

Private Vocational Institutions – Refund Policy

Introduction

Private Vocational Institutions are required to abide by the following refund policy. This refund policy has been enforced by *The Private Vocational Institutions Act* & Regulation. This is to ensure that PVI's are providing transparency to Students, funders and/or government agencies responsible for the payment of fees.

Where there is a conflict between this policy and the Act or Regulation, the Act or Regulation take precedence.

Definitions

'Act' means *The Private Vocational Institutions Act*, CCSM c P137.

'Regulation' means the *Private Vocational Institutions Regulation*, MR 142/2023.

'Materials' means the learning aids that are required by a Student to meet the expectations of the Program of Instruction. Materials include, but are not limited to, digital or physical books, supplies, tools, uniforms, instruments, computer software and/or hardware.

'Materials Fee' means the fee paid by a Student to a Private Vocational Institution for physical books, texts, supplies, equipment, nail kits, uniforms, dentistry kits, instruments, and computer software/and or hardware.

'Tuition Fee' means a fee payable by a Student to a Private Vocational Institution for a Program of Instruction.

'Registration Fee' means a fee paid by a Student for registration in a Program of Instruction at a Private Vocational Institution, which must not exceed \$275.00, as outlined in subsection 25(a) of the *Private Vocational Institutions Regulation*. This fee is non-refundable except where a Student rescinds a Student Contract within 7 days of signing it pursuant to section 16 of the Act.

'International Student Fee' means a fee paid by an International Student for a Program of Instruction, which must not exceed, by more than \$1500.00, the fee charged a Canadian citizen or a permanent resident for the same Program of Instruction, as outlined in subsection 25(b) of the *Private Vocational Institutions Regulation*. This fee is non-refundable except where a Student rescinds a Student Contract within 7 days of signing it pursuant to section 16 of the Act.

'Other fees' means any fee, excluding Materials Fees, Tuition Fees, Registration Fees, and International Student Fees, that Students are required to pay to a Private Vocational Institution pursuant to a Student Contract. For instance, certification exam fees, CPR fees, and lab fees.

'International Student' has the meaning given to that term in the Regulation.

'Private Vocational Institution' has the meaning given to that term in *The Private Vocational Institutions Act*.

'PVI' means a Private Vocational Institution.

'Program of Instruction' has the meaning given to that term in *The Private Vocational Institutions Act*.

'Student' has the meaning given to that term in *The Private Vocational Institutions Act*.

'Student Contract' has the meaning given to that term in the Regulation.

Enrolled Students & Refunds

A Student is considered to have entered into a Student Contract with a Private Vocational Institution in respect of a Program of Instruction on the day the Student signs the Student Contract.

Applicable items on the Student Contract pertaining to refunds include:

- A statement in Canadian currency itemizing all fees to be charged to a Student in the Program of Instruction, including application, administrative, tuition, materials, exam fees, and identifying any fees that are non-refundable.
- Institution payment schedule setting out which date or dates on which fees are due.
- Date(s) in which a Student's refund eligibility period changes or ends.
- Total Program of Instruction hours.
- The date on which the Student Contract was signed by the Student and the PVI.

A Student ceases to be enrolled in a Program of Instruction on the earliest of the date that:

(a) the Private Vocational Institution (i) receives the Student's written notice of withdrawal from the Program of Instruction, (ii) cancels the Student's enrolment under section 32 of the Act, or (iii) expels the Student from their Program of Instruction; or

(b) the Student (i) exceeds the number of absences allowed under the Private Vocational Institution's attendance policy, or (ii) graduates from the PVI.

Refunds for cancellations within 7 days of signing a Student Contract

The Student has 7 days after they signed their Student Contract to rescind their Student Contract by providing written notice of withdrawal to the Private Vocational Institution, pursuant to section 16 of the Act.

If the Private Vocational Institution receives a written notice of withdrawal from a Student during the 7-day time period, the Private Vocational Institution must refund all money received from the Student, including the Registration Fee and the International Student Fee.

For clarity, these requirements apply before or after a Student begins a Program of Instruction.

Refunds for cancellations after 7 days of signing a Student Contract but prior to the start of the Program of Instruction

If a Student provides written notice of withdrawal after the 7-day time period after signing the Student Contract but prior to the start of the Program of Instruction, the Private Vocational Institution must refund all money received from the Student for the Program of Instruction, excluding any non-refundable fees.

Non-refundable fees are Registration Fees and International Student Fees, as well as Materials Fees for Materials that are not in substantially the same condition as when they were received by the Student, is for a personal use item, or has been removed from its packaging. With respect to digital books or texts, the Materials Fee is not refundable if the code for accessing its contents has been used.

Refunds for cancellations after the Start of a Program of Instruction

If a Student ceases to be enrolled after the start date of the Program of Instruction, and more than 7 days have passed since the Student Contract was signed by the Student and the PVI, the percentage of paid Tuition Fees set out in first column of the following table based on the percentage of the Program of Instruction completed by the Student at the time the Student ceases to be enrolled as set out opposite in the second column:

Percentage of paid Tuition Fees refunded	Percentage of Program of Instruction completed at time the Student ceases to be enrolled
75% of paid Tuition Fees refunded	Up to 20%
50% of paid Tuition Fees refunded	21% to 50%
No Tuition Fees refunded	51% or more

Please note if the percentage of the program falls above 20%, but does not reach 21%, the percentage falls within the lower percentage. For example, if a student completes 20.85% of the program, they are entitled to 75% of paid tuition fees refunded. Similarly, if the percentage of the program falls above 50%, but does not reach 51%, the percentage falls within the lower percentage.

All refunds must be issued within 30 days of receiving written notice from a Student or within 30 days after a Student has been withdrawn from the Program of Instruction.

In determining the percentage of the Program of Instruction completed at the time the Student ceases to be enrolled, each assignment and each hour or class in a Program of Instruction is of equal value; and a student is deemed to have attended every regularly scheduled hour of instruction or, in the case of a Program of Instruction provided by correspondence or other means, to have submitted each regularly scheduled assignment until the day immediately before the date the Student ceases to be enrolled.

Institutions must use the refund calculator found on the Private Vocational Institutions branch website to process all Student refunds. Once refund calculations are complete, a copy of the refund calculations needs to be shared by the PVI with the Student and kept in the Student's file with the Private Vocational Institution.

When a student does not provide notice of a withdrawal and has not attended the institution after 14 calendar days, it is best practice that the student be withdrawn, and the refund be processed. When completing the refund calculation, institutions may add 14 calendar days after the Student's last day of attendance to determine the withdraw date.

Materials Fee refund

All Materials Fees must be refunded when a Student cancels their Student Contract within the 7 day period after signing the Student Contract.

If the 7 day cancellation period has passed and a Student withdraws from a Program of Instruction, the Student has 10 days to return all Materials to the PVI in the same condition as when they were received in order to be eligible for a Materials Fee refund from the PVI.

A Materials Fee is not refundable for Materials that have been used or removed from their original packaging. With respect to digital books or texts, the Materials Fee is not refundable if the code for accessing its contents has been used.

If an Institution's registration is cancelled

If a Private Vocational Institution's registration is cancelled for any reason, the Private Vocational Institution must refund all fees that have been paid by a Student enrolled in a Program of Instruction the PVI provides.

An institution that provides vocational training without being registered under the Act must refund all fees that have been paid in respect of the vocational training.

Student expelled by institution without cause

A Private Vocational Institution must refund all money received or realized in respect of a Student being enrolled in a Program of Instruction it provides if the PVI expels the Student without cause.

Cancellation of enrolment of International Students

A Private Vocational Institution that receives written notice that a prospective International Student is unable to obtain entry into Canada must (i) not enroll the Student in a Program of Instruction, or (ii) if the Student is enrolled, cancel the Student's enrolment within five days after receiving the notice.

The Private Vocational Institution must then refund any money received from or on behalf of the International Student.

Where to direct payment of refunds

If a Student is entitled to a refund and the Private Vocational Institution received any payment of the Student's fees from a government program, an agency or a person other than the Student, the Private Vocational Institution must pay the refund, on the Student's behalf, to the government, agency or other person. The refund payment must be proportional to the amount paid by the other party.

If a Student is entitled to a refund and the Private Vocational Institution has not received any payment of the Student's fees from a government program, an agency or a person other than the Student, the Private Vocational Institution must pay the refund directly to the Student.

The institution must issue a refund payment within 30 days after the refund becomes payable.