

## Statement of Students' Rights and Responsibilities

*Private Career Colleges Act, 2005*



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

## Dealing With Your Private Career College

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

## Contract

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

The written contract must contain all of the following terms:

- the approved program name;
- your address, telephone number and, if applicable, e-mail address;
- the start and expected end date;
- the language of instruction;
- the admission requirements;
- a schedule of hours of instruction;
- the location of instruction, and if instruction is provided online, the website address;
- the location of any additional training location and/or practicum (e.g., work placement), and if additional training and/or a practicum is provided online, the website address;
- the fees in Canadian dollars and a schedule indicating the time and amount of each payment;
- a place for you to acknowledge that you have received a copy of:
  - this Statement of Students' Rights and Responsibilities issued by the Superintendent of Private Career Colleges,
  - the college's fee refund policy,
  - the college's student complaint procedure,
  - the college's sexual violence policy, and
  - the college's policy relating to the expulsion of students;
- a consent section for the collection and use of your private information; and
- statements, in bold, that:
  - the contract is subject to the *Private Career Colleges Act, 2005* and the regulations made under the Act,
  - the private career college does not guarantee employment for any student who successfully completes a vocational program offered by the college; and
  - you are entitled to a copy of the signed contract immediately after it is signed.

## **Fee Collection**

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

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

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

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

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

## **Fee Refund**

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

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

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

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

## Cooling Off Period

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

## Full Refund

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

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

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

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

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

## Partial Refund Before a Program Begins

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

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

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

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

## **Transcript**

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

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

## **Credential**

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

## **Student Complaint Procedure**

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

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

## **Sexual Violence Policy and Accommodation**

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

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

At a minimum the policy must:

- provide information about supports and services available at the college or through its agent for students affected by sexual violence or harassment;

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

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

## **International Students**

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

### **Fee Collection**

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

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

## Fee Refund

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

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

## Insurance

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

## Midway Evaluation

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

## Qualified Instructors

You are entitled to be taught by an instructor who holds the required combination of academic, practical and teaching experience. In case of emergency, a private career college is allowed to use a substitute instructor who is not fully qualified. However, the college is not allowed to use unqualified instructors to teach a total of more than 10% of a program.

## Closure

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

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

This document is provided for your information and convenience only. It is not a legal document. For further information and the exact wording please refer to the *Private Career Colleges Act, 2005* and regulations.

### **Need More Information?**

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

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

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

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

**OR**

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

The full text of the act and regulations can also be downloaded from the Ontario government E-Laws website at:

[www.ontario.ca/laws](http://www.ontario.ca/laws)

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## **OTDS SEXUAL VIOLENCE & HARASSMENT POLICY**

### **Policy Statement**

Sexual assault and sexual violence are unacceptable and will not be tolerated at Ontario Truck Driving School. We are committed to challenging and preventing sexual violence and creating a safe environment for anyone in our college community who has experienced sexual violence. Ontario Truck Driving School is expected to be a safe place where members of the college community feel able to work, learn and express themselves in an environment free from sexual violence.

### **Definitions**

#### **Sexual Violence:**

Sexual violence is defined as a sexual act committed against someone without that persons freely given consent. It is a broad term that describes any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This violence takes different forms including sexual abuse and sexual assault. Acts of sexual violence include: unwanted sexual comments or advances; coercion of another person's sexuality by physical or psychological intimidation and/or the denial of another person's sexual decision making rights. Sexual violence is divided into the following types: Completed or attempted forced penetration of a victim. Completed or attempted drug/alcohol- facilitated penetration of a victim. Sexual violence can profoundly impact physical and mental well-being of individuals and communities.

#### **Sexual Harassment:**

Sexual Harassment is prohibited by Ontario Human Rights Code and may be based on gender, including transgendered persons, or may involve the use of overt sexual language or sexual innuendo which makes an individual feel uncomfortable. Sexual harassment is different from flirting, playing around or other types of behavior that you enjoy or welcome. Sexual harassment can be requests for sexual favors or unwelcome sexual behavior that is bad enough or happens often enough to make you feel uncomfortable, scared or confused and that interferes with your schoolwork or your ability to participate in extracurricular activities or attend classes. Sexual harassment can be verbal; comments about your body, spreading sexual rumors, sexual remarks or accusations, dirty jokes or stories. Sexual harassment can be physical; grabbing, rubbing, touching, flashing or mooning, pinching in a sexual way and sexual assault. Sexual harassment can be visual; a display of naked pictures or sex-related objects and obscene gestures. Sexual harassment can happen to girls and boys. Sexual harassers can be fellow students, teachers, instructors, principles, janitors, coaches and other school officials.

**Sexual Assault:**

Sexual assault is a form of sexual violence and is a criminal offence under the Criminal Code Of Canada. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of that person and involves a range of behaviours from any unwanted touching to penetration. Sexual assault is characterized by a broad range of behaviours that involve the use of force, threats or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened or that is carried out in circumstances in which the person has not freely agreed, consented to or is incapable of providing consent.

**Reporting Process**

Prompt reporting of all incidents is important so that appropriate action can be taken. All reported incidents of sexual violence and/or sexual harassment will be investigated to the best of our ability and in a manner that ensures due process. Students, faculty and staff of Ontario Truck Driving School will take all reasonable steps to prevent sexual violence involving our students on our campuses by reporting immediately to OTDS if our students have been subject to, or they have witnessed or have knowledge of sexual violence involving our students, or have reason to believe that sexual violence has occurred or may occur which involves one of our students.

We, at Ontario Truck Driving School, recognize that sexual violence can occur between individuals regardless of sexual orientation, gender and gender identity or relationship status as articulated in the Ontario Human Rights Code.

- It is the responsibility of administrators/supervisors, at all levels, to be sensitive to the possible existence of sexual harassment and to act quickly and appropriately to put an end to it
- Employees or students who have engaged in sexual harassment of others will be subject to appropriate disciplinary action.

**Responding Process**

After an investigation is completed, and if deemed necessary by OTDS, one or more of the following corrective actions may be considered:

- Meeting with appropriate staff
- A formal warning
- Removal from class
- Suspension
- Police involvement (In the event of criminal charges)
- Expulsion



### **Accommodations**

Appropriate accommodations will be made to any student affected by sexual violence at no additional cost. The student must contact the OTDS HR department or designate to begin the process. OTDS will determine an appropriate accommodation on a case-by-case basis. Students are not required to submit a complaint or formal report of a sexual violence incident in order to request accommodations.

### **Supports and services**

OTDS maintains information of community supports and services for students affected by sexual violence at each campus. Contact the campus coordinator, HR Support, or president for information regarding available resources. Contact information is posted below.

Students are not required to submit a complaint or formal report of a sexual violence incident in order to access support or services.

**Due to the power imbalance that often exists between the harasser and the person being harassed, and worries about what will happen if they object, people may go along with the unwelcome actions. But in these cases, it is still harassment and it is still against the law.**

**The sexual violence and harassment policy should be consulted whenever there are concerns about sexual violence and/or harassment at Ontario Truck Driving School.**

### **Campus Support Contacts:**

#### **Campus Coordinator**

Al Rahim  
Direct Line: 519-858-1313  
Toll Free: 1-877-858-9338  
Email: [alrahim@otds.com](mailto:alrahim@otds.com)

#### **HR Support**

Kathy Doray  
Direct Line: 519-858-8208  
Office: 519-858-9338  
Toll Free: 1-800-799-5627  
Email: [safety@otds.com](mailto:safety@otds.com)

#### **President**

Gus Rahim  
Direct Line: 519-858-2165  
Office: 519-858-9338  
Toll Free: 1-800-799-5627  
Email: [gus@otds.com](mailto:gus@otds.com)

# **RESOURCES**

**Good2Talk 24 hours/day – 7 days/week, a free professional and anonymous support for students in Ontario.**

**Good2Talk Post-Secondary Student Helpline: 1-866-925-5454**

## **Anova: A Future Without Violence**

*Formerly, Women's Community House  
& Sexual Assault Centre London*  
225 Horton Street E.,  
London ON N6B 1L1

### **24-Hour Crisis and Support Line:**

519-642-3000

Toll free: 1-800-265-1576

### **Non-crisis/Business Inquiries:**

Phone: 519-642-3003

Fax: 519-439-9931

## **Regional Sexual Assault and Domestic Violence Treatment Centres**

St. Joseph's Healthcare,  
Room B0-644, 268 Grosvenor Street,  
London ON N6A 4V2

Tel: 519-646-6100 ext. 64224

(Monday to Friday: 8 am to 4 pm)

After hours: 519-646-6100, press "0"

Ask switchboard to page the nurse-on-call  
for sexual assault and domestic violence

## **Sexual Assault Survivors Centre Sarnia Lambton**

*420 East Street North, #11*

*Sarnia ON N7T 6Y5*

*Toll Free: 1-888-231-0536*

*Business Line: 519-337-3154*

*24 hour Crisis Line: 519-337-3320 (24/7)*

*For local numbers for crisis support, visit  
[www.sexualassaultsarnia.ca/in-cris/local-numbers-for-crisis-support](http://www.sexualassaultsarnia.ca/in-cris/local-numbers-for-crisis-support)*

## **FEM'AIDE**

Pour les services en français,  
veuillez appeler FEM'AIDE  
(Ligne de soutien pour femmes violentées)

Phone: 1.877.336.2433

1.866.860.7082 (ATS)

[www.femaide.ca](http://www.femaide.ca)

## **Sexual Assault Survivors' Centre - Sarnia-Lambton**

420 East St N, Unit 11, Upper Level

Sarnia ON N7T 6Y5

Phone: 519-337-3154

Toll Free: 1-888-231-0536

Crisis Line: 1-888-231-0536

Fax: 519-337-0819

[www.sexualassaultsarnia.ca](http://www.sexualassaultsarnia.ca)

## **Sexual Assault Support Centre of Waterloo Region**

300 -151 Frederick St., Kitchener, ON N2H 2M2

24 Hour Support Line: 519.741.8633

Office: 519.571.0121

Fax: 519.571.0522

## **Sexual Assault Centre Brant**

211 Brant Ave

Brantford, ON N3T 3J1

Business line: 519-751-1164

24 hr crisis and support line: 519-751-3471

[www.sacbrant.ca](http://www.sacbrant.ca)

## **Niagara Sexual Assault Centre**

43 Church Street, Suite 503

St. Catharines, ON

L2R 7E1

Business number: 905 682 7258

Crisis line number: 905 682 4584

## **Women's House**

Serving Bruce and Grey

Business Line 519.396.9814

Support Line 519.396.9655

Toll Free 1.800.265.3026

Sexual Assault Support Line 1.866.578.5566

## **SACHA**

Sexual Assault Centre (Hamilton)

75 MacNab St. South, 3rd floor

Hamilton ON L8P 3C1

Phone: 905-525-4573

Fax: 905-525-7085 TTY 905-525-4592

24 Hour Support Line: 905-525-4162

## **Chatham-Kent Sexual Assault Crisis Centre**

405 Riverview Drive, Unit 101

Chatham ON N7M 0N3

24 Hour Crisis Line: (519) 354-8688

Business Line: (519) 354-8908

Fax Line: (519) 354-7700

## **Sexual Assault Crisis Centre**

1770 Langlois Ave, Windsor, ON N8X 4M5

Phone: 519-253-3100

Toll Free: 1-844-900-7222

24 Hour Crisis Line: 519-253-9667

## **Websites That Provide Listings for Sexual Violence Resources in All Areas of Ontario**

[draw-the-line.ca/gethelp](http://draw-the-line.ca/gethelp)

[trilliumhealthpartners.ca/patientservices/womens/Pages/sexualassault](http://trilliumhealthpartners.ca/patientservices/womens/Pages/sexualassault)

[vawsec.on.ca/community-based-counselling/sexual-assault-counselling](http://vawsec.on.ca/community-based-counselling/sexual-assault-counselling)

[southwesthealthline.ca/](http://southwesthealthline.ca/)

[thegatehouse.org/resources/useful-contacts/](http://thegatehouse.org/resources/useful-contacts/)

[ementalhealth.ca/Ontario/Domestic-Violence](http://ementalhealth.ca/Ontario/Domestic-Violence)



### Fee Refund Policy as Prescribed under s. 25 to 33 of O.Reg. 415/06

#### Full Refunds

25. (1) A private career college shall refund all of the fees paid by a student under a contract for the provision of a vocational program in the following circumstances:

1. The contract is rescinded by a person within two days of receiving a copy of the contract in accordance with section 36 of the Act.
2. The private career college discontinues the vocational program before the student completes the program, subject to subsection (2).
3. The private career college charges or collects the fees,
  - i. before the registration was issued for the college under the Act or before the vocational program was approved by the Superintendent, or
  - ii. before entering into a contract for the provision of the vocational program with the student, unless the fee is collected under subsection 44 (3).
4. The private career college expels the student from the college in a manner or for reasons that are contrary to the college's expulsion policy.
5. The private career college employs an instructor who is not qualified to teach all or part of the program under section 41.
6. The contract is rendered void under subsection 18 (2) or under section 22.
7. If a private career college fails to, or does not accurately, provide in the itemized list provided to the Superintendent under section 43 a fee item corresponding to a fee paid by a student for the provision of a vocational program, the college shall pay the student,
  - i. in the case of an item not provided by the college, the full amount of the fee for the item, and
  - ii. in the case of a fee in excess of the amount of the fee provided for the item, the difference between the amount of the fee for the item provided to the Superintendent and the fee collected.

(2) A full refund is not payable in the circumstances described in paragraph 2 of subsection (1) if the discontinuance of the vocational program coincides with the private career college ceasing to operate.

(3) A refund is not payable under paragraphs 1 to 6 of subsection (1) unless the student gives the private career college a written demand for the refund.

(4) A refund under subsection (1) is payable by the private career college within 30 days of the day the student delivers to the college,

(a) in the case of a rescission under section 36 of the Act, notice of the rescission; or

(b) in the case of a refund under paragraphs 2 to 6 of subsection (1), a written demand for the refund.

### **Partial refund where student does not commence program**

26. (1) If a student is admitted to a vocational program, pays fees to the private career college in respect of the program and subsequently does not commence the program, the college shall refund part of the fees paid by the student in the following circumstances:

1. The student gives the college notice that he or she is withdrawing from the program before the day the vocational program commences.
  2. In the case of a student who is admitted to a vocational program on the condition that the student meet specified admission requirements before the day the program commences, the student fails to meet the requirements before that day.
  3. The student does not attend the program during the first 14 days that follow the day the program commenced and the college gives written notice to the student that it is cancelling the contract no later than 45 days after the day the program has commenced.
- (2) The amount of a refund under subsection (1) shall be an amount that is equal to the full amount paid by the student for the vocational program, less an amount equal to the lesser of 20 per cent of the full amount of the fee and \$500.
- (3) A refund under subsection (1) is payable,
- (a) in the case of a refund under paragraph 1 of subsection (1), within 30 days of the day the student gives notice of withdrawing from the program;
  - (b) in the case of a refund under paragraph 2 of subsection (1), within 30 days of the day the vocational program commences; and
  - (c) in the case of a refund under paragraph 3 of subsection (1), within 45 days of the day the vocational program commences.
- (4) For the purposes of paragraph 3 of subsection (1), it is a condition of a contract for the provision of a vocational program that the private career college may cancel the contract within 45 days of the day the vocational program commences if the person who entered the contract with the college fails to attend the program during the 14 days that follow the day the vocational program commences.
- (5) A private career college that wishes to cancel a contract in accordance with subsection (4) shall give written notice of the cancellation to the other party to the contract within 45 days of the day the vocational program commences.

### **Partial refunds: withdrawals and expulsions after program commenced**

27. (1) A private career college shall give a student who commences a vocational program a refund of part of the fees paid in respect of the program if, at a time during the program determined under subsection (3),

- (a) the student withdraws from the program after the program has commenced; or
  - (b) the student is expelled from the program in circumstances where the expulsion is permitted under the private career college's expulsion policy.
- (2) This section does not apply to vocational programs described in sections 28 and 29.
- (3) A private career college shall pay a partial refund under this section only if the withdrawal or expulsion from the vocational program occurs at a time during the program determined in accordance with the following rules:
1. In the case of a vocational program that is less than 12 months in duration, the withdrawal or expulsion occurs during the first half of the program.

2. In the case of a vocational program that is 12 months or more in duration,

- i. for the first 12 months in the duration of the program and for every subsequent full 12 months in the program, the withdrawal or expulsion occurs during the first six months of that 12-month period, and
- ii. for any period in the duration of the vocational program remaining after the last 12 month period referred to in subparagraph i has elapsed, the withdrawal or expulsion occurs in the first half of the period.

(4) If the student withdraws or is expelled from a vocational program within the first half of a period referred to in subsection (3), the amount of the refund that the private career college shall pay the student shall be equal to the full amount of the fees paid in respect of the program less,

(a) an amount that is equal to the lesser of 20 per cent of the full amount of the fees in respect of the program and \$500; and

(b) the portion of the fees in respect of the portion of the period that had elapsed at the time of the withdrawal or expulsion.

(5) If the student withdraws or is expelled from a vocational program during the second half of a period referred to in subsection 3, the private career college is not required to pay the student any refund in respect of that period.

(6) A private career college shall refund the full amount of fees paid in respect of a period that had not yet commenced at the time of the withdrawal or expulsion.

#### **Partial refunds: distance education programs**

28. (1) This section applies to a vocational program that is offered by mail, on the internet or by other similar means.

(2) A private career college shall give a student who commences a vocational program referred to in subsection (1) a refund of part of the fees paid in respect of the program if,

(a) the student withdraws from the program or the student is expelled from the program in circumstances where the expulsion is permitted under the private career college's expulsion policy; and

(b) at the time of the withdrawal or expulsion, the student has not submitted to the private career college all examinations that are required in order to complete the program.

(3) The amount of the refund that a private career college shall give a student under subsection (1) shall be determined in accordance with the following rules:

1. Determine the total number of segments in the vocational program for which an evaluation is required.

2. Of the total number of program segments determined under paragraph 1, determine the number of segments in respect of which an evaluation has been returned to the student.

3. The amount of the refund that the private career college shall pay the student shall be equal to the full amount of the fees paid in respect of the program less,

i. an amount that is equal to the lesser of 20 per cent of the full amount of the fees in respect of the program and \$500, and

ii. the portion of the fees in respect of the number of segments determined under paragraph 2.

(4) A private career college is not required to give a student any refund if the student, at the time of

withdrawal or expulsion, has been evaluated in respect of more than half of the total number of segments in the program.

### **Partial refunds: non-continuous programs**

29. (1) This section applies to a vocational program approved by the Superintendent to be provided through a fixed number of hours of instruction over an indeterminate period of time.

(2) A private career college shall give a student who commences a vocational program referred to in subsection (1) a refund of part of the fees paid in respect of the program if, before completing the required number of hours of instruction,

(a) the student has given the college notice that he or she is withdrawing from the program; or

(b) the student is expelled from the program in circumstances where the expulsion is permitted under the private career college's expulsion policy.

(3) The amount of the refund that a private career college shall give a student under subsection (1) shall be equal to the full amount of the fees paid in respect of the program less,

(a) an amount that is equal to the lesser of 20 per cent of the full amount of the fees in respect of the program and \$500; and

(c) a portion of the fees in respect of the program that is proportional to the number of hours of instruction that have elapsed at the time of the withdrawal or expulsion.

(4) A private career college is not required to give a student any refund if the student, at the time of withdrawal or expulsion, has completed more than half of the required number of hours of instruction in a program.

### **No retention of refund**

30. A private career college shall not retain, by way of deduction or set-off, any refund of fees payable to a student under sections 25 to 29 in order to recover an amount owed by the student in respect of any service or program other than a vocational program offered by the private career college.

### **Treatment of books and equipment**

31. In calculating a refund under sections 25 to 29, a private career college may retain the retail cost of books or equipment that the private career college supplied to the student if the student,

(a) fails to return the books or equipment to the private career college within 10 days of the student's withdrawal or expulsion from the program, or

(b) returns the books or equipment to the private career college within the 10-day period referred to clause (a), but fails to return it unopened or in the same state it was in when supplied.

### **Refund for international students**

32. A notice to a private career college that is provided by or on behalf of an international student or of a prospective international student and that states that the student has not been issued a temporary resident visa as a member of the student class under the Immigration and Refugee Protection Act (Canada) is deemed to be,

(a) notice of a rescission of the contract for the purposes of section 36 of the Act if the notice is given within two days of receiving a copy of the contract; and

(b) notice that the student is withdrawing from the program for the purposes of paragraph 1 of subsection 26 (1) or clause 29 (2) (a) if the notice is received on or before half of the duration of the program has elapsed.

### **Currency**

33. Any refund of fees that a private career college is required to pay under the Act shall be paid in Canadian dollars.

**SCHEDULE****PRIVATE CAREER COLLEGES ACT, 2005****1. The *Private Career Colleges Act, 2005* is amended by adding the following section:****Sexual violence****Definitions**

**32.1** (1) In this section, "sexual violence" means any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

**Sexual violence policy**

- (2) It is a condition of every registration that a private career college have a sexual violence policy that,
- (a) specifically and solely addresses sexual violence involving students enrolled at the private career college;
  - (b) sets out the process for how the private career college will respond to and address incidents and complaints of sexual violence involving students enrolled at the private career college, and includes the elements specified in the regulations relating to the process;
  - (c) addresses any other topics and includes any other elements required by the regulations; and
  - (d) otherwise complies with the requirements set out in the regulations.

**Complaint procedure**

(3) A private career college shall respond to and address incidents and complaints of sexual violence under the process set out in its sexual violence policy, and not under the student complaint procedure established under section 31.

**Inclusion in contracts**

(4) Every private career college shall include its sexual violence policy in every contract made between the private career college and a student.

**Student input**

(5) Every private career college shall ensure that student input is considered, in accordance with any regulations, in the development of its sexual violence policy and every time the policy is reviewed or amended.

**Review**

(6) Every private career college shall review its sexual violence policy at least once every three years and amend it as appropriate.

**Implementation of policy and other measures**

- (7) Every private career college shall,
- (a) implement its sexual violence policy in accordance with the regulations; and
  - (b) implement any other measure or do any other thing it is required to do under the regulations relating to sexual violence involving students enrolled at the private career college.

**Information for Superintendent**

(8) Every private career college shall collect from its students and other persons, and provide to the Superintendent, such data and other information relating to the following as may be requested by the Superintendent, in the manner and form directed by the Superintendent:

1. The number of times supports, services and accommodation relating to sexual violence are requested and obtained by students enrolled at the private career college, and information about the supports, services and accommodation.
2. Any initiatives and programs established by the private career college to promote awareness of the supports and services available to students.
3. The number of incidents and complaints of sexual violence reported by students, and information about such incidents and complaints.
4. The implementation and effectiveness of the policy.

**Personal information**

(9) A private career college shall take reasonable steps to ensure that information provided to the Superintendent pursuant to subsection (8) does not disclose personal information within the meaning of section 38 of the *Freedom of Information and Protection of Privacy Act*.

**Survey**

(10) The Superintendent may conduct, or may direct a private career college to conduct or participate in, a survey of students and other persons as identified by the Superintendent, relating to the effectiveness of the private career college's sexual violence policy, to the incidence of sexual violence at the private career college and to any other matter mentioned in paragraphs 1 to 4 of subsection (8).

**Same**

(11) A private career college that is directed by the Superintendent to conduct a survey described in subsection (10) shall disclose the results of the survey to the Superintendent.

**2. Section 49 of the Act is amended by adding the following subsection:**

**Sexual violence**

(5.1) The Superintendent may publish data and other information provided under subsection 32.1 (8) or data or information derived from such data or information.

**3. Subsection 55 (1) of the Act is amended by adding the following paragraphs:**

14.1 relating to sexual violence involving students enrolled at private career colleges, and governing private career colleges' sexual violence policies, and without limiting the generality of this power,

i. governing processes that shall be followed and persons who shall be consulted in the development and approval of sexual violence policies, and in their review and amendment, and governing how student input shall be provided and considered in such development, review and amendment,

ii. governing topics that shall be addressed or elements that shall be included in sexual violence policies,

iii. governing the provision of training to faculty, staff, students and other persons about sexual violence policies,

iv. respecting the publication of sexual violence policies and the promotion of awareness of the policies,

v. requiring that appropriate supports, services and accommodation relating to sexual violence be provided to students affected by sexual violence, and governing such supports, services and accommodation and their provision,

vi. governing any other matter that the Lieutenant Governor in Council determines is necessary or advisable relating to sexual violence involving students, including,

A. governing all matters relating to sexual violence policies and their implementation, and

B. governing other measures that private career colleges shall implement, or other things that private career colleges shall do, to address sexual violence involving students;

14.2 governing private career colleges' student expulsion policies;

**Commencement**

**4. This Schedule comes into force on January 1, 2017.**



## **OTDS STUDENT EXPULSION POLICY**

(Adopted from the Ontario Association of Career Colleges Policy Guide)

Students shall, at all time, conduct themselves in an exemplary manner both in and out of school.

Ontario Truck Driving School is committed to taking all reasonable steps to ensure the students have the opportunity to successfully complete their programs. Ontario Truck Driving School has a commitment to ensure that within this general framework that all students are treated fairly and equitably. Students who do not support the academic and ethical goals of the College for themselves and their fellow students may be subject to penalties, up to and including expulsion.

In general, Ontario Truck Driving School will attempt to resolve a situation without expulsion, however, if Ontario Truck Driving School deems the integrity, safety or well being of students, staff, clients, visitors and other guests is in danger then expulsion may be applied at the College's discretion at any point in the program.

The following outlines the conditions under which a student may be expelled with cause:

1. Academic Dishonesty – students may be subject to expulsion at the discretion of Ontario Truck Driving School for academic dishonesty. Academic dishonesty is any word, action or deed performed alone, or with others for the direct or indirect intention of providing an unfair advantage or benefit to self or other student(s) including:
  - a. cheating
  - b. plagiarism
  - c. unapproved collaboration
  - d. alteration of records
  - e. bribery
  - f. lying
  - g. misrepresentations
2. Outstanding Fees – failure to pay tuition or other fees due to Ontario Truck Driving School is considered to be theft, and students who fail to remit outstanding fees may be expelled after written warning has been provided by Ontario Truck Driving School and the student fails to comply within the stated parameters.

## OTDS STUDENT EXPULSION POLICY - Page 2

3. Code of Conduct - all students are required to adhere to Ontario Truck Driving School's published code of conduct. Where the violations do not have the potential to result in physical harm to persons or property Ontario Truck Driving School may expel a student who has received suspension for failure to comply and has since violated any of the terms of Ontario Truck Driving School's code of conduct. Students who are found under the influence of drugs and/or alcohol or carrying weapons will be subject to immediate expulsion.
4. Significant Omissions or Errors in Admissions Documentation – Ontario Truck Driving School has a responsibility to ensure students have been admitted in accordance with the registration requirements for the program. Students who knowingly or in error misrepresent their applications are subject to immediate expulsion.
5. Academic Failure – students who fail to achieve the required academic standing in their programs may be expelled from the program. Ontario Truck Driving School may at its discretion offer alternatives to a student and these are outlined in the academic policies for the program of study.
6. Attendance – students who do not achieve the required attendance as stated in the College policy are subject to expulsion. Students who are absent from class for more than five consecutive days without sufficient cause will be automatically expelled.
7. Harassment or Discrimination – Ontario Truck Driving School does not condone harassment or discrimination of any student, staff, client or visitor to Ontario Truck Driving School. Students participating in harassing or discriminatory activities are subject to immediate suspension pending investigation. Expulsion is mandatory for any student who is deemed by the investigation to have engaged in harassing or discriminatory activities.

In determining what constitutes harassment or discrimination, Ontario Truck Driving School refers to The Ontario Human Rights Code. Students requiring more specific information may refer to the specific code as posted on the Provincial web site.

8. Misuse of College Property – College property is for the provision of College services. Students who damage, misuse, steal or otherwise use the property in a way that is prohibited may be expelled and required to make restitution.
9. Endangerment of Staff or Students – Ontario Truck Driving School is committed to the right of all College staff, students, clients and visitors to be safe. Students who by action or neglect in any way endanger the safety of themselves or others may be expelled.

# OTDS STUDENT EXPULSION POLICY - Page 3

Prior to expulsion, depending on the severity and nature of the situation, Ontario Truck Driving School may take intermediate steps at its discretion including:

- a. verbal warning
- b. written warning
- c. suspension
- d. expulsion

## **Notification**

Students who are subject to expulsion for any reason will be notified in writing, either hand delivered or by registered mail with return receipt. Ontario Truck Driving School is not responsible for non-delivery by registered mail if the student has not provided a valid home address where the student currently resides.

The notification will contain a description of the basis for expulsion and the effective date. Expelled students who dispute the facts of the expulsion must appeal the decision within three days of the notification following the complaints procedure of Ontario Truck Driving School provided to the student and providing sufficient proof to support the complaint.

Students who file an appeal and are unsuccessful are considered withdrawn from Ontario Truck Driving School. Further appeals must be filed through the Complaints process of the Ministry of Training, Colleges and Universities, provided the students are attending a registered program recognized as being protected under the Private Career Colleges Act 2005.

## **Fees**

A student who is expelled by Ontario Truck Driving School will be considered withdrawn from their program on the effective date of the expulsion. Ontario Truck Driving School will officially withdraw the student and settlement of the student's account will be completed under Ontario Truck Driving School's Fee Refund Policy.

## **Return of Property**

A student who is expelled is responsible for the return of any College property in his/her own possession within 10 days and will be held financially responsible for any property not returned in good condition or as outlined in the student contract. However, Ontario Truck Driving School may not deduct from a student's fee refund, as set out in the enrolment contract, any amount owing by the student with respect to such property.





### Student Complaint Procedure

#### General Guidelines:

1. Statements of complaint must be made in writing.
2. All complaints are confidential.
3. The procedure outlined below must be followed.
4. A staff presented with a verbal complaint will ask the student to follow the procedure and remind the student of the written complaint requirement
5. The Administrator will also ask for a copy of any written response(s) from those already contacted by the student in accordance with the procedure.
6. Arrangements for meetings and written responses from the person being complained about will be made in a timely and professional fashion. No complaint will go unanswered.
7. Records of Complaints will be maintained at the location where they originated for a period of at least three years.

#### Complaint Procedure:

##### Step 1.

The student will request a meeting with the Instructor responsible for the course to discuss the complaint verbally.

If not resolved at this level, the student will proceed to Step 2.

##### Step 2.

The student will submit a completed written complaint to the Administrator, using the following contact information:

**Administrator: Al Rahim**  
**Title: General Manager**  
**Mailing Address: 427 Exeter Rd., London ON N6E 2Z3**  
**Email: [alrahim@otds.com](mailto:alrahim@otds.com)**

The Administrator will arrange a meeting with the student within 7 days of receipt of the written complaint.

The student will have an opportunity to make an oral presentation of the complaint at this meeting and to have another person present or another person make the oral presentation on his/her behalf. This meeting's discussion will be minuted.

The Administrator will provide a written response to the student, outlining the discussion and any proposed and/or agreed upon solution(s) within 7 days of the meeting. This response will include a decision statement, together with the reasons on which the decision is based and minutes of meetings held.

If not resolved at this level, the student will proceed to Step 3.

## **Student Complaint Procedure - Continued**

### **Step 3.**

The student will submit a completed written complaint to the Executive Director, using the contact information:

**Executive Director: Gus Rahim**

**Title: President**

**Mailing Address: 427 Exeter Rd., London ON N6E 2Z3**

**Email: gusrahim@otds.com**

The Executive Director will arrange a meeting with the student within 7 days of receipt of the written complaint (which should include the Administrator's response with recommended solutions and the student's objections or comments regarding these solutions.)

The student will have an opportunity to make an oral presentation of the complaint at this meeting and to have another person present or another person make the oral presentation on his/her behalf. This meeting will also be minuted.

The Executive Director will provide a written response to the student, outlining the discussion and any proposed and/or agreed upon solution(s) within 7 days of the meeting. This response will include a decision statement, together with the reasons on which the decision is based and minutes of meetings held.

If not resolved at this level, the student will proceed to contact the Superintendent of Private Career Colleges, Ministry of Training, Colleges and Universities using the following contact information:

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



# STUDENT COMPLAINT FORM

This form is to be used by students to request the initiation of the college's formal complaint procedure or to request a review (appeal) of a formal resolution plan that the student deems unsatisfactory.

This form is also to be used by college staff to record the results of the formal complaint procedure and the review process (if applicable).

## Section 1 - Request to Initiate the Formal Complaint Process

### Instructions

- Before submitting this form to the College Administrator, be sure that every question has been answered.
- You will be contacted if the college requires any additional information, so please make certain that your contact information is correct.
- Once **Part A** has been completed, please make sure that you sign the declaration in **Part A** and then submit the form to the College Administrator to co-sign the forms. The Administrator will make a copy of the form for your student file and return the original to you.

### Part A (to be completed by the student):

#### i) Personal Information:

Last Name		First Name			
Street Number & Name	Unit/Apt	City	Prov.	Postal Code	
( )	( )	( )	( )		
Home Phone	Cell Phone	Work Phone	Fax #	<input type="checkbox"/> H <input type="checkbox"/> W	E-Mail

#### ii) Nature of Complaint:

What is your complaint with the college? *(If you need more space, attach a separate sheet)*

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**What do you want the college to do to resolve your complaint?** *(If you need more space, attach a separate sheet)*

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**Have you tried to resolve your concern informally and directly with the person(s) involved?**

Yes  No

**Please explain:** *(If you need more space, either here or below, attach a separate sheet)*

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By signing this form, I, \_\_\_\_\_, declare the information  
provided by me in **Part A** to be true and correct.  
Student Name (Please Print)

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Student Signature

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Date

**Part B** (to be completed by college staff):

**i) Formal Procedure Resolution and follow up:**

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**ii) Closure of Student's Complaint and Mutually Satisfactory Outcome:**

This part to be signed by both the student and the college staff representative, when a mutually satisfactory resolution has been achieved.

We, \_\_\_\_\_ and \_\_\_\_\_  
Student Name (Please Print) College Staff Name (Please Print)

declare that the resolution described in **i)** above has worked to our mutual satisfaction and agree to close this complaint.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
College Staff Signature

\_\_\_\_\_  
Date

**Describe here the complaint resolution plan that was implemented by the college and the monitoring of the plan that has been carried out.**

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