

Private Training Act

PRIVATE TRAINING REGULATION

[includes amendments up to B.C. Reg. 67/2018, September 1, 2018]

Division 5 – Fee and Tuition Compliance Standards

Fee and tuition compliance standards

27 (1)The fee and tuition compliance standards set out in this Division are prescribed for a certified institution in relation to approved programs of instruction.

(2)Sections 28 to 36 do not apply to a certified institution in relation to a student who is enrolled in an employer provided program.

Fee compliance standards

28 (1)A certified institution must not charge

(a)a student, other than an international student, an application fee that is greater than \$250 for an approved program of instruction, and

(b)an international student an application fee that is greater than \$1 000 for an approved program of instruction.

(2)A certified institution must not charge a student an assessment fee that is greater than \$250 for an approved program of instruction.

(3)A certified institution, in relation to each approved program of instruction,

(a)must not charge a student for an initial letter of acceptance, and

(b)may charge a student only a one-time fee that is no greater than \$250 for one or more additional letters of acceptance.

Tuition payment compliance standards

29 (1)If the term of a student enrolment contract in relation to an approved program of instruction is longer than 6 months,

(a)a certified institution must not require the student to pay tuition in fewer than 2 equal instalments, and

(b)in relation to those instalments,

(i)the instalment dates must be set as evenly as possible in relation to the term of the student enrolment contract, and

(ii)the tuition amount must be apportioned equally to each instalment date.

(2)Subsection (1) does not apply if the effective contract date is a date before the date this section comes into force.

Tuition refund policy compliance standards

30 (1)A certified institution must establish a written tuition refund policy that complies with this Division.

(2)A certified institution must not accept any tuition payable for a program of instruction unless the institution has done one of the following:

(a)posted the institution's tuition refund policy on the institution's website, if the institution has a website;

(b)provided the student with a copy of the tuition refund policy.

(3)A certified institution that receives tuition from a student, or a person on behalf of a student, must refund the student, or the person who paid on behalf of the student, the tuition that was paid in relation to an approved program of instruction in which the student is enrolled in the following circumstances:

(a)if the certified institution receives a notice of withdrawal from the student no later than 7 days after the effective contract date and before the start date referred to in section 24 (4) (d);

(b)if the student, or other signatory, signs the student enrolment contract 7 days or less before the start date referred to in section 24 (4) (d) and the certified institution receives a notice of withdrawal from the student between the date the student, or other signatory, signed the student enrolment contract and the start date referred to in section 24 (4) (d);

(c)if

- (i) the student does not attend a work experience component, and
- (ii) the certified institution does not provide all of the hours of instruction of the work experience component of a program of instruction within 30 days of the end date referred to in section 24 (4) (d).

(4) Subsection (2) does not apply if the effective contract date is a date before the date this section comes into force.

Tuition and fee refund compliance standards

31 (1) A certified institution must refund the tuition for a program of instruction and all related fees paid by a student or a person on behalf of a student enrolled in an approved program of instruction, if both of the following apply:

- (a) the student is enrolled in the program of instruction without having met the admission requirements for the program;
- (b) the student did not misrepresent the student's knowledge or skills when applying for admission.

(2) If a student does not attend any of the first 30% of the hours of instruction, referred to in section 24 (4) (c), of an approved program of instruction, a certified institution may retain up to 50% of the tuition paid under the student enrolment contract.

(3) Subsection (2) does not apply in relation to a program of instruction that is provided solely through distance education.

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

32 (1) If a certified institution receives a notice of withdrawal from a student more than 7 days after the effective contract date and at least 30 days before the start date referred to in section 24 (4) (d), the institution may retain up to 10% of the tuition due under the student enrolment contract, up to a maximum of \$1 000.

(2) If a certified institution receives a notice of withdrawal from a student more than 7 days after the effective contract date and less than 30 days before the start date referred to in section 24 (4) (d),

the institution may retain up to 20% of the tuition due under the student enrolment contract, up to a maximum of \$1 300.

(3) If a certified institution receives a notice of withdrawal from a student

(a) after the start date referred to in section 24 (4) (d) but before 11% of the hours of instruction, referred to in section 24 (4) (c), of the program of instruction have been provided, the institution may retain up to 30% of the tuition due under the student enrolment contract, or

(b) after the start date referred to in section 24 (4) (d) and after 10% but before 30% of the hours of instruction, referred to in section 24 (4) (c), of the program of instruction have been provided, the institution may retain up to 50% of the tuition due under the student enrolment contract.

(4) If a certified institution provides a notice of dismissal to a student and the date the certified institution delivers the notice to the student is

(a) before 10% of the hours of instruction, referred to in section 24 (4) (c), of the program of instruction have been provided, the institution may retain up to 30% of the tuition due under the student enrolment contract, or

(b) after 10% but before 30% of the hours of instruction, referred to in section 24 (4) (c), of the program of instruction have been provided, the institution may retain up to 50% of the tuition due under the student enrolment contract.

(5) Subsections (3) and (4) do not apply in relation to a program of instruction that is provided solely through distance education.

Tuition refund compliance standards — distance education

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

(2) If a certified institution provides a program of instruction solely through distance education and the certified institution receives a student's notice of withdrawal or the institution delivers a notice of dismissal to the student and

(a) the student has completed up to 30% of the program of instruction, the institution may retain up to 30% of the tuition due under the student enrolment contract, or

(b) the student has completed more than 30% but less than 50% of the program of instruction, the institution may retain up to 50% of the tuition due under the student enrolment contract.

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

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

Fee and tuition refund payment compliance standards

35 A certified institution must refund tuition or fees under this Division, as applicable, to a student, or a person who paid the tuition or fees on behalf of a student,

(a) within 30 days of the date the institution receives a student's notice of withdrawal,

(b) within 30 days of the date the institution provides a notice of dismissal to the student,

(c) within 30 days of the date that the registrar provides notice to the institution that the institution is not complying with section 30 (3) (c) [*tuition refund policy compliance standards*] or 31 (1) [*tuition and fee refund compliance standards*], and

(d) within 30 days after the first 30% of the hours of instruction, if section 31 (2) applies.

Tuition refund compliance standards – special rules for international students

36 (1) Subject to subsection (2), if a student delivers a copy of a refusal of a study permit to a certified institution, the following sections apply as if the copy of the refusal were a notice of withdrawal:

(a) section 30 (3) (a) and (b);

(b) section 32 (1) to (3);

(c) section 34;

(d) section 35.

(2) Subsection (1) does not apply

(a) if an international student requests an additional letter of acceptance for the same program of instruction that was the subject of the refusal of a study permit, or

(b) in relation to a program of instruction that is provided solely through distance education.