Chellsey Institute of Beauty & Health

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Fee Refund Policy

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

24. (1) The definitions set out in subsection (2) and the provisions set out in sections 25 to 33 are prescribed as provisions that a career college is required, by section 29 of the Act, to include in its fee refund policy. O. Reg. 353/23, s. 13.

(2) In sections 25 to 27,

"earned fees" means the amount of all fees paid for a vocational program that is proportional to the number of instruction hours that have taken place when a withdrawal or expulsion occurs; ("droits acquis")

"program mid-point" means the point in the progress of a vocational program where half of the scheduled hours of instruction for the program have taken place; ("mi-parcours du programme")

"service fee" means the lesser of 20 per cent of all vocational program fees and $500. ("frais de service") O. Reg. 353/23, s. 13.

Full refunds

25. If a student has entered into a contract with a career college for a vocational program, the college shall give a refund of all fees paid for the program in the following circumstances:

1. The student rescinds (cancels) the contract in writing within two days of receiving a copy of it, in accordance with section 36 of the Act.
2. Before the student completes the program, the college discontinues the program or the college's approval to provide the program is revoked by the Superintendent, but the college remains registered under the Act.
3. The college collects any fees before receiving a certificate of registration from the Superintendent.
4. The college collects any fees before the program was approved by the Superintendent.
5. The college collects any fees other than a service fee before the student has entered into a contract with the college.
6. The college expels the student in a manner or for reasons that are contrary to the college's expulsion policy.
7. The college does not provide an evaluation, in writing, of the student's progress as required under section 12.
8. The student voids the contract under subsection 18 (2) due to a statement, image or video made by the college that is prohibited under subsection 18 (1).
9. The student voids the contract under section 22 because it is missing a term required under section 20.
10. The student receives instruction from an instructor who is not qualified under section 41 for more than 10 per cent of the program's duration. O. Reg. 353/23, s. 13.

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Full refunds minus service fee

26. A career college shall give a refund of all fees paid for a vocational program, except the service fee, in the following circumstances:

1. The student gives written notice to the college, before the program start date specified in the student's contract with the college, that the student is withdrawing from the program.
2. The student is admitted to the program on the condition that the student meet specified admission requirements before the program start date specified in the student's contract with the college, and the student does not meet the requirements before that day.
3. The student does not attend the program within the first 14 days of the program after the program start date specified in the student's contract with the college and is given written notice that the contract is cancelled from the college within the first 45 days of the program.
4. The college is notified by or on behalf of an international student before the program mid-point that the international student has not been issued a temporary resident visa as a member of the student class under the *Immigration and Refugee Protection Act* (Canada). O. Reg. 353/23, s. 13.

Partial refunds

27. (1) A career college shall give a student a refund of the fees paid for a vocational program in accordance with this section if,

(a) the student withdraws from the program after the program start date specified in the student's contract with the college; or

(b) the student is expelled from the program for a reason permitted under the college's expulsion policy. O. Reg. 353/23, s. 13.

(2) If a student's program is scheduled to be up to 12 months in duration, the career college shall give a refund for the program as follows:

1. If the withdrawal or expulsion occurs before the program mid-point, the college shall give a refund equal to the amount of all fees paid, less the service fee and any earned fees.
2. If the withdrawal or expulsion occurs after the program mid-point, no refund is required for the program. O. Reg. 353/23, s. 13.

(3) If a student's program is scheduled to be more than 12 months in duration, the career college shall give a refund for the initial 12-month period of the program and any subsequent period as follows:

1. If the withdrawal or expulsion occurs before half of the scheduled hours of instruction have taken place for the period, the college shall give a refund equal to the amount of all fees paid for the period, less the service fee and any earned fees.
2. If the withdrawal or expulsion occurs after half of the scheduled hours of instruction have taken place for the period, no refund is required for that period.
3. If a period has not yet started at the time of the withdrawal or expulsion, the college shall give a refund of all fees paid for that period. O. Reg. 353/23, s. 13.

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Partial refund calculation

As described in section 24(2) of O.Reg 415/06, career colleges can calculate refunds by determining what is defined as an "earned fee" in the regulation. An earned fee is the amount of all the fees paid by the student that is proportional to the number of training hours delivered when the student withdraws or is expelled.

When a program is presented to the superintendent for approval, the length of the program is represented as hours of instruction. Therefore, career colleges can calculate earned fees based on the hours of instruction that have been delivered when a student withdraws or is expelled.

Example:

A student paid in-full for a program that costs $6,000 and includes 100 hours of instruction. The student withdraws after the career college delivers 20 hours of instruction.

The refund then equals $4,300 because:

$6,000 (amount paid) minus $500 (service fee) minus $1200 (earned fee for 20 hrs) equals $4,300.

Career colleges should track student participation to:

identify the training hours delivered

determine the earned fee for the refund calculation

It may be more difficult to track a student's activity if there is no technology in place to do so (for example, online asynchronous or independent study). In this case, a career college can refer to the subjects and modules approved for the program to determine the closest approximate number of hours delivered to the student and calculate the earned fee.

Career colleges may consider including details of their calculation methods in the refund policies to limit confusion or dispute with students. The ministry recommends confirming with legal counsel that a career college's calculation method does not conflict with the Ontario Regulation 415/06 of the Ontario Career Colleges Act, 2005.

Refund of compulsory fees

28. (1) A career college may only charge or collect compulsory fees in relation to a vocational program after the fees have been published by the Superintendent under subsection 43 (2). O. Reg. 353/23, s. 13.

(2) If a career college collects a compulsory fee that has not been published by the Superintendent under subsection 43 (2), the college shall give a refund of the fee to the student on written request from the student. O. Reg. 353/23, s. 13.

No retention of refund

29. A career college shall not retain any refund of fees payable to a student under sections 25 to 28 in order to recover or set-off an amount a student owes the college for any service or program other than a vocational program offered by the college. O. Reg. 353/23, s. 13.

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Timing of refunds

30. A refund payable by the career college must be issued to students within 30 days after the day a student,

(a) delivers a written notice to withdraw from the program to the college;

(b) is given a written notice of expulsion by the college; or

(c) delivers a written request for a refund to the college under subsection 28 (2). O. Reg. 353/23, s. 13.

Treatment of books and equipment

31. In calculating a refund under sections 25 to 28, a career college may retain the retail cost of books or equipment that the career college supplied to the student if the student,

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

(b) returns the books or equipment to the career college within the 10-day period referred to in clause (a), but fails to return it unopened or in the same state it was in when supplied. O. Reg. 415/06, s. 31; O. Reg. 353/23, s. 14, 22.

Notice of withdrawal for international students

32. A notice to a 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 written notice to the college that a student is rescinding (cancelling) the contract under section 36 of the Act or withdrawing from the program. O. Reg. 353/23, s. 15.

Currency

33. Any refund of fees that a career college is required to pay under the Act shall be paid in Canadian dollars. O. Reg. 415/06, s. 33; O. Reg. 353/23, s. 22.

Student transcripts

34. (1) The following rules and practices are prescribed for the purposes of subsection 30 (2) of the Act as the rules and practices that every career college must follow to ensure that its students and former students have access to their transcripts:

1. Every current and former student's transcript shall be kept in physical or electronic form.
2. A physical or electronic copy of every current student's transcript shall be kept in accordance with subsection 30 (1) of the Act at the campus of the career college the student is attending or at a facility approved by the Superintendent that is located at a place that is physically separate from the college and that is owned and operated by a person that is not affiliated with the college.

2.1 A physical or electronic copy of every former student's transcript shall be kept at a facility referred to in paragraph 2 and shall be sent to the facility within 60 days of the completion of the vocational program by the student or of the student's withdrawal or expulsion, as the case may be.

3. A career college shall retain a person approved by the Superintendent to issue transcripts to students in the event that the college ceases to operate.

4. A career college may retain a person approved by the Superintendent to issue transcripts to students while it is operating.

5. A career college shall inform the Superintendent of any of the following changes at least five days prior to the change:

i. A change in the owner, operator or location of a facility referred to in paragraph 2.

ii. A change in the person retained under paragraph 3 or 4 and, if the person is a corporation or business, in the location of its head office.

6. A request for an official transcript by or on behalf of a student or former student may be made to the career college or to a person retained under paragraph 3 or 4.

7. Despite paragraph 6, a career college must, upon request, by a student or former student retrieve any transcript located at a facility on behalf of the student. O. Reg. 415/06, s. 34 (1); O. Reg. 353/23, s. 16, 22.

(2) REVOKED: O. Reg. 466/16, s. 11.

Transcript content

35. (1) Every career college shall ensure that every student transcript includes the following information:

1. The name of the career college as it appears on the registration for the college and the address of the college.
2. The name and student number, if any, of the student or former student.
3. The name and identification code, if any, of the vocational program, each course and practicum in which the student or former student is or was enrolled, including courses in progress.
4. A description of any credit or advanced standing given to the student or former student by the career college or accepted by the college prior to the commencement by the student or former student of the college's vocational program.
5. The academic history of the student or former student at the career college, including his or her period of attendance, the grade received for each course and practicum in the vocational program and a description of the grading system.
6. Any academic awards and honours given to the student or former student by the career college.
7. A description of any credential awarded to a former student and the date of the award.
8. The date the transcript is issued. O. Reg. 415/06, s. 35 (1); O. Reg. 353/23, s. 22.

(2) A transcript is an official transcript if,

(a) in the case of a transcript issued by a career college, it is certified by an official of the college as a true and accurate transcript and it bears the college's official seal, if it has one; or

(b) in the case of a transcript issued by a person retained in accordance with paragraph 3 or 4 of section 34, it is certified by that person as a true and accurate copy of the transcript. O. Reg. 415/06, s. 35 (2); O. Reg. 353/23, s. 22.