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Colleges and Universities  
Student Support Branch  
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Ministère de la Formation  
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Direction du soutien aux étudiants  
9<sup>e</sup> étage, édifice Mowat  
900, rue Bay  
Toronto ON M7A 1L2



## RESTRAINING ORDER

September 14, 2009

InterCultural Academy Institute  
50 Cumberland Street, 4<sup>th</sup> Floor  
Toronto, ON  
M4W 1J5

Attention: Esther B.N. Kim, Head Administrator

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 INTERCULTURAL ACADEMY INSTITUTE TO STOP OPERATING IN CONTRAVENTION OF THE *PRIVATE CAREER COLLEGES ACT, 2005 (PCCA)*.

The detailed reasons supporting my order are set out in Schedule A, attached. In brief, however, the violations of the *PCCA, 2005* are that InterCultural Academy Institute is not registered as a private career college, contrary to section 7 of the *PCCA*, nor are its vocational programs approved, contrary to section 8 of that Act. Further, InterCultural Academy Institute is advertising an unregistered private career college and advertising unapproved vocational programs contrary to subsections 11(1) and (2) of that Act, respectively.

InterCultural Academy Institute must **immediately** take the steps outlined below in this order to comply with the *PCCA*. InterCultural Academy Institute must also 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 by registered mail or courier to my attention **by October 1, 2009**.

InterCultural Academy Institute:

1. has stopped operating as a private career college;
2. has stopped advertising unapproved vocational programs;
3. is not enrolling students in unapproved vocational programs;

4. has attached a list including the names and addresses of all current students enrolled in unapproved vocational programs;
5. is holding student files and will make them available for the Superintendent's staff to review if need be; and
6. a) will not continue offering unapproved vocational programs, OR  
b) will not continue offering unapproved vocational programs until and unless it is properly registered as a private career college and has obtained approval for all vocational programs as required under the *PCCA, 2005*.

If InterCultural Academy Institute will continue offering vocational programs only following registration and approval as set out in item 6. b), above, you must also **by October 1, 2009** do the following:

7. Submit completed online applications for registration of a private career college and for approval of all vocational programs as listed in Schedule A.
8. Submit required hard copy documents for the application for registration of a private career college and for approval of all vocational programs.
9. Explain in writing why InterCultural Academy Institute was advertising, offering, and enrolling students in vocational programs prior to obtaining approval of those programs from and prior to registration of InterCultural Academy Institute by the Superintendent.
10. Provide the Superintendent with documents showing your corporate registration in Ontario.
11. Submit a pre-screening application for the Missionaries Teaching English as a Second Language (MTESL) program to enable the Superintendent to determine if the program meets the Superintendent's binding policy directive on the delivery of Teaching English as a Second Language (TESL) programs in Ontario. If the MTESL program is not exempt from the *PCCA 2005*, the MTESL program will need to meet either the TESL Ontario or TESL Canada program standard.

Further information regarding applications for registration and approval is found in Schedule B, attached.

### **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. Publication of this order on the Ministry's public website;
2. Application for a court order from the Superior Court of Justice to compel InterCultural Academy Institute to comply;
3. Prosecution for the offence of failure to comply. Upon conviction by a court of that offence, a corporation is subject to a fine of up to \$100,000; 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 \$25,000, 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.on.ca](http://www.e-laws.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

Noah Morris  
Superintendent  
Private Career Colleges

Attachments: Schedule A – Detailed Reasons for Decision  
Schedule B – Compliance with the *PCCA, 2005*

## Schedule A – Detailed Reasons for Decision

### Background

On August 31, 2009, Ministry staff visited InterCultural Academy Institute to determine if the institution was offering TESL, which is a vocational program within the meaning of the *PCCA, 2005*.

### Legal and Operating Names

InterCultural Academy Institute is the operating name of this school. The school is not incorporated, nor is it registered as a business in Ontario according to a search conducted on September 8, 2009.

### Contravention of sections 7 and 8 of the *PCCA, 2005* – Operating an Unregistered Private Career College and Delivering Unapproved Programs

On August 31, 2009 Ministry staff attended at InterCultural Academy Institute and began gathering written advertising materials. The school brochure states the institution is offering a TESL/TESOL course (Teaching English as a Second Language/Teaching English to Speakers of Other Languages) and a Missionary TESL (MTESL) (InterCultural seminar with TESL courses).

The school's brochure advertising for the TESL/TESOL program states the following: "...by combining comprehensive academic study with intensive practical training, the TESL/TESOL program at the ICAI provides its students with the broad base of preparation needed to teach English effectively either in their native countries or further abroad." The school's brochure and the school's website (<http://www.englishtoronto.com>) list different course lengths and tuition fees, with current information for 2009 sessions advertised on the school's website.

The school's brochure advertising for the Missionary TESL (MTESL) (InterCultural seminar with TESL courses) states that the program "provides its students with the broad base of preparation needed to teach English effectively in their mission field countries." The school's brochure and website list different course lengths and tuition fees, with current information for the 2009 sessions advertised on the school's website.

An interview conducted in person with the Head Administrator of the school, Esther B. N. Kim on August 31, 2009 confirmed the TESL/TESOL course is being offered to students. Ms. Kim advised that no students are currently enrolled in the program, that the school has been in operation for twelve years and that the TESL/TESOL program had been in existence since the inception of the school.

TESL is a vocational program within the meaning of the *PCCA, 2005*. Pursuant to that Act, all vocational programs must be approved by the Superintendent of Private Career Colleges, and offered only by registered private career colleges. Therefore, the

InterCultural Academy Institute needs to be registered as a Private Career College and needs to obtain approval for both the TESL/TESOL program and their MTESL course. Failure to do so is a contravention of sections 7 and 8 of the *PCCA, 2005*.

In order to offer a TESL program in Ontario, an institution must deliver the TESL Canada or TESL Ontario program, and must additionally be recognized by those bodies as an approved trainer. A copy of the Superintendent's binding Policy Directive pursuant to section 53 of the *PCCA, 2005* on the delivery of TESL programs is attached. The TESL Programs offered at InterCultural Academy Institute must meet this standard.

**Contravention of Subsections 11(1) and (2) of the *PCCA, 2005* – Advertising Unregistered Private Career College and Unapproved Programs**

InterCultural Academy Institute's website and brochure advertise the TESL/TESOL and MTESL programs. Therefore, the institution is in contravention of Subsections 11(1) and (2) of the *PCCA, 2005*.

## Schedule B – Compliance with the *PCCA, 2005*

If you wish to operate a private career college, the first step towards ensuring compliance with the *PCCA, 2005* is the submission of full and complete registration documents for this unregistered private career college and for all unapproved vocational programs. Please note that a separate registration is required for each campus (different location) of a private career college, together with separate approval of programs to be offered at each campus.

**As reflected in the Restraining Order attached, you must not operate, advertise, collect fees from or enrol students until and unless your private career college is registered and your programs are approved. If you have been operating, you must stop all unapproved vocational programs and wait for the registration and approval.**

All private career college registration forms and guidelines can be found at [www.serviceontario.ca](http://www.serviceontario.ca). Simply click on *Get the Forms You Need Quickly and Easily*, and follow the *Education and Training* link to *Private Career Colleges*.

A CD-Rom with an instruction manual for registering your institution and a hard copy list of on-line and hard copy documentation required to complete registration was provided to InterCultural Academy Institute on August 31, 2009.

If you have any questions after reviewing the forms and the manual, please call the Private Career Colleges Unit at (416) 314-0500.