalf of the student including the registration fee under section 16.

(3) Notwithstanding any provision contained in a contract in respect of a course of instruction at a private training institution, the institution shall not retain money paid for or on account of instruction given by the private training institution where the registrant or representative of the private training institution has made false or misleading statements regarding the course of instruction or regarding the nature of the contract for the purpose of inducing a person to enter into the contract and all money so received shall be immediately repaid to the person who has paid it and the contract is void.

194/89 s18

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### **Exceptions to refunds**

**18.** (1) Students of private training institutions shall be entitled to a refund of money paid with the exception of the registration fee under section 16 where the student has contracted for a course of instruction at a private training institution and gives notice in writing either delivered personally or by registered mail to the private training institution less than 21 days before the commencement date of the course of instruction of the student's intention not to commence the course of instruction.

(2) Students of private training institutions shall be entitled to a refund of money paid with the exception of the registration fee under section 16 and 10% of the total course fees where

(a) the student has contracted for a course at a private training institution and does not give notice in writing by registered mail to the private training institution before the commencement date of the student's intention not to commence the course of instruction and does not attend the first 5 consecutive days of the course of instruction; or

(b) the student has contracted for a course of instruction for a correspondence course at a private training institution and gives notice in writing by registered mail to the private training institution more than 14 days after signing the contract and provided all lessons have been returned in good condition.

(3) Students of private training institutions shall be entitled to a refund of money paid where

(a) the student has contracted for a course of instruction at a private training institution and gives notice in writing either delivered personally or by registered mail to the private training institution after the commencement date of the course of instruction of the student's intention to cease taking the course of instruction;

(b) the student has contracted for a course of instruction at a private training institution and fails to exercise the option to void the contract under section 15 before the date upon which the first class is held, then exercises the option notwithstanding that the student may not have participated in the course of instruction;

(c) the student has contracted for a correspondence course at a private training institution and exercises the option to void a contract under section 15 after part of the course of instruction has been supplied and serviced; or

(d) a private training institution

(i) has the registration cancelled,

(ii) has the renewal of the registration refused and the registration has expired, or

(iii) has not applied for renewal of registration and the registration has expired.

(4) Refund of money referred to in subsection (3) shall not include

(a) the registration fee under section 17;

(b) the fees for the proportion of the course already supplied and serviced or in the case of correspondence courses the fee for lessons supplied and evaluated, and for the purposes of this paragraph any portion of a week shall be considered one week in determining the amount of the refund; and

(c) the retail cost of equipment that has been supplied to the student by the private training institution unless the equipment has been returned to the private training institution unopened or as issued within 10 days of receipt by the student.

(5) Where a student withdraws from a course of instruction 21 days after the commencement of a semester, a private training institution may impose an administrative fee of 10% of that semester's tuition, to a maximum of \$500.

[194/89 s19; 84/00 s5](#)

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### **Refund not required**

**19.** (1) Where a private training institution has supplied and serviced two-thirds or more of a course of instruction and has not received a proper notice of a student's intention to cease attending the course before that date, the private training institution shall not be obliged to refund money paid for or on account of the fees by or on behalf of a person who has contracted for that course of instruction.

(2) The private training institution is not required to repay money to a student, where

(a) a student has contracted for a course of instruction at a private training institution and the registration of this private training institution is cancelled or expires before the course of instruction has been completed;

(b) where a course of instruction offered by another registered private training institution is the same or similar to the course of instruction contracted by the student under paragraph (a); and

(c) where the student and the private training institution referred to in paragraph (a) agree in writing with the owner or operator of the registered private training institution referred to in paragraph (b) that the student will complete the course of instruction at the registered private training institutions referred to in paragraph (b) at no additional cost to the student.

[194/89 s20](#)

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### **Tuition fees**

**20.** A private training institute shall collect from students tuition fees not in excess of the amount required to cover one semester at a time.

[194/89 s21](#)

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### **Acknowledgment and account statement**

**21.** Where a private training institution received a proper notice of a student's intention to withdraw from a course, the private training institution shall acknowledge receipt of the notice and provide the student with a statement of money retained by the private training institution.

194/89 s22

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### **Time of refund**

**22.** (1) Where a private training institution is required to refund money under sections 17 and 18, refunds shall be made to the person entitled within 30 days of the receipt by the private training institution of the notice referred to in sections 17 and 18.

(2) If a student received a student loan, the refund cheque is to be made payable both to the bank and the student.

194/89 s23

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### **Refunds upon dismissal for cause**

**23.** (1) Where a private training institution has after the commencement date of a course of instruction dismissed a student due to academic failure, contravention of an institution regulation, misconduct or failure to pay the required fees under a written contract for a course of instruction and the private training institution has satisfied the superintendent that the dismissal was for good cause, the private training institution shall refund money paid for or on account of the fees by or on behalf of the student except

- (a) the registration fee under section 16; and
- (b) the proportion of the fees for the course of instruction that the part of the course of instruction supplied and serviced to the date of dismissal bears to the course of instruction.

(2) Where a private training institution has dismissed a student under subsection (1), the private training institution may retain, in addition to the money referred to in subsection (1), an amount required to repair or replace property of the private training institution that has been damaged or destroyed as a direct result of the action or conduct of the dismissed student and the private training institution has satisfied the superintendent that the damage or destruction was caused by the wilful action of the student.

194/89 s24

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### **Student record**

**23.1** (1) A private training institution shall maintain a student record for each student who contracts for a course of instruction from that institution.

(2) A student shall, upon his or her request and at a reasonable time, have the right to review his or her student record.

(3) A student shall have the right to obtain a copy of his or her student record.

(4) A keeper, operator, receiver or other person responsible for the

(a) operation of a private training institution; or

(b) maintenance or storage of the student records of a private training institution,

shall, within 2 business days of a student or former student making a request for a copy of his or her student record, provide that student with that requested copy.

(5) Subsection (4) applies notwithstanding that a private training institution is not operating or has had its registration cancelled in accordance with section 5.

(6) A private training institute shall retain a student record for not fewer than 50 years after a student has completed or ceases his or her course of instruction with that institution.

(7) Where a private training institution ceases to operate or has its registration cancelled in accordance with section 5, the student records which have been maintained by that institution shall be transferred to the department within 14 days of ceasing operation or having that registration cancelled and a person may obtain his or her student record from the department in accordance with this section as if the department were the private training institution required to maintain that person's student record.

(8) This section applies notwithstanding a provision of a student contract for the taking of a course of instruction at a private training institution.

(9) For the purpose of this section, "student record" means a written or electronically stored record of academic and other information pertaining to a student established either before or after the coming into force of this section.

[74/98 s1](#)

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### **Certificate - diploma**

**24.** (1) Where a student has enrolled in a private training institution for the purpose of qualifying in a specific subject and successfully completes the course of studies for that subject and where the student has fulfilled the terms of the written contract made between the student and the institution, the institution shall issue the student a certificate to evidence the successful completion of the course of studies for that subject.

(2) Where a student has enrolled in a whole course of instruction in a vocation and successfully completes the course of studies for that vocation and where the student has fulfilled the terms of the written contract made with the institution, the institution shall issue the student a certificate or diploma and a transcript of marks to evidence the successful completion of the course of instruction.

(3) Where a student has enrolled in a whole course of instruction in a vocation and fails to meet the passing standards of the course but has fulfilled the terms of the written contract made with the institution, a student shall be entitled to receive, on request from the institution, a transcript of marks.

[194/89 s25](#)

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### **Students' goods and services**

**25.** (1) The keeper or operator of a private training institution shall not sell or permit the goods produced or services provided by a student of the private training institute to be sold at a price in excess of 50% of the average rates for the specified goods or services in the industry.

(2) Where goods or services referred to in subsection (1) are produced or provided, a printed notice in a form approved in writing by the minister setting out the maximum prices of the goods or services and stating that the services are rendered by a student shall be displayed in a conspicuous location at the entrance of the private training institution and at other locations that the minister may require.

(3) Where a private training institution offers the services of the students to the public and shares premises where the same or similar services not performed by students of a private training institution are offered to the public, the keeper or operator of the private training institution shall erect a sign at the entrance to the school to indicate to the public that it is the entrance to the school.

194/89 s26

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### **Verification of information**

**26.** The minister may require a private training institution to verify by affidavit all requested information.

194/89 s27

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### **Funds to be credited**

**26.1** The Train Out Fund established under section 17.1 of the Act may be credited with funds from the following sources:

- (a) contributions from a private training institution required under subsection 17.1(3) of the Act;
- (b) any income and earnings from investments of the funds; and
- (c) any loans provided to the fund by the minister.

[24/99 s7](#)

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### **Payment of funds**

**26.2** (1) A private training institution shall pay to the corporation a contribution to the Train Out Fund as required by subsection 17.1(3) of the Act at an annual rate of 1% of collected student tuition fees.

(2) Money paid under subsection (1) shall be paid on March 31, June 30, September 30 and December 31 in a year, and shall be based on the tuition fees collected by the private training institution for the 3 months of the preceding quarter.

(3) The corporation shall reconcile the money paid under subsection (1) and shall make any adjustments necessary annually at the end of a private training institution's financial year and those adjustments shall be completed by March 31 following the end of the private training institution's financial year.

(4) For the purpose of this section, where tuition fees are included in grant money received by an institution on behalf of a student, the superintendent shall determine that portion of the grant which shall be considered to be tuition fees.



(5) Notwithstanding paragraph 5(4)(c), where a private training institution fails to pay to the corporation the contribution required under this section, the minister may, in his or her discretion, revoke or limit the right of that institution to enrol new students.

[24/99 s7; 84/00 s6](#)

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### **Use of Train Out Fund**

**26.3 (1)** The Train Out Fund may be used

- (a) where an institution with which a student had a contract fails to fulfil its obligation to that student due to closure to compensate the student in part or in full for the reasonable cost of completing his or her training with another institution, as determined by the corporation;
- (b) to pay the cost of monitoring the financial operation of a private training institution, including the analysis of audited financial statements as required by these regulations;
- (c) to pay the expenses of administering and auditing the Train Out Fund; and
- (d) to reimburse members of the board of directors of the corporation for expenses incurred in relation to meetings and the work of the corporation in accordance with a scale for expenses that may be approved by the minister.

(2) Where the Train Out Fund is used to pay out money under paragraph (1)(a), the corporation shall hold back sufficient money to enable it to meet its obligations under paragraphs (1)(b), (c), and (d) and an amount it considers reasonable for the purpose of subsection 26.2(3).

[24/99 s7](#)

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### **Investments of Train Out Fund**

**26.4** Investments of the Train Out Fund by the corporation shall be investments in which a trustee is authorized to invest under the *Trustee Act* .

[24/99 s7](#)

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### **Designation for student assistance**

**26.5** Notwithstanding the *Student Assistance Act* or regulations, a private training institution shall not be designated as an institution which offers courses for which student assistance is available unless it

- (a) has been in continuous operation as a registered private training institution for one year; and
- (b) has graduated one class of students.

[24/99 s7](#)

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### **Information provided to students**

**26.6 (1)** Information as required by the minister shall be provided to a student 48 hours before that student enters into a contract with a private training institution.

(2) This section shall come into force on September 1, 1999.

[24/99 s7](#)

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### **Loans**

**26.7 (1)** The minister may make loans to the corporation to be deposited in the Train Out Fund, subject to terms as the minister considers appropriate, including

- (a) the terms of repayment of a loan; and
- (b) the rate of interest to be paid by the corporation

(2) The amount of a loan made to the corporation shall be paid out of the Consolidated Revenue Fund.

(3) This section shall be considered to come into force on November 1, 1999 and a loan made by the minister to the corporation after that date shall be considered to be made under this section.

[34/00 s1](#)

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### **Repeal**

**27. The Private Training Institutions Regulations, 1989, Newfoundland Regulation 194/89, are repealed.**

## **APPENDIX B: REGISTRATION PREPARATION FORMS**

Private Training Institution Application Checklist

Sample Student Program and Tuition Contract

Checklist - Preliminary Program Proposal

Checklist - Detailed Program Proposal



### Private Training Institution Application Checklist

- Application for Registration (PTI – 1) and \$2,000 fee (section 2.1.1) \_\_\_\_\_
- Security in place for the appropriate amount (section 2.1.2) \_\_\_\_\_
- Student Program and Tuition Contract (section 2.1.3) \_\_\_\_\_
- Record Keeping Plan (section 2.1.4) \_\_\_\_\_
- Student Evaluation of Institution, Program and Instructors (2.1.5) \_\_\_\_\_
- Copies of catalogues, sales circular and any other advertising (section 2.1.6) \_\_\_\_\_
- Student Brochure/Handbook (section 2.1.7 and Chapter 10) \_\_\_\_\_
  - Campus information \_\_\_\_\_
  - Attendance policy \_\_\_\_\_
  - Admissions policies \_\_\_\_\_
  - Program/course information \_\_\_\_\_
  - Academic policies \_\_\_\_\_
  - Work Term information \_\_\_\_\_
  - Code of Conduct/Disciplinary Procedures \_\_\_\_\_
  - Complaint Resolution policy \_\_\_\_\_
  - Accommodation of Students with Disabilities \_\_\_\_\_
- Site inspection requirements (section 2.1.10 where applicable) \_\_\_\_\_
  - Fire inspection certificate \_\_\_\_\_
  - Health inspection certificate \_\_\_\_\_
  - Municipal Occupancy permit \_\_\_\_\_
- Preliminary program proposal (see checklist) (section 3.1) \_\_\_\_\_
- Detailed program proposal (see checklist) (section 3.2) \_\_\_\_\_

**Sample Student Program and Tuition Contract**

**ABC Company o/a ABC College**

**[Address of ABC College]**

This document is a legal and binding agreement between \_\_\_\_\_  
(Name and campus)  
and \_\_\_\_\_  
(Student's Name)

**This contract is subject to the *Private Training Institutions Act and Regulations* and  
Refunds are available in accordance with sections 17 and 18 of the *Regulations***

**Student Information:**

Name:	_____
Permanent Address:	_____ _____ _____
Telephone:	_____
Email:	_____
Other:	_____

**Program Information:**

Name of Program:	_____
Program Courses:	(A list of courses offered in the program is attached)
Entrance Requirements/Prerequisites:	(A list of academic and non-academic entrance requirements is attached)
Entrance Requirements Met:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Program Start Date:	_____ (DD/MM/YY)
Program End Date:	_____ (DD/MM/YY)
Classroom Studies:	_____ weeks; Work Term: _____ weeks
Total Length of Program:	_____ weeks
Certificate <input type="checkbox"/>	Diploma <input type="checkbox"/>

**Fee Structure:**

Tuition Fee per Semester: _____	Total Tuition for Program: _____
Text Book Cost per Semester: _____	Total Book Cost for Program: _____
Equipment/Supply Cost per Semester: _____	
Total Equipment/Supply Cost for Program: _____	
Additional Costs per Semester (specify): _____	
Additional Costs for Program: _____	
Total Costs to Student: _____	
Funding Source(s): Student loan <input type="checkbox"/>	Labour Market Division (LMDA/LMAPD) <input type="checkbox"/>
Self-Pay <input type="checkbox"/>	Other (Please specify) <input type="checkbox"/> _____

**Terms of Agreement:**

- Taking the above program does not guarantee employment.
- The private training institution will provide all courses of instruction for this program as they are described and registered with the Department.
- The institution will provide the equipment and facilities deemed necessary to complete the educational requirements of the program.
- The institution will provide instructors and demonstrators to deliver each course of instruction within the program who have been approved and registered by the Department.
- A signed copy of the contract will be provided to the student at the time of signing.
- If the student is under 16 years of age, the institution must seek the written approval of the Superintendent of Private Training Institutions before the student is permitted to enrol in the program.
- The student agrees that he/she has been interviewed by personnel from the institution and has been given the following information:
  - An outline for the program of study;
  - A copy of the policies and procedures of the institution;
  - Graduate employment statistics; and
  - Training related employment opportunities
- At the student's request, a complete copy of the *Private Training Institutions Regulations* under the *Act* is available from the institution. Sections 17-23 of the *Regulations*, referring to the terms and conditions of tuition refunds, are appended to this document.
- Work terms are arranged and guaranteed by the institution under the policies and procedures referred to in the student handbook which has been provided to the student at least 48 hours prior to signing this contract.
- The student agrees to abide by the policies and procedures of the institution.

Both parties agree that they have read and understand the terms of this agreement.

\_\_\_\_\_  
Student's signature

\_\_\_\_\_  
PTI Signing Authority

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



## CHECKLIST - PRELIMINARY PROGRAM PROPOSAL

**Program Name:** \_\_\_\_\_

- Registration/Analysis Fee (\$1,000 - proprietary; \$250 - provincial) \_\_\_\_\_
- Tentative Program Title and Summary (3.1.1) \_\_\_\_\_
- Educational Need and Projected Graduate Employability Data (3.1.2)
  - *Job advertisements/job opportunities* \_\_\_\_\_
  - *Two (2) Needs Assessment/Market Analysis Questionnaires (PTI – 2)* \_\_\_\_\_
  - *Written projection of labour market demand* \_\_\_\_\_
  - *Three (3) independently-written letters of support* \_\_\_\_\_
- Tentative Implementation Schedule (3.1.3)
  - *Approximate of submission of curriculum* \_\_\_\_\_
  - *Anticipated date for first enrolment* \_\_\_\_\_
  - *Proposed student to instructor ratio* \_\_\_\_\_
- Consultations - Agencies Or Groups that have/will be Consulted (3.1.4) \_\_\_\_\_
- Identification Of Program Design As Original Or Adopted From Another Source (3.1.5) \_\_\_\_\_
- Advertising (3.1.6) \_\_\_\_\_
- Procedures for Program Evaluation (3.1.7) \_\_\_\_\_

**Institution:** \_\_\_\_\_

**Date:** \_\_\_\_\_



## CHECKLIST - DETAILED PROGRAM PROPOSAL

**Program Name:** \_\_\_\_\_

- Formal Program Title (3.2.1) \_\_\_\_\_
- The Delivery Site (i.e., Fire, Health Inspections and Municipal Occupancy - where applicable) (3.2.2) \_\_\_\_\_
- Credential to be Awarded to Graduates (3.2.3) \_\_\_\_\_
- Entrance Requirements (3.2.4) \_\_\_\_\_
- Requirements for Successful Completion (3.2.5) \_\_\_\_\_
- Detailed Program Information (3.2.6) \_\_\_\_\_
- Instructional Delivery Method \_\_\_\_\_
  - Course Content
    - Course titles \_\_\_\_\_
    - Length of courses \_\_\_\_\_
    - Detailed learning outcomes \_\_\_\_\_
    - Grade to be obtained \_\_\_\_\_
    - Prerequisites \_\_\_\_\_
    - Instructional resources \_\_\_\_\_
    - List of textbooks \_\_\_\_\_
    - Evaluation schemata \_\_\_\_\_
  - Program Resources
    - Adequate lab facilities with floor plan layout \_\_\_\_\_
    - A list of audio-visual materials \_\_\_\_\_
    - A list of Print media \_\_\_\_\_
    - A list of classroom equipment and supplies, including student ratios \_\_\_\_\_
    - A list of lab/shop consumable materials \_\_\_\_\_
    - A list of lab/shop tools and equipment, including student ratios \_\_\_\_\_
    - Letters of agreement with partnering agencies \_\_\_\_\_



- Work Term
  - Duration of work term, including placement within program schedule \_\_\_\_\_
  - Detailed work term learning outcomes \_\_\_\_\_
  - Employer evaluation tools \_\_\_\_\_
  - Institution evaluation tools \_\_\_\_\_
  - Student evaluation tools \_\_\_\_\_
  - Monitoring procedures \_\_\_\_\_
- Class Schedule \_\_\_\_\_
- Instructional Staff Credentials (3.2.7) \_\_\_\_\_
- External Evaluation/Curriculum Evaluation Questionnaire (PTI - 3) (3.2.8) \_\_\_\_\_
- Credit Transfer Arrangements within Institution or other Institution (3.2.9) \_\_\_\_\_
- Costs to Students (3.2.10) \_\_\_\_\_
- Program Site Inspection Required (3.2.11) \_\_\_\_\_

*Institution:* \_\_\_\_\_

*Date:* \_\_\_\_\_

## **APPENDIX C: REGISTRATION AND OPERATIONAL FORMS**

Application for Registration of Private Training Institution (PTI – 1)

Needs Assessment and Market Analysis Questionnaire (PTI – 2)

Curriculum Evaluation Questionnaire (PTI – 3)

Contract Termination Report (PTI - 4)

Application for Renewal of Private Training Institution Registration (PTI – 5)

Annual Statistical Report (PTI - 6)

Student Complaint Form (PTI – 7)



**APPLICATION FOR REGISTRATION OF PRIVATE TRAINING INSTITUTION  
(PTI – 1)**

Pursuant to the *Private Training Institutions Act and Regulations*

Instructions to Applicants:

- Print or type all responses
- A separate application is required for each permanent PTI campus
- Use additional pages if required
- **Attach a certified cheque or money order to this application in the amount of \$2,000, made payable to The Newfoundland Exchequer Account**
- Attach all required forms and supporting documents to the last page of this application
- Application must be signed and returned to:

Manager, Private Training Institutions  
Division of Literacy and Institutional Services  
Department of Education  
P. O. Box 8700, St. John's, NL, A1B 4J6  
Telephone: (709) 729-3102  
E-mail: PTI@gov.nl.ca

**SECTION 1: General Private Training Institution Information**

**A. Personal Data:**

Applicant's Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

---

Postal Code                      Telephone                      E-mail                      Fax

**B. Institution Information:**

Name of Institution: \_\_\_\_\_

Name of Primary Contact for Institution: \_\_\_\_\_

Primary Contact Title: \_\_\_\_\_

Institution Site Address: \_\_\_\_\_

---

Postal Code                      Telephone                      E-mail                      Fax

Website Address: \_\_\_\_\_

**C. Business Classification:**

Name of Registered Company: \_\_\_\_\_

Sole Proprietorship       Partnership       Corporation       Franchise

Other: \_\_\_\_\_

**D. Security Information:**

Security Company	Irrevocable Letter of Credit / Bond #	Amount	Date of Issue (yy/mm/dd)
		\$	

**SECTION 2: Information on Applicant(s)/Agent(s)**

**A. Applicant Information:**

- Provide the contact information for each person in the sole proprietorship/partnership/corporation/or franchise, and position/responsibility in the Private Training Institution.

Name	Address and Contact Telephone Number	Business Relationship	Position in Institution (Responsibility)
		Partner <input type="checkbox"/> Director <input type="checkbox"/> Officer <input type="checkbox"/>	
		Partner <input type="checkbox"/> Director <input type="checkbox"/> Officer <input type="checkbox"/>	
		Partner <input type="checkbox"/> Director <input type="checkbox"/> Officer <input type="checkbox"/>	
		Partner <input type="checkbox"/> Director <input type="checkbox"/> Officer <input type="checkbox"/>	

- Has the PTI Applicant ever been registered under this or any other Act that regulates private training? (If YES, attach details)?      YES       NO
- Is the applicant engaged, occupied, or employed directly or indirectly in any other business, occupation, or profession? (If YES, attach details)?      YES       NO
- Is there any other person or corporation whose name is not disclosed?      YES       NO
- If non-resident, provide for each agent to be registered: Name; Address and Contact Telephone Number, and Position/Responsibility in the PTI (attach additional sheets if necessary)

**B. Signing Authorities/Agents**

- Provide the names of individuals responsible for the operational aspects within the Private Training Institution. Where necessary, record additional agents and their responsibility on a separate page.

*Should there be changes to agents and/or their responsibilities within the registration year, the Department must be notified in writing within 5 days after the change.*

<b>Agents to be registered for Operational Aspects</b>	
<input type="checkbox"/> Re-registration documentation	<input type="checkbox"/> Student Contracts
<input type="checkbox"/> Bond/Letter of Credit	<input type="checkbox"/> Student Records (Academic)
<input type="checkbox"/> Audited Financial Statement	<input type="checkbox"/> Student Records (Financial)
<input type="checkbox"/> New Program Applications	<input type="checkbox"/> Student Refunds
<input type="checkbox"/> Changes to existing registered programs	<input type="checkbox"/> Student Complaints
<input type="checkbox"/> Instructor Approval Applications	<input type="checkbox"/> Advertising/Marketing/Website
<input type="checkbox"/> Instructor Records	<input type="checkbox"/> Other (please specify)

**SECTION 3: Program Information**

- List all programs to be registered with the Department. Specific program details must be provided for each program. Two (2) *Needs Assessment and Market Analysis Questionnaires* and one (1) *Curriculum Evaluation Questionnaire* are required to be completed for each program. Attach additional pages if required.

Program Title	Program Duration in Weeks		Tuition	Books	Supplies	Other (Specify)
	Classroom	Work Term				
1						
2						
3						
4						
5						
6						
7						
8						

- As a result of the instruction, are there any products or services produced for which the PTI receives remuneration? (If YES, provide full details). YES  NO

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- List all instructors and demonstrators to be registered with the Department. Detailed resume, copies of credentials and a letter requesting courses to be taught must be provided for each instructor/demonstrator. Attach additional sheets if required.

Name	Instructor	Demonstrator	Courses(s) to be taught
1	<input type="checkbox"/>	<input type="checkbox"/>	
2	<input type="checkbox"/>	<input type="checkbox"/>	
3	<input type="checkbox"/>	<input type="checkbox"/>	
4	<input type="checkbox"/>	<input type="checkbox"/>	
5	<input type="checkbox"/>	<input type="checkbox"/>	
6	<input type="checkbox"/>	<input type="checkbox"/>	
7	<input type="checkbox"/>	<input type="checkbox"/>	
8	<input type="checkbox"/>	<input type="checkbox"/>	

**SECTION 4: Information on Premises**

- Premises are: Owned  Leased  (from: \_\_\_\_\_)
- Description of training facility, including classrooms and study areas, and the extent to which facilities and programs are accessible to persons with special needs. A detailed floor plan is required to be submitted.

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- Maximum student capacity for the PTI? (As per Fire Inspection Certification) \_\_\_\_\_
- Square footage: \_\_\_\_\_
- Inventory of equipment used (or to be used) for the delivery of the program(s) in the PTI. Attach additional pages if required.

Item	Owned	Leased	Quantity
1	<input type="checkbox"/>	<input type="checkbox"/>	
2	<input type="checkbox"/>	<input type="checkbox"/>	
3	<input type="checkbox"/>	<input type="checkbox"/>	
4	<input type="checkbox"/>	<input type="checkbox"/>	
5	<input type="checkbox"/>	<input type="checkbox"/>	
6	<input type="checkbox"/>	<input type="checkbox"/>	
7	<input type="checkbox"/>	<input type="checkbox"/>	
8	<input type="checkbox"/>	<input type="checkbox"/>	
9	<input type="checkbox"/>	<input type="checkbox"/>	
10	<input type="checkbox"/>	<input type="checkbox"/>	
11	<input type="checkbox"/>	<input type="checkbox"/>	
12	<input type="checkbox"/>	<input type="checkbox"/>	
13	<input type="checkbox"/>	<input type="checkbox"/>	
14	<input type="checkbox"/>	<input type="checkbox"/>	
15	<input type="checkbox"/>	<input type="checkbox"/>	
16	<input type="checkbox"/>	<input type="checkbox"/>	
17	<input type="checkbox"/>	<input type="checkbox"/>	
18	<input type="checkbox"/>	<input type="checkbox"/>	
19	<input type="checkbox"/>	<input type="checkbox"/>	
20	<input type="checkbox"/>	<input type="checkbox"/>	

- Fire Inspection Certificate of Approval attached YES  NO   
Date of inspection: \_\_\_\_\_
- Health Inspection Certificate attached YES  NO   
Date of inspection: \_\_\_\_\_
- Municipal Occupancy Permit attached YES  NO   
Date of inspection: \_\_\_\_\_

**SECTION 6: Declaration**

The application for Private Training Institutions Registration must be signed by the applicant.

I HEREBY CERTIFY THAT ALL INFORMATION CONTAINED IN THIS APPLICATION AND IN ITS ATTACHMENTS IS CORRECT AND THAT I HAVE VERIFIED THE INFORMATION SUBMITTED FOR INSTRUCTORS AND DEMONSTRATORS.

I HEREBY CERTIFY THAT I AM ABLE TO COMPLY WITH THE REQUIREMENTS FOR A PRIVATE TRAINING INSTITUTION AS PRESCRIBED IN THE *PRIVATE TRAINING INSTITUTIONS ACT AND REGULATIONS*.

I UNDERSTAND THAT INFORMATION PROVIDED TO THE DEPARTMENT WILL BE TREATED AS CONFIDENTIAL SUBJECT TO THE PROVISIONS OF THE FREEDOM OF INFORMATION ACT.

Name of Applicant: \_\_\_\_\_

Applicant Title: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Date of Application: \_\_\_\_\_



## NEEDS ASSESSMENT AND MARKET ANALYSIS QUESTIONNAIRE (PTI – 2)

Pursuant to the *Private Training Institutions Act and Regulations*

**Privacy Notice:** Under the authority of the *Private Training Institutions Act*, personal information will be collected for the purpose of program evaluation. Section 13 of the Act allows for the collection and use of personal information to the Department for the purpose of evaluation. The information you provide is confidential and will not be disclosed without consent or authority. Any questions or comments can be directed to Private Training at [PTI@gov.nl.ca](mailto:PTI@gov.nl.ca).

Under section 4(1.1)(a) of the *Private Training Institutions Regulations*, the Superintendent shall approve every course of study offered by an institution and shall for the purpose of assessment, require a needs assessment including a market analysis.

The information provided on this questionnaire by the evaluator will be used by the Department as part of its assessment of occupational demand for the proposed training program submitted by the Private Training Institution.

### **BACKGROUND**

- In accordance with section 4(1.1)(a) of the *Private Training Institutions Regulations* under the *Private Training Institutions Act*, all private training institutions seeking approval and registration of new programs are required to have a written needs assessment including a market analysis of the employment potential for graduates of the proposed curriculum.

The needs assessment and market analysis refers to *Occupational Demand* for a training program that addresses the need for specific education or training which meets the requirements of potential employers locally, regionally, and/or nationally. *Occupational Demand* has several components related to the training program being assessed. These components include:

1. Current and Projected Growth for the Industry/Occupation
  2. Wages and Employment Potential
  3. Targeted Industries and Employers
- Industry Support for the proposed training program is usually obtained from an industry representative from either a certifying body (where one exists) or a professional association, or by a professional working in the relevant field. Where the review is conducted by a professional working in the field, preferably this individual must qualify as one of the following:
    - An individual with professional training in the field supplemented by work experience; the combination of professional training time and work experience must total a minimum of six (6) years;
    - An individual with no professional training in the field but with a minimum of ten (10) years professional work experience; or
    - An employer whose workforce comprises positions for individuals who would require the skill set outlined in the program proposal

## **GUIDELINES FOR EVALUATOR**

- As an external evaluator providing insight into the labour market need for training in the occupational area identified, and in accordance with section 3.1.2 of the *Standard Operating Procedures for Private Training Institutions*, you must have no vested interest in the training institution submitting the program for review (i.e., not a relative, employee, owner or member of an executive board of the training institution).
- In completing this Needs Assessment and Market Analysis Questionnaire (PTI - 2), we ask that you give full consideration to the program details provided in order to determine the labour market for occupational areas available as a result of this training.
- The program details provided to you for review are considered proprietary information and are to be treated as confidential documents not to be shared with any other person or body unless authorized in writing by the training institution.
- Each section must contain some response, however brief, to indicate that you have assessed that aspect of the labour market pertinent to the program proposal. Based on your knowledge of the local, regional and /or national labour market, please answer only those questions you feel qualified to.
- The assessment and feedback you provide is important to the program approval process conducted by the Department. In addition to your insight, the Department may seek advice from other authorities within government or industry, as agreed to by the training institution submitting the application. Where further consultation and/or review of labour market/occupational demand is required by other authorities, this will be completed within 30 days of the Department having received your initial assessment. Any recommendations made as a result of your assessment and/or that of others will be given full consideration before a final decision to approve or not approved delivery of this training program is made.

In conducting the **Needs Assessment/Market Analysis** you may wish to consider the following:

### **1. Current and Projected Growth for the Industry/Occupation**

- Industry Growth: Major Projects, forecasted industry demands
- Attrition: Retirement, aging population in occupational area, low number of entry level participants
- Employee turn-over: labor force mobility, need for specific training/credentials
- Employment Destinations: Consider local, regional, national in terms of: (i) Are there challenges for employers to provide work? (ii) Are there challenges for graduates to find work? (iii) Is there an expectation that graduates will have to move to secure employment? If so, where (provide examples)?

### **2. Wages and Employment Potential**

- Expected income: range minimum to maximum
- Types of Occupations for graduates

### **3. Targeted Industries and Employers**

- Industries for this occupation
- Potential public and private employers

**COMPLETING THE NEEDS ASSESSMENT AND MARKET ANALYSIS QUESTIONNAIRE**

- In order for you to complete your review, the training institution must provide you with the following:
  - The title of the occupational training program
  - A list of courses contained within the program
  - The duration of the training program including the number of weeks in classroom/lab instruction plus the number of weeks associated with a practical work term
  - The main duties involved in a potential job opportunity for a graduate of the program
  - Potential employment opportunities for graduates of the proposed program (specific job titles)
- Once completed, this form must be submitted directly to the Department, **with a copy forwarded to the training institution submitting the program for review.** The address for the Department is as follows:

Department of Education  
Private Training Unit  
Division of Literacy and Institutional Services  
3<sup>rd</sup> Floor, West Block, Confederation Building  
P. O. Box 8700  
St. John's, NL A1B 4J6  
E-mail: PTI@gov.nl.ca

**SECTION A (to be completed by the Private Training Institution prior to submitting to industry for feedback):**

Name of Proposed Training Program: \_\_\_\_\_

Training Institution Requesting Assessment: \_\_\_\_\_

Length of Proposed Training Program (weeks): \_\_\_\_\_

Duration of Work Term (weeks): \_\_\_\_\_

Program Description:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Listing of Courses within the Proposed Program (Attach separate sheet if necessary):

1.	11.	21.
2.	12.	22.
3.	13.	23.
4.	14.	24.
5.	15.	25.
6.	16.	26.
7.	17.	27.
8.	18.	28.
9.	19.	29.
10.	20.	30.

The main duties involved in potential job opportunities for graduates of this program:

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Potential employment opportunities for graduates of the proposed program (list specific job titles):


**SECTION B (to be completed by Industry):**

**I. PERSONAL INFORMATION**

Assessor's Name and Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Postal Code Telephone E-mail Fax

Education and Occupational Experience

Please comment briefly on your education and professional experience in this occupation.

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**II. GRADUATE EMPLOYMENT OPPORTUNITIES**

1. Would you consider the potential employment opportunities identified by the training institution for graduates of the proposed program to be an accurate representation of employment opportunities found within industry?

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2. Please explain if there are employment opportunities identified by the institution which you feel are not representative of typical jobs within the industry.

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3. Providing specific titles, identify potential positions - other than those listed by the private training institution - for which graduates of the program could expect to be considered.

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4. Of the positions identified, please identify the number of employees per occupational area your company hired within the last two years.

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5. Of the positions identified, how many employees do you anticipate your company will hire within the next year? The next five years?

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6. If there is a work term associated with this program, please indicate whether your company would consider hosting work term students.

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7. If you had positions available, please indicate whether your company would consider employing graduates of this program.

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8. Please elaborate on the current local/provincial need for this type of training.

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9. Please elaborate on the current national/international need for this type of training.

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10. Please indicate whether the need for this type of training will increase in the future, both locally and nationally.

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11. How long do you estimate a graduate of this program will take to find suitable employment in the field?

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12. What income (i.e., hourly wage and/or annual salary) would graduates of this program expect to earn **immediately upon** graduation?

**Minimum -**

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**Maximum -**

13. What income (i.e., hourly wage and/or annual salary) would graduates of this program expect to earn **one year after** graduation?

**Minimum -**

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**Maximum -**

14. What income (i.e., hourly wage and/or annual salary) would graduates of this program expect to earn **five years after** graduation?

**Minimum -**

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**Maximum -**

15. Please list as many local employers likely to have available or already employ individuals in positions identified by both the training institution and yourself.


16. Are there any realities to the industry that you feel graduates need to be aware of when attempting to join the work force after graduation?

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**III. RELATED OCCUPATIONS**

Please list the range of **related occupations** for which graduates of this program could expect to be considered (Specific titles please.)

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\_\_\_\_\_  
Assessor's Signature

\_\_\_\_\_  
Assessor's Title

\_\_\_\_\_  
Date



## CURRICULUM EVALUATION QUESTIONNAIRE (PTI – 3)

Pursuant to the *Private Training Institutions Act and Regulations*

### GUIDELINES FOR COMPLETION

#### **BACKGROUND**

- In accordance with section 4(1.1) of the *Private Training Institutions Regulations* under the *Private Training Institutions Act*, all private training institutions seeking approval and registration of new programs are required to have a written evaluation of the proposed curriculum completed by industry.
- The review of curriculum content is usually conducted by an industry representative from either a certifying body (where one exists) or a professional association, or by a professional working in the relevant field. Where the review is conducted by a professional working in the field, preferably this individual must qualify as one of the following:
  - An individual with professional training in the field supplemented by work experience; the combination of professional training time and work experience must total a minimum of six (6) years;
  - An individual with no professional training in the field but with a minimum of ten (10) years professional work experience; or,
  - An employer whose workforce comprises positions for individuals who would require the skill set outlined in the program proposal.

#### **GUIDELINES FOR EVALUATOR**

- As an external curriculum evaluator, and in accordance with section 3.2 of the *Standard Operating Procedures for Private Training Institutions*, you must have no vested interest in the training institution submitting the program for review (i.e., not a relative, employee, owner or member of an executive board of the training institution).
- In completing this Curriculum Evaluation Questionnaire (PTI - 3), we ask that you carefully review the proposed program curriculum in order to determine whether the stated learning objectives adequately prepare students with the knowledge and skill required to be successful in the program field.
- The curriculum and supporting documents provided to you for review are considered proprietary information and are to be treated as confidential documents not to be shared with any other person or body unless authorized in writing by the training institution. Upon completion of your review, the curriculum documents are to be returned, in their entirety, to the training institution.
- In your review you should consider whether the outcomes (both theoretical and practical), the duration of individual courses, the assessment/instructional tools, and equipment/supplies are sufficient and appropriate.

- Each section must contain some response, however brief, to indicate that you have assessed that aspect of the program. Please answer only those questions you feel you are qualified to answer based on your experience/training.
- The assessment and feedback you provide is important to the program approval process conducted by the Department. In addition to your review, the Department may seek advice from other authorities within government or industry, as agreed to by the training institution submitting the application. Where further consultation and/or review of curriculum materials is required by other authorities, this will be completed within 30 days of the Department having received your initial assessment. Any recommendations for change made as a result of your assessment and/or that of the Department may be implemented by the private training institution before final approval is granted.

### **COMPLETING THE CURRICULUM EVALUATION QUESTIONNAIRE**

- In order for you to complete your review, the training institution must provide you with the curriculum document which should contain the following:
  - Overview of the program including:
    - Detailed description of the program
    - Entrance requirements/prerequisites
    - Duration of the program
    - Graduation requirements
  - Program Content
    - Individual course outlines including subject content, specific learning outcomes to be covered (theory and practical components)
    - Time line/duration for each course
    - Evaluation methods/criteria for each course
    - Method of instruction/delivery (classroom or shop/lab or both)
  - List of textbooks and learning resources (e.g., print media, field trips, outside agencies) to be utilized for the delivery of each course.
  - List of tools, equipment and supplies required for programs with a significant practical component.
- Once completed, this form must be submitted directly to the Department, **with a copy forwarded to the training institution submitting the program for review.** The address for the Department is as follows:

Department of Education  
 Private Training Unit  
 Division of Literacy and Institutional Services  
 3rd Floor, West Block, Confederation Building  
 P. O. Box 8700  
 St. John's, NL A1B 4J6  
 E-Mail: [PTI@gov.nl.ca](mailto:PTI@gov.nl.ca)

***Should you have questions or concerns in completing the review, you may contact the Private Training Unit at [PTI@gov.nl.ca](mailto:PTI@gov.nl.ca) or (709) 729-3100 to have your call directed to the Program Consultant assigned to the Private Training Institution requesting approval of the submitted program proposal***

**CURRICULUM EVALUATION QUESTIONNAIRE  
(PTI – 3)**

Pursuant to the *Private Training Institutions Act and Regulations*  
(To be completed by Evaluator)

**SECTION A: Evaluator Information**

Name of Program Being Evaluated: _____			
Training Institution Requesting Evaluation: _____			
Evaluator's Name: _____			
Position/Title: _____			
Years of Combined Experience and Education in Field: _____			
Mailing Address: _____			
Postal Code	Telephone	E-mail	Fax

**SECTION B: Evaluator Declaration**

I hereby certify that I have received a full copy of the program curriculum which includes:

- program summary
- student entrance requirements
- individual course outlines which identify:
  - subject content
  - specific learning outcomes
  - course duration
  - course pre-requisites (where applicable)
  - names of textbooks/learning resources to be utilized
  - method of assessment/evaluation
  - method of instruction
- list of tools, equipment and supplies (for practical components, where applicable)

I have read the entire curriculum and understand that any recommendations made and accepted by the Department will be implemented by the training institution prior to final program approval and registration.

I have no vested interest in the training institution submitting this curriculum for review (i.e., I am not a relative, employee, owner or member of an executive board of the training institution).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**SECTION C: Program Description**

*(NOTE: Please answer only those questions you feel you are qualified to based on your experience/training)*

1. Please comment on whether the program description accurately captures the types of duties a graduate can expect to perform in the work environment.

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2. Please comment on the adequacy of the program length in terms of its ability to produce graduates with the required entry-level knowledge and/or skill development in the field.

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3. Please identify any agencies or certifying bodies available to individuals in this occupation which have not already been identified by the training institution in the program description.

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**SECTION D: Admission Requirements**

*(NOTE: Please answer only those questions you feel you are qualified to based on your experience/training)*

- 4. Please comment on whether the program entrance/admission requirements listed will ensure that students will have the basic knowledge, skills and/or abilities required to be successful in the program.

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- 5. Please identify if there is a specific grade level and/or other academic qualifications (e.g., Math/Science/English) – other than those already listed under entrance/admission requirements – which you would recommend as necessary.

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- 6. Please identify any non-academic qualifications or criteria specific to the program – other than those already listed under entrance/admission requirements – which you would recommend as necessary.

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**SECTION E: Program Content**

*(NOTE: Please answer only those questions you feel you are qualified to based on your experience/training)*

7. Does the sequencing of training (i.e., order of courses presented) within the program properly address course pre-requisites and/or co-requisites? Are there any courses within the program you feel should be pre-requisites for other courses, but have not been identified?

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8. Please comment on whether the time allocated to EACH course is sufficient, excessive, or inadequate.

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9. Please explain whether you feel all necessary competencies/learning objectives are included within the individual program courses.

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10. Where there are courses and/or specific contain learning outcomes not particularly relevant to the course/program, please identify.

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11. Where there are courses and/or specific learning outcomes you feel need to be strengthened, or topic areas that could be added to the program, please identify.

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12. Please comment on the adequacy of balance between theory (i.e., classroom) and practice (i.e., lab/shop/fieldwork) within the program.

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**SECTION F: Program Resources**

*(NOTE: Please answer only those questions you feel you are qualified to based on your experience/training)*

13. Please explain whether the tools, equipment and/or supplies listed for practical components of the curriculum (if applicable) are satisfactory for program delivery (i.e., do they support the learning outcomes of the program?).

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14. Please explain whether the textbooks listed are adequate for program delivery (i.e., do the textbooks appear current and/or relevant for training in this field?).

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15. Please explain whether there are adequate learning resources (e.g., print media, audio-visual materials) provided for program delivery and to actively engage students.

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16. Please comment on the institution's ability to provide instruction which is reinforced with appropriate technologies (e.g., current software, hardware).

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17. If there are specialized equipment, textbooks, software or other resources which you feel are not listed but would strengthen the delivery of this program, please identify those resources.

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**SECTION G: Program Instruction/Evaluation Methods**

*(NOTE: Please answer only those questions you feel you are qualified to based on your experience/training)*

18. Please comment on whether the instructional materials model appropriate work habits in industry, and whether the program content/learning activities are consistent with industry practices.

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19. If no instructional/training methods have been identified by the training institution, are there any instructional methods that you would suggest for course/program delivery?

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20. Please comment on whether the methods of evaluation used for this program are appropriate (i.e., is there an adequate balance of theoretical and practical assessments conducted for each course?).

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21. If there are any recommendations for additional evaluation methods which would ensure student competency, please identify these.

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22. What combination of training and experience do you feel will be required for potential instructors hired to teach core competencies/courses within this program?

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23. Please identify specific courses within the program which may require a different combination of training and experience than that held by potential instructors hired to teach core competencies/courses.

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**SECTION H: Graduation Requirements/Employment Requirements**

*(NOTE: Please answer only those questions you feel you are qualified to based on your experience/training)*

24. Please explain whether the requirements for successful completion (e.g., passing grades of courses, work term completion) of the program are sufficient.

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25. Please list the type(s) of occupational position(s) for which graduates would be considered for employment as a result of successful completion of this program of study (e.g., Legal Secretary, Systems Analyst, Administrator)

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26. Where there are certification bodies for this occupation, does the program submission clearly outline any certification requirements for graduate employment?

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**SECTION I: Work Term**

*(NOTE: Only respond to the following questions if there is a work term associated with the program)*

27. Please explain whether the placement of the work term within the program is appropriate.

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28. Please explain whether the objectives of the work term further build on the students' knowledge and skill level already developed within the program?

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29. Please explain whether the length of the work term is adequate to allow students to make practical applications of the theoretical concepts already learned.

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30. Please explain whether the evaluation methods utilized for the work term are appropriate.

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**CONTRACT TERMINATION REPORT (PTI - 4)**  
Pursuant to the *Private Training Institutions Act and Regulations*

**Privacy Notice:** Under the authority of the *Private Training Institutions Act*, personal information will be collected for the purposes of private training institution re-registration and confirmation of refunds issued to students. Section 13 of the *Act* allows for the collection and use of personal information by the Department in determining compliance with the *Act*. The information provided to the Department is confidential and will not be disclosed without proper consent or authority. Any questions or comments can be directed to the Manager of Private Training at (709) 729-3102.

**GUIDELINES FOR COMPLETION**

**BACKGROUND**

- In accordance with sections 15-23 of the *Private Training Institutions Regulations* under the *Private Training Institutions Act*, private training institutions may, under various circumstances, have a student contract terminated which may require a refund for tuition paid and/or equipment purchased.
- A Contract Termination Report (PTI - 4) is to be completed for each student immediately upon termination of their contract with the private training institution. This report is to be submitted on the first business day of each month for each student terminated in the previous month.
- These reports must be forwarded to: Manager, Private Training Institutions, Department of Education (EDU), P.O. Box 8700, St. John's, NL, A1B 4J6, or via email at [PTI@gov.nl.ca](mailto:PTI@gov.nl.ca).
- For students receiving funding through the Department of Immigration, Population Growth and Skills (IPGS), a copy of this report must also be emailed to [MarilynHannam@gov.nl.ca](mailto:MarilynHannam@gov.nl.ca).

**COMPLETING THE CONTRACT TERMINATION REPORT**

1. Section 19(1) of the *Private Training Institutions Regulations* states that refunds are not required where a "private training institution has supplied and serviced two thirds or more of a course of instruction and has not received a proper notice of a student's intention to cease attending the course before that date". Section 2 (d) of the *Regulations* defines a course of instruction as a "program of study which includes 50 or more instructional hours or an equivalent". The formula for calculating two thirds or more of a course of instruction is as follows:

$$\text{Total Program Duration in weeks (including both classroom and work term weeks)} \times 2/3$$

2. Student Refunds shall **not** include:
  - a. The Registration Fee as defined by section 16 of the *Regulations*;
  - b. The 10% semester administration fee charged to a student who withdraws 21 days after the beginning of the semester; or one who does not give notice in writing before the start of the program and does not attend the first 5 consecutive days of the course of instruction
  - c. The retail cost of equipment supplied unless returned to the private training institution unopened or as issued, within 10 days of the student receiving the equipment;
  - d. An amount required to repair or replace training institution property damaged as a result of the action or conduct of a terminated student, as per section 23 of the *Regulations*.

3. The weekly rate charged to a student must include both classroom and work term weeks and is calculated as follows:

$$\text{Total Program Tuition to be Charged} / \text{Total Number of Program Weeks} = \text{Weekly Rate}$$

4. An administration fee may be charged to students who withdraw 21 days after the beginning of a given semester. This fee is calculated as 10% of the semester's tuition up to a maximum of \$500.
5. With the exception of the first 5 consecutive days of the commencement of a course of instruction, any portion of a week serviced beyond that period shall be considered one full week in determining the amount to be charged to the student for tuition.

**CONTRACT TERMINATION REPORT (PTI - 4)**  
Pursuant to the *Private Training Institutions Act and Regulations*

<b>STUDENT INFORMATION:</b>			
Name of Student:			
Student Home Address:			
Social Insurance Number (*Last Three Digits Only):			
Telephone Number:			
Email Address:			
Funding Source (please select all that apply):	<input type="checkbox"/> NSLSC/Student Aid	<input type="checkbox"/> IPGS	Student (Self-paying)
	Other (please specify):		

<b>TRAINING INSTITUTION INFORMATION:</b>	
Name of Institution:	
Location/Campus:	

<b>PROGRAM INFORMATION:</b>			
Program Name:			
Program Duration as Registered (in weeks):			
Total Program Tuition (excluding books and supplies/equipment):	\$		
Total Cost of Books:	\$		
Total Cost of Supplies/Equipment:	\$		
Tuition Cost Per Semester: (Identify tuition costs for each semester of the entire program)	Semester 1:	Semester 2:	Semester 3:
	\$	\$	\$
	Semester 4:	Semester 5:	Semester 6:
	\$	\$	\$
Program Start Date (as per Student Contract):			
Program End Date (as per Student Contract):			
Date Instruction Ceased:			
Contract Termination Date:			
Portion of Program Completed (in weeks):			
2/3 program completed? (* if 'Yes', then no refund required)	Yes*		No
Reason(s) for Termination (check all that apply):	Personal	Academic	Attendance
	Contravention of Private Training Institution Policies		
	Failure to pay fees as required under written contract		



## FEE SETTLEMENT PARTICULARS

<b>Charges Associated with Portion of Program Completed</b> (excluding books & supplies/equipment):	
1. Total Tuition Paid by or on Behalf of Student:	\$
2. (      ) Weeks Student Completed at (      ) Per Week =	\$
3. Administration Charge* (if applicable) <i>* Not to exceed 10% of tuition fee for the semester of termination - maximum \$500.00 charge</i>	\$
4. Registration Fee (if applicable):	\$
5. Tuition Refund Amount* {1 – (2+3+4)}: <i>* Receivable if a negative value</i>	\$

<b>Charges Associated with Books and Supplies/Equipment Purchased:</b>	
6. Total Amount for Books Paid by or on Behalf of Student:	\$
7. Total Cost for Books Received by Student:	\$
8. Total Cost of Books to be Refunded* {6 - 7}; <i>* Receivable if a negative value</i>	\$
9. Total Amount for Supplies/Equipment Paid by or on Behalf of Student:	\$
10. Total Cost for Supplies/Equipment Received by Student:	\$
11. Total Cost of Supplies/Equipment to be Refunded* {9 - 10}; <i>* Receivable if a negative value</i>	\$
12. Total Cost of Books and Supplies/Equipment Refunded* {8 + 11}; <i>* Receivable if a negative value</i>	\$

<b>Refund Payable/Receivable (Receivable if negative):</b>		
Total Refund {5 + 12}:	\$	
Refund Required? ( <i>* No refund required if 2/3 of program has been serviced</i> )	Yes	No *
<b>Breakdown of Refund:</b>		
National Student Loans Service Centre/Student Aid:	\$	
IPGS	\$	
Other Funding Agency (please specify):	\$	
Student:	\$	

Name of PTI Representative/Signing Authority	Official Capacity
Signature of PTI Representative	Telephone Number
DATE	

*It is the responsibility of the **training institution** to ensure that all refunds to the appropriate source are made immediately upon termination of the student contract and it is the responsibility of the **student** to ensure that refunds are made on their behalf.*

Copy:    Student Student File EDU IPGS
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**APPLICATION FOR RENEWAL OF PRIVATE TRAINING INSTITUTION  
REGISTRATION (PTI – 5)**

Pursuant to the *Private Training Institutions Act and Regulations*

**Privacy Notice:** The information collected on this form is collected under the authority of Section 61(c) of the Access to Information and Protection of Privacy Act, 2015 (ATIPP, 2015) and is used for the purposes of administration of Private Training Institutions as well as for statistical and research purposes. If you have any questions about the collection or use of this information, please contact the Information Management Division of the Department of Education at 709-729-6281.

Instructions to Applicants:

- Print or type all responses.
- A separate application is required for each Private Training Institution campus.
- Use additional sheets of paper if required.
- **Attach a certified cheque or money order to this application, made payable to the Newfoundland Exchequer Account, in the amount required for the fees identified in section 4 of this application.**
- Attach all required forms and supporting documents to the last page of this application.
- Should you have any questions regarding the completion of your application, please contact the Manager of Private Training or the Program Development Specialist assigned to your institution.
- Application forms and supporting documentation, including cheques/fee payment, must be signed and returned, no later than December 31 of the current calendar year, to:

Manager, Private Training Institutions  
Division of Literacy and Institutional Services  
Department of Education  
P. O. Box 8700, St. John's, NL, A1B 4J6  
Telephone: (709) 729-3102  
Email: PTI@gov.nl.ca

**SECTION 1: General Private Training Institution Information**

**A. Institution/Applicant Information:**

Name of Institution: \_\_\_\_\_

Name of Primary Contact for Institution: \_\_\_\_\_

Institution Site Address: \_\_\_\_\_

Web Site Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Postal Code Telephone E-mail Fax

## B. Signing Authorities/Agents Registration

- Provide the names of individuals responsible for the operational aspects within the Private Training Institution. Where necessary, record additional agents and their responsibility on a separate sheet.

*Should there be changes to agents and/or their responsibilities within the registration year, the Department must be notified in writing, with an updated Signing Authorities table submitted which reflects changes in staff responsibilities.*

<b>Agents to be Registered for Operational Aspects</b>	
<input type="checkbox"/> <b>Registration Renewal Documentation</b>	<input type="checkbox"/> <b>Student Contracts</b>
<input type="checkbox"/> <b>Bond/Letter of Credit</b>	<input type="checkbox"/> <b>Student Records (Academic)</b>
<input type="checkbox"/> <b>Audited Financial Statement</b>	<input type="checkbox"/> <b>Student Records (Financial)</b>
<input type="checkbox"/> <b>New Program Applications</b>	<input type="checkbox"/> <b>Student Refunds</b>
<input type="checkbox"/> <b>Changes to Existing Registered Programs</b>	<input type="checkbox"/> <b>Student Complaints</b>
<input type="checkbox"/> <b>Instructor Approval Applications</b>	<input type="checkbox"/> <b>Advertising/Marketing/Website</b>
<input type="checkbox"/> <b>Instructor Records</b>	<input type="checkbox"/> <b>Student Handbook/Policies</b>
<input type="checkbox"/> <b>Other (please specify)</b>	





#### SECTION 4: Registration Renewal Fees

- Identify the registration renewal fees due with your application, along with any other outstanding fees required to be paid for the period January 1 – December 31. Please note that all fees are required to be paid in full before any processing of registration renewal documents can be finalized and your certificate issued.
- Also note that, where an institution offers advanced level training for Apprenticeship programs, **no program registration fee is required to be paid** for Advanced Level apprenticeship programs.

Registration Renewal Fee	Fee Amount	Number (Programs, Instructors, etc.)	Total Fees to be Paid
Campus Registration	\$500 x	1	\$500
Active Programs	\$200 x		
Inactive Programs	\$100 x		
Instructors	\$25 x		
Demonstrators	\$25 x		
<b>REGISTRATION FEES DUE (I)</b>			

Other Required Fee	Fee Amount	Number (New Instructors, etc.)	Total Fees to be Paid
New Instructor Approval Requests	\$100 x		
Substantive Program Change Requests	\$100 x		
Non-Substantive Program Change Requests	\$50 x		
Inspection Fees (New Site; New Facilities, etc.)	\$450 x		
Audited Financial Statement Late Fee	\$100 x		
Registration Renewal Application Late Fee	\$100 x		
<b>OTHER FEES DUE (II)</b>			

<b>TOTAL FEES DUE (I + II)</b>			
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- Attach a certified cheque or money order to this application, made payable to the Newfoundland Exchequer Account, in the amount required above. Please ensure that cheques are mailed to the Division of Literacy and Institutional Services. For ease of processing, one cheque is acceptable for payment of all fees associated with this registration renewal application.**

**SECTION 5: Information on Applicant(s)/Agent(s)****Business Information:**

Name of Registered Company: \_\_\_\_\_

- Provide the contact information for each person in the sole proprietorship/partnership/corporation/or franchise, as listed through Service NL's Registry of Companies.

Name	Address and Contact Telephone Number	Business Relationship
		Partner <input type="checkbox"/> Director <input type="checkbox"/>
		Partner <input type="checkbox"/> Director <input type="checkbox"/>
		Partner <input type="checkbox"/> Director <input type="checkbox"/>
		Partner <input type="checkbox"/> Director <input type="checkbox"/>

**SECTION 6: Security Information**

- Provide Information related to the Security in place for your institution.
- Please submit a copy of the continuation certificate, if applicable. Where changes are required to the amount of the security, based on 15% of the net tuition revenue reported on the Annual Statistical Report (PTI-6), an amendment by the financial institution will be required.

Security Type		Financial Institution	Current Amount	New Amount (if applicable)	Changes Required (Y/N)
Bond	Letter of Credit				
<input type="checkbox"/>	<input type="checkbox"/>				

**SECTION 7: Declaration**

The application for Private Training Institution Registration must be signed by the applicant.

I HEREBY CERTIFY THAT ALL INFORMATION CONTAINED IN THIS APPLICATION AND IN ITS ATTACHMENTS IS CORRECT AND THAT I HAVE VERIFIED THE INFORMATION SUBMITTED.

I HEREBY CERTIFY THAT I AM ABLE TO COMPLY WITH THE REQUIREMENTS FOR A PRIVATE TRAINING INSTITUTION AS PRESCRIBED IN THE *PRIVATE TRAINING INSTITUTIONS ACT AND REGULATIONS*.

I UNDERSTAND THAT INFORMATION PROVIDED TO THE DEPARTMENT OF EDUCATION WILL BE TREATED AS CONFIDENTIAL SUBJECT TO THE PROVISIONS OF THE *PRIVACY ACT*.

Name of Applicant: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Applicant Title: \_\_\_\_\_

Date of Application: \_\_\_\_\_



ANNUAL STATISTICAL REPORT (PTI - 6)

Pursuant to the Private Training Institutions Act and Regulations

Privacy Notice: The information collected on this form is collected under the authority of Section 61(c) of the Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015) and is used for the purposes of administration of Private Training Institutions as well as for statistical and research purposes.

To be completed annually in order to renew Private Training Institution registration. Annual statistical report must be signed and returned, no later than December 31 of the current calendar year, to:

Manager, Private Training Institutions
Division of Literacy and Institutional Services
Department of Education
P. O. Box 8700, St. John's, NL, A1B 4J6
Telephone: (709) 729-3102
Email: PTI@gov.nl.ca

PART A: General Information

Name of Institution: \_\_\_\_\_

Location of Campus: \_\_\_\_\_

PART B: Detailed Statistical Information

(The numbers reported below will be cross-referenced with contract termination reports submitted during the reference year)

Reference Year: January 1 to December 31, \_\_\_\_\_

A. Number of Students Graduated/Completed Training \_\_\_\_\_

B. Number of Students Withdrawn or Terminated \_\_\_\_\_

C. Number of Students Still Enrolled on December 31 \_\_\_\_\_

D. Number of Students Enrolled in Registered Programs [A+B+C] \_\_\_\_\_

E. Gross Tuition Revenue Collected from all Funding Sources \_\_\_\_\_

F. Amount of Tuition Refunded \_\_\_\_\_

G. Net Tuition Revenue Collected from all Funding Sources (E-F) \_\_\_\_\_

Name of PTI Signing Authority/Agent

Official Capacity

Signature of PTI Signing Authority/Agent/Official

Date



## STUDENT COMPLAINT FORM (PTI – 7)

Pursuant to the *Private Training Institutions Act* and *Regulations*

**Privacy Notice:** Under the authority of the *Private Training Institutions Act*, personal information will be collected for the purpose of investigation. Section 13 of the Act allows for the collection and use of personal information to the Department for the purpose of investigation. The information you provide is confidential and will not be disclosed without consent or authority. Any questions or comments can be directed to Private Training at [PTI@gov.nl.ca](mailto:PTI@gov.nl.ca).

Under section 26.6 of the *Private Training Institutions Regulations*, information as required by the minister, including a complaint resolution process, shall be provided to the student 48 hours before the student enters into a contract with the private training institution.

### **IMPORTANT NOTES FOR STUDENT**

- As a student at a private training institution, you must first go through the school's student complaint procedure before filing a complaint with the Department. Please ensure that you familiarize yourself with the policies of the private training institution provided to you in the student handbook or other relevant document.
- If there is no satisfactory resolution to your complaint after following the school's complaint procedure, you may then complete this application to request that the Department conduct an investigation on your behalf.
- The Department will review and investigate your complaint in the context of determining whether the private training institution is in compliance with the *Private Training Institutions Act* and *Regulations*. Please ensure that you familiarize yourself with this legislation.
- The Program Consultant assigned as a liaison with the private training institution will conduct any investigation deemed necessary.

Have you gone through the school's student complaint procedure?

YES

NO

*(If you answered 'NO', this form cannot be accepted by the Department and an investigation cannot be initiated)*

### **GUIDELINES FOR COMPLETING THIS FORM**

- Before submitting this form to the Department, please ensure that:
  - Every question has been answered;
  - All required documents have been included; and
  - That you have read and agreed to the "Notice of Consent" included at the end of this form.
- The completed Student Complaint Form should include a copy of the following documents:
  - Your Student Contract with the school;
  - The written complaint you submitted to the school;
  - Any additional documentation submitted to the school with your written complaint; and
  - The written response(s) provided to you from the school with respect to your complaint.

- You will be contacted if we require additional information. Ensure your contact information is correct.
- Please submit this completed form, along with all supporting documents, to the following address:

Manager of Private Training  
 Division of Literacy and Institutional Services  
 Department of Education  
 3rd Floor West Block Confederation Building  
 P. O. Box 8700  
 St. John's, NL A1B 4J6  
 Email: PTI@gov.nl.ca

### STUDENT COMPLAINT FORM

<b>SECTION A: Student Information</b>			
Last Name	First Name		Middle Initial
Street/Unit Number	Street Name		P.O. Box
City/Town		Province	Postal Code
Home Telephone Number		Cell Phone Number	
Email address			

<b>SECTION B: School/Program Information</b>	
Name of Private Training Institution	
Location of Private Training Institution (City/Town)	
Program Name	Start Date

**SECTION C: Nature of Complaint**

1. Please outline, in detail, your complaint with this private training institution.  
*(If you require additional space, please attach a separate sheet)*

2. Clearly state what you want the private training institution to do to resolve your complaint.  
*(If you require additional space, please attach a separate sheet)*

**Notice of Consent**

The information you have provided on this form and in other communications related to this complaint will be used by the Department to review and attempt to resolve the disagreement between you and the school. This investigation will determine whether the school is in compliance with the *Private Training Institutions Act and Regulations*. For these purposes, the Department may need to exchange the information you have provided related to this complaint with others within the private training institution who have knowledge of the issues in the dispute.

If your complaint requires consultation with other agencies (e.g., licensing bodies) the Department may share the contents of your complaint as part of the investigative process.

Do you agree that the Department may share this information with other agencies?  YES  NO

By signing this form, you declare the information provided to be true and correct and you consent to the Department's collection of relevant information for the purposes described above.

Student Signature	Date
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