

RESTRAINING ORDER

**Served by e-mail to TorontoESL@archereducation.com, fax to 416-512-8520,
and courier**

June 15, 2010

Archer Education Group Inc.
o/a Archer College Language School Toronto Campus
known as Archer College
1440 Don Mills Road - Suite 101
Toronto, Ontario
Canada M3B 3M1

And

c/o Borden Ladner Gervais LLP
400 3rd Avenue S W
Calgary, Alberta
Canada T2P 4H2

Attention: Paul Santos, Director of Operations, Language Division and Michael
Lobsinger, Director

This is a **Restraining Order** issued under the authority of section 46 of the Private Career Colleges Act, 2005 (PCCA, 2005). As the Superintendent of Private Career Colleges, I HEREBY ORDER Archer Education Group Inc. operating as Archer College Language School Toronto Campus known as Archer College (Archer College) TO STOP OPERATING IN CONTRAVENTION OF THE PRIVATE CAREER COLLEGES ACT, 2005 (PCCA, 2005).

The detailed reasons supporting my order are set out in Schedule A, attached. In brief, Archer College is:

- advertising an unregistered private career college and advertising unapproved vocational programs, contrary to sections 11(1) and (2) of the PCCA, 2005, respectively; and
- charging fees for an unapproved vocational program contrary to section 9 of the PCCA, 2005.

Archer College must provide written confirmation signed by a person with authority to bind the school, together with all available supporting evidence, that the steps outlined below have been taken. This written confirmation must be delivered **immediately** by registered mail or courier to my attention and confirm that Archer College:

- has stopped advertising an unregistered Private Career College and unapproved vocational programs that require approval;
- has provided refunds to students who request refunds in writing and who were enrolled in unapproved vocational programs that require approval;
- is not holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs that require approval; and
- has stopped charging fees for unapproved vocational programs that require approval.

If Archer College is currently providing unapproved vocational programs as an unregistered Private Career College, these actions would be contrary to sections 7 and 8 of the PCCA, 2005 respectively. Archer College would then be required to **immediately** take the steps outlined below in this order to comply with the PCCA, 2005.

Specifically, Archer College:

- must stop providing unapproved vocational programs that require approval;
- must stop enrolling students into unapproved vocational programs that require approval;
- must provide the ministry with a list including the names and addresses of all current and former students;
- must hold student files to be available for the Superintendent's staff to review; and
- must not reopen as a Private Career College until such time, if any, as it has been registered.

Consequences of Failure to Comply with this Order

Failure to comply with this order may result in any or all of the following actions by the Superintendent:

1. Application for a court order from the Superior Court of Justice to Archer College to comply;
2. The issuance of further Administrative Monetary Penalties;
3. Prosecution for offences under the Act. Upon conviction by a court of that offence, a corporation is subject to a fine of up to \$250,000; an individual, including an officer or director of a corporation who concurs in the commission of the offence, is subject to a fine of up to \$50,000, a prison term of up to one year, or both.

Obtaining a Copy of the PCCA, 2005

As noted above, the applicable legislation is the *Private Career Colleges Act, 2005* and the regulations made thereunder. The legislation and regulations are available at www.e-laws.gov.on.ca. If you are unable to access any relevant information on e-laws, you may contact our offices at (416) 314-0500 to request that a copy of the legislation and regulations be sent to you.

Sincerely,

ORIGINAL SIGNED BY

Allan Scott
Superintendent
Private Career Colleges

Attachments: Schedule A – Detailed Reasons for Decision

Schedule A – Detailed Reasons for Decision

Contravention of section 11 of the PCCA, 2005 – Advertising Unregistered Private Career College and Unapproved Programs

On May 22, 2010, Ministry staff received information from a member of the public that Archer Education Group is offering a Teaching English to Speakers of Other Languages (TESOL) program, and provided an e-mail sent by Paul Santos of Archer Education Group. In the e-mail, Paul Santos, Director of Operations for Archer College Toronto, advises that the TESOL program is 100 hours in duration and costs of \$1200.

On May 31, 2010, the website belonging to Archer Education Group, <http://www.archereducation.com/index.html>, was reviewed by Ministry staff who found it promoting a Teaching English as a Second Language (TESL) program that is described as being 300 hours in duration and consisting of a classroom instruction component, a practicum, and observation classes. The cost was not listed on the website however it does provide the school's name, address (1440 Don Mills Road - Suite 101, Toronto, Ontario), phone number, fax number, and e-mail address.

The screenshot shows a Mozilla Firefox browser window displaying the website <http://www.archereducation.com/teach.html>. The page features a navigation menu on the left with categories like ESL Programs, ESL Teacher Training, High School, College Courses, Fees, Brochures, Homestay, Register, and Overtime. The main content area is divided into several sections:

- Full-time Daytime program upcoming dates:** A list of dates from Jan 5 to Dec 24*.
- Part-time evening program upcoming dates:** Feb 3 - May 7 and May 26 - Aug 27.
- TEFL OFFERED IN VANCOUVER ONLY!** with a phone number 604-608-0538.
- TESL Certificate Programs** with links for Classroom instruction, Practicum classes, and Observation classes.
- TEFL** section describing on-site programs in downtown Vancouver.
- TEFL/TEFL/ESOL - What's the Difference?** section explaining the differences between these certifications.

The page also includes a large graphic with text: "and international students (TESL) for almost a decade. All of our full-time teacher-training programs contain classroom instruction, peer teaching, a supervised practicum and observation classes. Based on the Communicative Approach to ESL training, these courses include how to plan lessons and manage time in the classroom. You will study and use different teaching techniques and methodologies, covering language skills and systems, communication skills and more. You will learn classroom games, activities, tasks, ice-breakers and practical classroom management skills."

On June 1, 2010, Ministry staff attended Archer Education group at 1440 Don Mills Road. During the investigation, Ministry staff searched the school's computer network and found an advertisement for a four week Foreign Teacher Program that costs \$1,625. It lists start dates are July 12, 2010, August 9, 2010, and November 2, 2010. The document describes the program as containing the following components:

First and second language acquisition/ESL methodologies and approaches

- *Lesson planning and procedures*
- *Developing teaching skills and professional classroom management techniques*
- *Teaching: reading, writing, listening, speaking, vocabulary and pronunciation*
- *Understanding and teaching English grammar, language functions and discourse analysis*
- *Learning activities for the student-centered classroom*
- *Evaluation of resources and adaptation of published and non-published materials*
- *Curriculum development and course design*
- *Needs analysis, testing and evaluation of students*
- *Teaching children and English for special purposes*
- *The job-search process and work environment*
- *Foreign cultures, culture shock and - what to expect.*
- *Observation and Practicum*

Based on the information provided about the cost and length of the TESL/TESOL program, it fits the definition of vocational programs according to the PCCA, 2005 and corresponds to National Occupational Classification (NOC) code 4131 College and Other Vocational Instructors and is thus a vocational program within the meaning of the Private Career Colleges Act, 2005 and is required to be approved by the Superintendent pursuant to section 23 of the Act. Since this college is not registered, and these programs are not approved, advertising either of them is prohibited in accordance with section 11 as noted above.

Contravention of section 9 of the PCCA, 2005 – Charging Fees for Unregistered Private Career College and Unapproved Programs

On June 1, 2010, Ministry staff attended Archer College at 1440 Don Mills Road. During the investigation, Ministry staff spoke with Paul Santos about the programs being offering by Archer College. Paul confirmed that a TESOL program was going to be delivered in the near future. He stated that this program would only be offered to International students, and confirmed that one student had already been admitted into the program, and had paid a deposit of \$100. Upon request, Paul provided Ministry staff with a file for the above mentioned student. The file contained a letter of acceptance for an ESL/TESOL program, as well as two invoices, one for \$7,960, and the other for a discounted rate of \$7,050. Both invoices confirmed that a \$100.00 registration fee had been paid. As Archer College has not received approval for a TESOL program, charging fees for it is prohibited by section 9 of the *Private Career Colleges Act, 2005*.

BACKGROUND

In September, 2009, Ministry staff investigated Archer College's Hamilton location to determine whether or not any TESL programs were being offered. On September 10, 2009, Joe Gagliardi of Archer College sent a letter to Ministry staff confirming that TESL was not being offered by either the Hamilton or Toronto locations, and that both schools "are aware that such a program will require that they register as a Career College and register the program."

Between October 2005 and November 2009, Archer College was closely affiliated with the Diamond Institute of Business and Computer Technology Inc., a registered Private Career College. However, it has been confirmed that no such relationship exists at present.

Legal and Operating Entities

At the request of Ministry staff, on June 9, 2010, Paul Santos of Archer College faxed the master business licence for Archer Education Group Inc. operating as Archer College Language School Toronto Campus. The licence shows that Archer Education Group Inc. was incorporated in Alberta on February 28, 2005, and registered its business name on August 12, 2005. This information was confirmed on ONBIS on June 10, 2010.