
Requirements

- For -

The Approval of Private Institutions Providing Postsecondary
Education Programs in Ontario for the Purposes of Ontario Student
Loans

- And for -

The Administration of the Ontario Student Assistance Program by
Approved Private Institutions

(The “Performance Requirements”)

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1 Definitions

1.1 General Definitions

“Act” means *Ministry of Training, Colleges and Universities Act*, R.S.O. 1990, c.M.19 as amended from time to time.

“Approval” means approval or re-approval by the Minister of Advanced Education and Skills Development of an Institution for student loan purposes pursuant to the Regulation and consequential Approval to administer certain other OSAP programs. (See definition of “Institution”, “Regulation” and “OSAP” below).

“Approved Institution” means an institution that has been granted Approval.

“Approved Program of Study” means a program of study approved for student loan and other OSAP purposes pursuant to the Performance Requirements.

“Asset Sale” means the sale of all or substantially all of the assets, which assets may include goodwill, of an Approved Institution with the result that the Institution can no longer operate as a Private Career College or other postsecondary educational Institution. (See definition of Private Career College below.)

“Campus” means a physical site at which the Institution is offering Approved Programs of Study.

“Canada-Ontario Integrated Student Loan” or “COISL” means an OSL and CSL provided to a student for the same period of study. (See definition of “OSL” and “CSL” below.)

“CSFA Act” means the *Canada Student Financial Assistance Act*, S.C. 1994, c.28 as amended from time to time.

“Change of Ownership” means:

a) in the case of a corporation,

i. a change in the ownership or control, whether direct or indirect, of the controlling shares of the Institution,

ii. a change in control, whether direct or indirect, of the Institution if it is a non-share corporation; or

iii. an Asset Sale to a third party;

b) in the case of a partnership,

i. a change in the controlling partners; or

ii. an Asset Sale to a third party;

c) in the case of a sole proprietorship,

i. a change in the proprietor.

“Continuing Approval” means the transfer of an existing Approval to a New Owner.

(See definition of “New Owner” below).

“CSL” means a Canada Student Loan.

“FAO Information Portal” means the secure Ministry website which provides access to approved authorized individuals to OSAP administrative manuals, forms, news, etc. through the FAO dashboard, the administrative-facing applications accessed through the ONE-key Portal. (See definition of “ONE-Key Portal” below).

“Financial Aid Administrator” means a person employed or retained by an Approved Institution whose duties include undertaking some or all of the Approved Institution’s FAO responsibilities. (See definition of “FAO” below.)

“FAO” means the “Financial Aid Office” at an Approved Institution through which the Approved Institution carries out its responsibilities for the administration of OSAP.

“Graduate Employment Rate Threshold” means eighty percent (80%) of the average of the graduate employment rates posted on the Ministry’s website for all Ontario colleges of applied arts and technology in respect of an OSAP Academic Year.

“Graduation Rate Threshold” means eighty percent (80%) of the average of the graduation rates posted on the Ministry’s website for all Ontario colleges of applied arts and technology in respect of an OSAP Academic Year.

“Institution” means a Private Career College registered under the *Private Career Colleges Act, 2005* or another private Institution or entity authorized under the laws of Ontario to offer one or more postsecondary education programs in Ontario.

“Key Performance Indicator” (“KPI”) means a quantifiable measure used by the Ministry to gauge an Institution’s performance in delivering post-secondary education.

“Minister” means the Minister of Advanced Education and Skills Development or such other Ministry official as may be authorized from time to time to grant Approval and Program Approval, make other OSAP-related decisions or issue Ministry Memoranda. (See definition of “Ministry Memoranda” below).

“Ministry” means the Ministry of Advanced Education and Skills Development.

“Ministry Memoranda” means memoranda, directives, procedures, manuals or other similar documents relating to the **Performance Requirements** or to other terms and conditions of Approval for the administration of OSAP issued from time to time by the Minister.

“National Student Loans Service Centre” means the service provider which provides OSAP-related administrative services on behalf of Canada and Ontario.

“New Owner” means a new controlling shareholder, a new controlling mind in the case of a non-share corporation, proprietor or partner or, in the case of an Asset Sale, an asset purchaser pursuant to a Change of Ownership.

“Notice of Approval” means the notice in writing to an Institution from the Minister (1) notifying the Institution that it has been granted Approval, and (2) identifying the duration of the Approval, the Approved Programs of Study, and the campuses to which the Approval applies.

“One-Key Portal” means the secure Ontario government web portal that provides registered users with a password-protected access point to various Ontario programs and services, including FAO administrative services.

“OSAP” means the Ontario Student Assistance Program which is an umbrella term encompassing government loans, grants and awards provided to Ontario postsecondary students from time to time, including Canada-Ontario Integrated Student Loans.

“OSAP Academic Year” means August 1st to July 31st of the following year.

“OSAP Compliance Audit” means an independent audit of the administration of OSAP at the Approved Institution.

“OSL” means an Ontario Student Loan.

“Performance Requirements 1997” means the document titled “**Performance Requirements for the Administration of the Ontario Student Assistance Program (OSAP) by Ontario Private Vocational Schools**”, including all appendices, as it was updated from time to time, which document was the predecessor to the Performance Requirements. Any reference to “Performance Requirements” in any Ministry Memoranda or other Ministry document dated prior to May 2007 is a reference to the Performance Requirements 1997.

“**Performance Requirements**”, previously referred to as “**Performance Requirements, 2007**”, means the provisions in this document as amended from time to time, including all appendices. Any reference to **Performance Requirements, 2007** in any Ministry Memoranda or other Ministry document is a reference to a previous version of this document issued between May 2007 and July 2012, as applicable.

“**Performance Requirements Institution Agreement**” means a written agreement in such form as required by the Minister, in which an Institution acknowledges that it understands the terms and conditions of the **Performance Requirements** and agrees to comply with them.

“*Post-secondary Education Choice and Excellence Act, 2000*” means the *Post-secondary Education Choice and Excellence Act, 2000*, S.O. 2000, c. 36, Sched. as amended from time to time.

“Private Career College” means a postsecondary education Institution offering vocational programs that is registered under the *Private Career Colleges Act, 2005*.

“*Private Career Colleges Act, 2005*” means the *Private Career Colleges Act, 2005*, S.O. 2005, c.28, Sched. L as amended from time to time.

“Program Approval” means the approval or re-approval by the Minister of a program of study as an Approved Program of Study.

“Regulation” means Ontario Regulation 268/01 made under the Act, as amended from time to time.

“Student Loan Default” means a default as defined in the Regulation in the repayment of an OSL by a borrower.

“Student Loan Default Rate” means the number of the Institution’s students who received a CSL, an OSL or a COISL in an OSAP Academic Year who have defaulted on their OSL, CSL or COISL repayment obligations as of the Student Loan Default Rate Measurement Date, divided by the total number of the Institution’s students who received such loan or loans in that OSAP Academic Year, and expressed as a percentage by program and campus.

“Student Loan Default Rate Measurement Date” means July 15 in the second OSAP academic year after the OSAP Academic Year in which the Institution’s student received a CSL, an OSL or a COISL, or such other date in July of such year which the ministry identifies as the measurement date.

“Student Loan Default Threshold” means the student loan default threshold established each year by the Minister for the purposes of the OSL default cost sharing requirement identified in section 6.9 below and published by the Ministry in a memorandum sent to Approved Institutions.

1.2 Additional Definitions Applicable to Institutions Offering Programs of Study that require Approval under the Private Career Colleges Act, 2005

“Hours of Instruction” means the hours to be spent by a student in a classroom being actively instructed or monitored by a qualified instructor or on a field placement being monitored or overseen as required pursuant to the conditions of the Superintendent of Private Career Colleges’ program approval.

“Graduate Employment Rate” means the percentage of an Institution’s graduates who sought employment and became employed within six (6) months following their graduation from the Institution, or as otherwise defined in the Superintendent’s Policy Directive Number 11 (Private Career College Key Performance Indicators and Performance Objectives).

“Graduation Rate” means the percentage of an Institution’s enrolled students who successfully graduated from their programs of study within 200% of the duration of their programs of study, or as otherwise defined in the Superintendent’s Policy Directive Number 11 (Private Career College Key Performance Indicators and Performance Objectives).

“Student File” means a file kept by the Approved Institution on each student, whether in electronic, paper, or a combination of electronic or paper form, which contains at a minimum:

- the student’s contract with the Approved Institution, which includes all information required under the *Private Career Colleges Act, 2005*, including, but not limited to, a record of the student’s start and end dates of studies in the approved program, the schedule of hours of instruction and location of practicum;
- proof of amount of fees paid by the student to the Approved Institution;
- all required admission documentation identified in Appendix 2 to the **Performance Requirements** (Admission and Academic Requirements for Approved Programs);
- supporting documentation demonstrating that the student is actively pursuing studies as identified in section 1.2(b) of Appendix 5 to the Performance Requirements;
- a record of the student’s academic progress, including test and examination results, credential granted and any academic appeals;
- if applicable, supporting documentation relating to all bursaries, grants or discounts issued to the student by the Approved Institution;
- if applicable, proof of the amount of tuition fee refund and if the refund was directed to the National Student Loans Service Centre by the Approved Institution, the date the refund was so directed;
- if applicable, the Student Activity Update form completed by the Approved Institution;
- if applicable, details relating to the student’s withdrawal, including the actual or effective withdrawal date.

1.3 Additional Definitions Applicable to Private Institutions Offering Programs of Study that do not Require Approval under the Private Career Colleges Act, 2005

“Hours of Instruction” means the hours to be spent by a student in a classroom being actively instructed or monitored by a qualified instructor or on a field placement being monitored or overseen.

“Graduate Employment Rate” means the percentage of an Institution’s graduates who sought employment and became employed within six months following their graduation from the Institution, or as otherwise defined in the Ministry Memorandum dated December 9, 2013 from the Assistant Deputy Minister of the Postsecondary Education Division to Non-PCC Private Postsecondary Institutions Approved for the Purposes of the Ontario Student Assistance Program regarding Collection of Key Performance Indicators, and the Other Private Institutions Key Performance Indicator (KPI) Operating Procedure for the relevant OSAP Academic Year issued by the Ministry.

“Graduation Rate” means the percentage of an Institution’s enrolled students who successfully graduated from their programs of study within the graduation-allowed period of seven years in the case of baccalaureate degree programs or, in the case of all other programs of study, 200% of what the institution considers the regular duration of the program, or as otherwise defined in the Ministry Memorandum dated December 9, 2013, from the Assistant Deputy Minister of the Postsecondary Education Division to Non-PCC Private Postsecondary Institutions Approved for the Purposes of the Ontario Student Assistance Program regarding Collection of Key Performance Indicators and the Other Private Institutions Key Performance Indicator (KPI) Operating Procedure for the relevant OSAP Academic Year issued by the Ministry.

“Student File” means a file kept by the Approved Institution on each student, whether in electronic, paper, or a combination of electronic or paper form, which contains at a minimum:

- the letter of acceptance issued by the Approved Institution to the student;
- a record of the student’s start and end dates of studies in the approved program, the schedule of hours of instruction and location of any practicum or clinical placement;
- proof of amount of fees paid by the student to the Approved Institution;
- all required admission documentation identified in Appendix 2 to the Performance Requirements (Admission and Academic Requirements for Approved Programs);
- a record of the student’s academic progress, including test and examination results, credential granted and any academic appeals;
- if applicable, supporting documentation relating to all bursaries, grants or discounts issued to the student by the Approved Institution;
- if applicable, proof of the amount of tuition fee refund and if the refund was directed to the National Student Loans Service Centre by the Approved Institution, the date the refund was so directed;
- if applicable, the Student Activity Update form completed by the Approved Institution;
- if applicable, details relating to the student’s withdrawal, including the actual or effective withdrawal date; and
- if applicable, distance education (i.e., online, e-learning, correspondence or open broadcast) courses offered by the Institution in which the student is enrolled.

2 Purpose and Authority for the Performance Requirements

- 2.1 Ontario and Canada provide financial assistance to eligible Ontario residents pursuing studies at the postsecondary education level and having the academic abilities to do so. Such assistance is provided through OSAP for the benefit of students within limits set by government.

- 2.2 The Minister has a responsibility to ensure that OSAP is administered efficiently, effectively and with the utmost integrity. The purpose of the Performance Requirements is to ensure accountability of the Approved Institution and the Minister for the administration of OSAP and the allocation of OSAP related funds by identifying the requirements that the Approved Institution must agree to meet as a condition of the Approval and the maintenance of such Approval.
- 2.3 In addition to supporting the Minister's responsibility for the administration of the OSLs, grants and awards included in OSAP, the Ministry administers CSLs on behalf of Canada.
- 2.4 Pursuant to the Act, the Minister may enter into agreements respecting the administration of loans to students and may impose performance or other requirements under such agreement that an Institution must meet in order for its students to be eligible to apply for awards, grants or student loans. The Act provides that such agreement must contain such terms as required by regulation and such other terms as the Minister considers proper.
- 2.5 Pursuant to the Regulation, a prospective student is not eligible for an OSL unless he or she is:
- a) enrolled in an Approved Institution as defined in the Regulation; and
 - b) enrolled in a program of study approved for student loan purposes under the Regulation and taking the minimum required course load.
- 2.6 The Regulation identifies categories of Institutions that the Minister may approve for the purpose of OSLs, including: post-secondary educational Institutions authorized under the Post-secondary Education Choice and Excellence Act, 2000, to operate as a university or to offer a program leading to a degree; Private Career Colleges; and other private post-secondary Institutions in Ontario.
- 2.7 An Institution approved for OSL purposes also may be approved by the Minister for the purposes of administering other Ontario loan, grant or award programs under OSAP.
- 2.8 In order for students at an Institution to be eligible for a CSL, the Institution must be designated for CSL purposes pursuant to the CSFA Act, the *Canada Student Financial Assistance Regulations* as amended, and the *Canada-Ontario Agreement on Harmonization of Federal and Provincial Student Loans Programs*, as amended. The Ministry has been designated an appropriate authority under the CSFA Act for the purpose of designating Institutions under that Act. Pursuant to this authority, Institutions approved by the Minister for OSL purposes are also designated Institutions for CSL purposes.
- 2.9 In granting Approval of an Institution therefore, the Minister entrusts the Institution to undertake significant responsibilities on the Minister's behalf with respect to the administration of OSLs, CSLs and other programs under OSAP. When deficiencies in the administration of OSAP occur, they may result in loans, grants or awards being made inappropriately or in excess of the proper entitlement, and the governments of Ontario and Canada and students incurring unwarranted costs.

Part A: Requirements Applicable to all Private Institutions

3 Conditions for Institution Approval

3.1 First-Time Applicants

- 3.1.1 An Institution that has not previously been approved shall not be considered for Approval unless it has been in operation for at least two calendar years with at least 15 students enrolled in each year in one or more postsecondary programs of study that could be eligible for Program Approval if the Institution is granted Approval.
- 3.1.2 An Institution that has not previously been approved must demonstrate, for each of the two calendar years immediately preceding its application, the following two Key Performance Indicators:
- a) A “First-Time Applicant Graduation Rate”, calculated according to the 2016 Key Performance Indicator Operating Procedure: Private Institutions Seeking First-Time Approval for the Purposes of OSAP, equal to or greater than the Graduation Rate Threshold; and
 - b) A “First-Time Applicant Graduate Employment Rate”, calculated according to the 2016 Key Performance Indicator Operating Procedure: Private Institutions Seeking First-Time Approval for the Purposes of OSAP, equal to or greater than the Graduate Employment Rate Threshold.
- 3.1.3 For the purposes of section 3.1.2, an Institution that has not previously been approved must collect Graduation Rate and Graduate Employment Rate performance indicators in accordance with the instructions and requirements set out in the **Key Performance Indicator Operating Procedure for Private Institutions Seeking First-Time Approval for the Purposes of OSAP**.
- 3.1.4 Additionally, an Institution that has not previously been approved must meet the requirements specified for all applicants in section 3.1.

3.2 Applicants that were approved in the preceding OSAP Academic Year

Graduation Rate

- 3.2.1 An Institution that was approved in respect of the preceding OSAP Academic Year shall not be considered for Approval unless it demonstrates, in one of the most recent three consecutive OSAP Academic Years, an overall Graduation Rate equal to or greater than the Graduation Rate Threshold.
- 3.2.2 If the Institution’s Graduation Rate was less than the Graduation Rate Threshold in any of the three most recent consecutive OSAP Academic Years and the Graduation Rate for that OSAP Academic Year was based on the performance of four or fewer students, the Institution will be deemed to have met the Graduation Rate Threshold for that OSAP Academic Year.

3.2.3 If the Institution fails to have met the Graduation Rate Threshold for each of the most recent three consecutive OSAP Academic Years, the Approved Institution shall not be considered for Approval for the three following OSAP Academic Years. If, after at least three OSAP Academic Years have passed, the Institution seeks Approval, it must apply as a First-Time Applicant (see section 3.1).

Graduation Employment Rates

3.2.4 An Institution that was approved in respect of the preceding OSAP Academic Year shall not be considered for Approval unless it demonstrates, in one of the most recent three consecutive OSAP Academic Years, an overall Graduate Employment Rate equal to or greater than the Graduate Employment Rate Threshold.

3.2.5 If the Institution did not meet the Graduate Employment Rate Threshold in any of the three most recent consecutive OSAP Academic Years and the Graduate Employment Rate for that OSAP Academic Year was based on the performance of four or fewer students, the Institution will be deemed to have met the Graduation Rate Threshold for that OSAP Academic Year.

3.2.6 If the Approved Institution's Graduate Employment Rate was less than the Graduate Employment Rate Threshold in any of the three most recent consecutive OSAP Academic Years and the Institution demonstrated a Graduate Employment Rate equal or greater than the Graduate Employment Rate of the closest campus of an Ontario college of applied arts and technology, the Institution will be deemed to have met the Graduate Employment Rate Threshold for that OSAP Academic Year.

3.2.7 If the Institution fails to have met the Graduate Employment Rate Threshold for each of the most recent three consecutive OSAP Academic Years, the Institution shall not be considered for Approval for the three following OSAP Academic Years. If, after at least three OSAP Academic Years have passed, the Institution seeks Approval, it must apply as a First-Time Applicant (see section 3.1).

Additional Requirements

3.2.8 Additionally, an Institution that was approved in the preceding OSAP Academic Year must meet the requirements specified for all applicants in section 2.1.

3.3 All Applicants

3.3.1 An Institution shall not be considered for approval if an officer, director, controlling shareholder, owner or partner of the Institution held one of these positions in another Institution which:

- a) is subject to an unresolved restraining order or compliance order, or an unpaid administrative monetary penalty issued under the *Private Career Colleges Act, 2005*, or has been closed by order of the Superintendent for failure to comply with the *Private Career Colleges Act, 2005*, or
- b) is subject to an unresolved restraining order or compliance order, or an unpaid administrative monetary penalty issued under the *Post-secondary Education Choice and Excellence Act, 2000*.

3.3.2 An Institution is not eligible for Approval unless:

- a) it has been in operation for the past two consecutive OSAP Academic Years with at least one student enrolled in each OSAP Academic Year in a postsecondary program of study;
- b) in the event that an officer, director, controlling shareholder, owner or partner of the Institution held one of these positions in another Institution which had, at any time, been notified in writing by the Minister, Superintendent of Private Career Colleges or government of Canada of outstanding issues relating to its compliance with the Performance Requirements, 1997, **the Performance Requirements**, the CSFA Act, *the Private Career Colleges Act, 2005*, *the Post-Secondary Education Choice and Excellence Act, 2000* or any other OSAP Approval and administration requirements, including any student loan default cost sharing requirements or other obligations:
 - i. it has disclosed this information to the Minister, and
 - ii. the person or other Institution has remedied the outstanding issues to the satisfaction of the Minister;
- c) it meets any other conditions for consideration for Approval, which conditions are published on the Ministry's FAO Information Portal or other website as the Ministry may advise; and
- d) it has signed the **Performance Requirements Institution Agreement** in such form as required by the Minister.

3.3.3 The Minister may refuse to grant Approval to an Institution if an officer, director, controlling shareholder, owner or partner of the Institution has not complied in full with any current or past requirement, commitment, or obligation with respect to the administration of OSAP, the CSFA Act, *the Private Career Colleges Act, 2005*, or *the Post-Secondary Education Choice and Excellence Act, 2000*, whether in relation to the Institution or another Institution, or the Minister has reasonable grounds to believe that such person will not fully comply with the **Performance Requirements**.

3.3.4 An Institution is only eligible for one Approval to be in effect in any one OSAP Academic Year.

3.4 Institution-Specific Conditions

3.4.1 The Minister may impose Institution-specific conditions on the Approval of an Institution.

3.4.2 In addition to any Institution-specific conditions that may be imposed pursuant to section 3.4.1, if an Institution's most recent Student Loan Default Rate exceeds the Student Loan Default Rate Threshold, the Minister may establish specific default sharing requirements or conditions on the Approval of the Institution.

4 Duration of Approval

- 4.1 Approval of Institutions and programs and the corresponding designation under the CSFA Act are granted on an annual basis. The maximum term of an Approval is one OSAP Academic Year.
- 4.2 Subject to section 7 below, an Approval shall be in effect from the effective date set out in the Notice of Approval to July 31 following the effective date.
- 4.3 An Approved Institution does not have a right to a re-Approval.
- 4.4 Prior to the expiry of each OSAP Academic Year, the Minister shall: notify Institutions of the procedures and timelines for applying for Approval for the next OSAP Academic Year; issue any other Ministry Memoranda identifying any terms and conditions additional to the **Performance Requirements** for Approval for the next OSAP Academic Year; and notify each Institution of any Institution-specific requirements for Approval for the next OSAP Academic Year.
- 4.5 The Approval procedures, timelines and other Ministry Memoranda, if any, shall be available on the Ministry's FAO Information Portal or such other website as the Ministry may advise.
- 4.6 Any Approval for the next OSAP Academic Year is subject to the Institution meeting the terms and conditions for Approval and Program Approval for such next OSAP Academic Year.

5 Approval of More Than One Campus

5.1 Application of Approval to Campuses

- 5.1.1 An Approval may apply to more than one Campus but it applies only to those Campuses specified in the Notice of Approval.
- 5.1.2 The **Performance Requirements** and all other relevant terms and conditions apply to the operation of each Campus specified in the Approval. The Institution shall ensure that it complies with all conditions of the Approval with respect to every Campus identified in the Notice of Approval.
- 5.1.3 A Campus identified in a Notice of Approval for one Institution shall not be included in an Approval for another Institution.

5.2 Extension of Approval to Additional Campuses

- 5.2.1 An Approved Institution may apply in writing to the Minister at any time for the Approval to be extended to one or more additional Campuses.

- 5.2.2 An Approved Institution is not eligible to be considered for such an extension of the Approval unless:
- a) it has operated as an Approved Institution for at least three years immediately preceding the application;
 - b) it continues to operate as an Approved Institution at the time of the application;
 - c) it is not subject to any compliance orders, restraining orders or unpaid administrative monetary penalties issued under the *Private Career Colleges Act, 2005*, the *Post-secondary Education Choice and Excellence Act, 2000*, the Act, or under the **Performance Requirements**, as may be applicable;
 - d) it has no other outstanding obligations, debts or other financial liabilities owing to Ontario under the **Performance Requirements** or the Performance Requirements, 1997; and
 - e) for each of the two (2) OSAP Academic Years immediately preceding its application for the extension,
 - a. the Institution's Graduation Rate is equal to or greater than the Graduation Rate Threshold, and
 - b. the Institution's Graduate Employment Rate is equal to or greater than the Graduate Employment Rate Threshold.
- 5.2.3 If the Approved Institution's Graduate Employment Rate was less than the Graduation Rate Threshold in one of the two (2) OSAP Academic Years immediately preceding its application for an extension and the Institution's Graduation Rate was based on the performance of four or fewer students, the Approved Institution will be deemed to have met the Graduation Rate Threshold for that OSAP Academic Year.
- 5.2.4 If the Approved Institution's Graduate Employment Rate was less than the Graduate Employment Rate Threshold in one of the two (2) OSAP Academic Years immediately preceding its application for an extension and the Institution's Graduate Employment Rate was based on the performance of four or fewer students, the Approved Institution will be deemed to have met the Graduate Employment Rate Threshold for that OSAP Academic Year.
- 5.2.5 Despite section 5.2.2 above, if there has been a Continuing Approval following a Change of Ownership of the Approved Institution, and the New Owner has not previously operated or owned an Approved Institution, the Approval shall not be extended to one or more additional Campuses unless the Approved Institution:
- a) has operated as an Approved Institution for at least one year after it has been granted a Continuing Approval; and
 - b) has submitted to the Minister Key Performance Indicators relating to the year of operation, in compliance with the processes outlined in section 2.1.1 of Part B (Additional Requirements Applicable to Private Career Colleges) or section 2.1.1 of Part C (Additional Requirements Applicable to Private Institutions other than Private Career Colleges), as applicable.

- 5.2.6 If an Approved Institution is eligible to be considered for an extension of the Approval to one or more additional Campuses, criteria taken into account by the Minister in considering whether to extend the Approval may include but are not limited to:
- a) the financial position of the Approved Institution;
 - b) its past experience, performance and compliance in administering OSAP;
 - c) its past compliance with the Act, the Private Career Colleges Act, 2005, the CSFA Act, and the Post-Secondary Education Choice and Excellence Act, 2000 as may be applicable; and
 - d) its compliance with the Performance Requirements, or the Performance Requirements, 1997, and any other criteria set out in Ministry Memoranda issued from time to time.
- 5.2.7 The extension of the Institution's Approval to include an additional Campus may be subject to additional conditions.

5.3 Change in Location of a Campus

- 5.3.1 If an Approved Institution closes one Campus and opens another Campus:
- a) the student loan default history, the Graduation Rate history and the Graduate Employment Rate history of the closed Campus is transferred to the new Campus; and
 - b) the Institution shall continue to be liable for any obligations relating to both the closed and new Campus, including any OSAP Compliance Audit Requirements, and any promissory notes or collateral security provided to Ontario.

6 Conditions for Maintenance of Approval

6.1 Comply with Conditions of Approval

- 6.1.1 In order to maintain its Approval, the Approved Institution must comply with all conditions in the Performance Requirements, including the conditions set out in sections 6.3 to 6.10 below and in section 2 of part B (Additional Requirements Applicable to Private Career Colleges) or part C (Additional Requirements Applicable to Private Institutions other than Private Career Colleges), as may be applicable.

6.2 Comply with Application Commitments

- 6.2.1 The Approved Institution continues to meet or maintain all commitments made in writing to Minister as part of its application for approval and any additional commitments it made in writing during the approval review process.

6.3 Comply with OSAP Administrative Principles

6.3.1 The Approved Institution shall ensure that in administering OSAP it:

- a) gives priority to the interests of students and the public even if such obligation conflicts with other interests of the Institution; and
- b) administers OSAP efficiently, effectively and with the utmost integrity and exercises sound judgment in carrying out its OSAP administration responsibilities to ensure that the interests of students and the public are protected.

6.4 Comply with Administrative Directives, Procedures and Manuals

6.4.1 The Approved Institution must:

- a) make itself aware of all its obligations and responsibilities as an Approved Institution;
- b) ensure that all Financial Aid Administrators in its FAO have the knowledge and ability to properly administer CSL, OSL and other OSAP-related programs for which the Institution has administrative responsibilities; and
- c) ensure that officers, directors, employees and agents acting on its behalf are familiar with:
 - i. the **Performance Requirements**, including the most current versions of the documents, guidelines and manuals identified in Appendix 1, the admission and academic requirements set out in Appendix 2, the administrative procedures set out in Appendix 3 (or 3.1), the Student Active Participation Policy set out in Appendix 5 (or 5.1) if the Approved Institution is a Private Career College, and the confidentiality provisions set out in Appendix 4 and any other conditions of Approval specific to the Institution that are relevant to the OSAP administration duties and responsibilities of the Approved Institution and the individual in question; and
 - ii. any other legislation in effect or Ministry Memoranda issued from time to time relevant to the proper administration of OSAP and to the OSAP administration duties and responsibilities of the Approved Institution and the individual in question.

6.4.2 The Approved Institution shall ensure that it complies with:

- a) the Performance Requirements including all applicable administrative procedures, policies, directives and administrative manuals identified in Appendices 1, 2, 3, 4 and 5;
- b) any additional terms or conditions of the Approval specific to the Approved Institution; and
- c) any other legislation or Ministry Memoranda relevant to its Approval and/or the administration of OSAP.

6.4.3 The Approved Institution shall notify the Minister forthwith in writing if it becomes aware that it is not able to comply with or has reasonable grounds for believing that it will not be able to comply with the **Performance Requirements** or any other applicable terms and conditions of the Approval.

6.5 Maintain Confidentiality of Student Information

6.5.1 The Approved Institution understands and acknowledges that:

- a) the Ministry is subject to the *Freedom of Information and Protection of Privacy Act*, R.S.O.1990, c.F.31 as amended and that the Ministry collects and uses relevant personal including tax information under the authority of the Act, the Regulation and other regulations made under the Act and the CSFA Act and related regulations to finance and administer OSAP;
- b) Canada is subject to the *Privacy Act*, S.C., c.P-21, as amended; and
- c) the Approved Institution is subject to the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c.5 as amended.

6.5.2 The Approved Institution understands and acknowledges that all records created or maintained by it in the course of carrying out administrative functions relating to OSAP become and remain the property of the Ministry and such records are or will be under the Ministry's "control" within the meaning of the *Freedom of Information and Protection of Privacy Act*.

6.5.3 Without limiting the generality of sections 6.5.1 and 6.5.2, the Approved Institution shall comply with the confidentiality provisions set out in Appendix 4.

6.5.4 The Approved Institution shall take all reasonable steps to ensure that the Ministry's ownership of the records identified in section 6.5.2 above is protected and made known to any relevant third parties, including but not limited to landlords, franchisors, and third party purchasers of the Institution.

6.5.5 The Approved Institution shall enter into confidentiality agreements with all staff and third parties approved by the Minister under section 6.6, who are given access to student records relating to OSAP. Such agreements must meet the requirements set out in Appendix 4.

6.5.6 The Approved Institution shall notify the Ministry in writing forthwith (and if then directed by the Ministry, Canada) if it becomes aware that the confidentiality of student personal information or records has been breached.

6.5.7 The Approved Institution shall provide any assistance that the Ministry requires for the conduct or resolution of any privacy investigation conducted by the Ministry and/or the Information and Privacy Commissioner of Ontario and/or the Privacy Commissioner of Canada with respect to student personal information or records.

6.5.8 The Approved Institution understands and acknowledges that this section and Appendix 4 survive the termination of the **Performance Requirements Institution Agreement**.

6.6 Comply with FAO Requirements

- 6.6.1 The Approved Institution shall maintain a properly administered FAO with properly trained staff, including at least one Financial Aid Administrator, who is available at each campus on a regular basis. At least one of the Approved Institution's Financial Aid Administrators must be eligible to be provided with a ONE-Key Portal access code by the Ministry that authorizes the individual to access OSAP FAO administrative services through the FAO Information Portal, and must be eligible to be designated by the Ministry as a signing officer authorized to confirm student enrolment and remit student OSAP entitlement to the Institution.
- 6.6.2 The Approved Institution must follow the security protocols governing its use and access of the OSAP FAO online administrative services accessible via the ONE-Key Portal.
- 6.6.3 The Approved Institution shall inform the Minister immediately if it withdraws:
- a) its authorization for the Financial Aid Administrator to continue to act as a Financial Aid Administrator; or
 - b) pending a withdrawal by the Ministry of ONE-Key Portal access by the Financial Aid Administrator or signing officer authorization, the Approved Institution's authorization for the Financial Aid Administrator to access the FAO Information Portal on behalf of the Approved Institution or undertake signing officer duties.
- The Approved Institution shall inform the Minister of the date of, and reasons for, the withdrawal of such authorization.
- 6.6.4 The Approved Institution shall not employ or retain the services of any person as a Financial Aid Administrator unless the person has participated in the annual Financial Aid Administrators' orientation and training session(s) offered by the Ministry in their entirety.
- 6.6.5 If the Approved Institution wishes to use, retain or contract with a third party to perform some of the functions of its FAO, it shall:
- a) obtain the prior written approval of the Minister;
 - b) only delegate or contract out such FAO functions as are approved by the Minister to be performed by a third party; and
 - c) use, retain or contract only with a third party approved by the Minister to provide such FAO functions.
- 6.6.6 The Minister shall not approve a third party to perform any functions of a FAO unless the Minister is satisfied that:
- a) the third party is willing and able to provide the functions of a FAO and to administer it efficiently, effectively and with the utmost integrity;
 - b) persons employed or retained as Financial Aid Administrators by the third party have participated in the required annual Financial Aid Administrator orientation and training session(s) in its entirety;

- c) the third party has signed an annual confidentiality agreement in a form determined by the Minister; and
 - d) the third party has signed such OSAP Administration Agreement as may be required by the Minister, which agreement:
 - i. shall include but is not limited to such third party-specific conditions as the Minister considers appropriate; and
 - ii. shall include a provision that the Minister may inspect the third party pursuant to the Minister's inspection authority under the Act and/or conduct or have conducted a Compliance Audit of the third party's OSAP administration-related responsibilities under the same conditions that the Minister may verify Approved Institution compliance under section 6.8 below.
- 6.6.7 The Approved Institution shall notify the Minister forthwith in writing if it has grounds for believing there has been any misappropriation or fraudulent action or behaviour relating to the administration of OSAP by any employee, contractor or agent of the Approved Institution.
- 6.6.8 If the Approved Institution has a separate financial aid and registration office the Institution shall ensure and demonstrate to the Minister, if requested, that there is communication between the offices for the purpose of complying with the **Performance Requirements**.

6.7 Comply with Advertising and Recruitment Conditions

- 6.7.1 The Approved Institution's calendar, website or other medium used to identify its programs and services, may only make specific reference to student financial assistance under OSAP using the following wording:
- "Students enrolled in the [List the Name(s) of the Approved Program(s) of Study] may be eligible, if qualified, for loans, grants, or awards granted under the Ontario Student Assistance Program (OSAP)."
- 6.7.2 The Approved Institution's calendar, website or other medium used to identify its programs may refer only to programs in connection with OSAP which are the Institution's Approved Programs of Study.
- 6.7.3 The Approved Institution understands that assistance under OSAP is dependent upon the Minister's determination of a student's eligibility and it shall ensure that it makes no promise of assistance under OSAP to a student or a prospective student.
- 6.7.4 Except as provided in section 6.7.5 below, the Approved Institution shall not use the Approval as a marketing tool or identify the availability of OSAP assistance, directly or indirectly, in any advertising or promotion of the Institution in websites, newspapers, magazines, or other promotional literature, on radio or television, on the Internet or like mediums, or through any other means used in the recruitment of students and prospective students by or on behalf of the Institution.

6.7.5 The Approved Institution may only use the following general statement on the availability of financial assistance in its advertising or promotional materials:

“Financial assistance may be available for those who qualify.”

6.7.6 In addition to the general statement set out in section 6.7.5, in its advertising or promotional materials, the Approved Institution may only direct students to the OSAP websites (public) listed in Appendix 1 for information on financial assistance under OSAP.

6.8 Comply with Requirements for Verification of Institution Compliance

OSAP Compliance Audit

6.8.1 The Approved Institution acknowledges that regular independent audits of its administration of the Canada-Ontario Integrated Student Loans and other loans, grants and awards provided under OSAP are required to provide assurance that no deficiencies exist in the administration of OSAP by or on behalf of the Institution and to demonstrate that the Institution has complied, and is complying with, the OSAP Approval and administration requirements.

6.8.2 If required pursuant to sections 6.8.6 below, the Approved Institution shall cause an independent audit of its administration of OSAP to be performed (the “OSAP Compliance Audit”) in accordance with guidelines issued by the Ministry to the Approved Institution and a copy of the OSAP Compliance Audit to be filed directly by the auditor with the Minister.

6.8.3 The **Performance Requirements**, including the manuals, policies, guidelines and directives identified in Appendices 1, 2, 3, 4 and 5 shall be used as a reference in the conduct of audits of the Approved Institution’s administration of OSAP.

6.8.4 The Approved Institution is responsible for the cost of an OSAP Compliance Audit.

When Approved Institution is Required to Ensure OSAP Compliance Audit is Conducted

6.8.5 The Minister may issue an annual OSAP Compliance Audit Notice prior to the expiry of each OSAP Academic Year.

6.8.6 If the Minister has reasonable grounds to believe that the administration of OSAP by or on behalf of the Approved Institution has not or does not meet some or all of the **Performance Requirements**, the Minister at any time may require the Institution to cause an independent audit to be conducted and submitted to the Minister directly by the auditor by such date as specified by the Minister.

6.8.7 If the Approved Institution is required to ensure that an OSAP Compliance Audit is conducted pursuant to section 6.8.6 above, it shall not be considered for Approval for the next OSAP Academic Year unless the audit is completed, received and reviewed by the Minister by such date as specified by the Minister.

6.8.8 The Approved Institution acknowledges that it understands that nothing in the **Performance Requirements**, including section 6.8.6 above, limits in any way an inspection of the Institution's premises by an inspector appointed by the Minister as provided under the Act.

When Minister May Directly Conduct Audit

6.8.9 Notwithstanding any requirement for the Approved Institution to cause an OSAP Compliance Audit to be conducted, the Minister may request that the Ministry conduct or cause to be conducted its own OSAP Compliance Audit of the Institution's compliance with the **Performance Requirements** or of any other aspect of the Institution's administration of OSAP. The Approved Institution shall permit the Ministry to conduct or cause such audit to be conducted.

6.8.10 The Minister may charge the cost of an audit conducted pursuant to section 6.8.9 to the Approved Institution.

Cooperation with Auditor

6.8.11 When subject to an audit pursuant to sections 6.8.2, 6.8.6, or 6.8.9, the Approved Institution shall cooperate with the auditor, including making its Student Files and any other of its documents relevant to the audit of the Institution's administration of OSAP, accessible to the auditor and making staff available to the auditor who have the knowledge to answer any questions that may arise during the audit.

6.9 Reduce and Share Costs of Student Loan Defaults with Province

6.9.1 The Approved Institution shall take reasonable measures to minimize the incidence of student loan defaults by its students, including but not limited to:

- a) ensuring appropriate recruitment, testing and admissions practices are in place to provide reasonable assurance that students have the abilities to meet the requirements of the program to which they are being admitted;
- b) providing support to students to complete their program by the end date of their approved period of study;
- c) providing assistance or counseling with job placement;
- d) providing student borrowers with contact information for the National Student Loans Service Centre and with the web addresses of the OSAP websites (public) listed in Appendix 1; and
- e) monitoring the Institution's Graduation Rate, Graduate Employment Rate, and student loan default history and taking actions to improve student outcomes.

- 6.9.2 The Approved Institution shall notify each prospective student of:
- a) the most recent Graduation Rate, Graduate Employment Rate and Student Loan Default Rate for the programs of study at the campus at which the student wishes to attend, as set out in the most recent Release of Canada-Ontario Integrated Student Loan Default Rates issued by the Minister;
 - b) The most recent overall Graduation Rate, Graduate Employment Rate, and Student Loan Default Rate for the Institution as published by the Superintendent of Private Career Colleges or Minister as applicable; and
 - c) The most recent average of the Graduation Rate, Graduate Employment Rate, and Student Loan Default Rate for all Ontario postsecondary institutions, as published by the Superintendent of Private Career Colleges or Minister as applicable.
- 6.9.3 If the Approved Institution has a Student Loan Default Rate above the Student Loan Default Threshold, it:
- a) shall provide a Promissory Note to Ontario in a form and amount specified by the Minister, to be payable within 60 days from the date the Institution receives a demand for payment, as security against default costs above the Student Loan Default Threshold for loans issued in the upcoming year; and
 - b) may be required by the Minister to provide collateral security for the promissory note in a form acceptable to the Minister, including but not limited to an irrevocable letter of credit or a certified cheque, for loans issued in the upcoming OSAP Academic Year.
- 6.9.4 A Promissory Note shall identify the maximum financial liability for the Approved Institution and an associated limit on the number of loans that may be issued to its students for the academic year (the "Loan Processing Limit").
- 6.9.5 If the Approved Institution has a Student Loan Default Rate above the Student Loan Default Threshold, the Approved Institution is exempt from posting collateral security for the Loan Processing Limit set out in the Promissory Note if:
- a) its student loan default rate is based on ten (10) or fewer defaults;
 - b) the collateral requirement is less than \$1,000.00; or
 - c) it elects to have the Minister remove the Approval of one or more programs of instruction and:
 - i. the calculated student loan default rate for the Approved Institution's remaining Approved Programs of Study, if any, is below the Student Loan Default Threshold; or
 - ii. the student loan default rate for the remaining programs is calculated on the basis of ten (10) or fewer student loan defaults.
- 6.9.6 The Minister may agree to increase the OSAP Academic Year Loan Processing Limit of an Approved Institution which has provided the Ministry with a Promissory Note if the Institution provides a revised Promissory Note and collateral as required by the Minister.

6.9.7 If the Approved Institution has provided a Promissory Note for a loan cohort and the Student Loan Default Rate for the cohort exceeds the Student Loan Default Threshold set out in the Promissory Note, the Approved Institution shall pay Ontario the cost of defaults above the threshold up to the maximum liability in the Promissory Note.

6.10 Comply with Duty to Disclose

6.10.1 The Approved Institution shall notify the Minister in writing at least 30 days in advance if:

- a) it proposes to change the duration or tuition of an Approved Program of Study;
- b) it proposes to take any material action that may result in its failure or inability to meet any provisions of the **Performance Requirements**;
- c) it proposes to materially change or re-organize its corporate or business structure or its administration of OSAP including but not limited to its FAO; or
- d) it proposes, or its controlling shareholder or shareholders propose(s) to enter into a transaction or arrangement that will result in a Change of Ownership of the Institution.

6.10.2 The Approved Institution shall notify the Minister in writing forthwith if it undergoes unforeseen material changes that affect or may affect its ability to comply with the **Performance Requirements**, any other condition of Approval or Program Approval specific to the Approved Institution or any other requirements relating to its OSAP administration responsibilities.

6.10.3 The Approved Institution shall notify the Ministry in writing forthwith if it has a new director, officer, controlling shareholder, owner or partner, who has been a director, officer or partner of another Institution which is or was an Approved Institution and which, at the time the person held the position, is or was found by the Minister to have failed to comply with the **Performance Requirements** or the **Performance Requirements, 1997**, including the default sharing requirements, any other condition of Approval or Program Approval specific to the Institution or any other requirements relating to such Institution's OSAP administration responsibilities.

7 Failure to Comply with Performance Requirements

7.1 The Minister may take any measure(s) he or she deems reasonable and necessary to protect the integrity of the administration of OSAP, if:

- a) the Approved Institution fails to comply with any provision of the **Performance Requirements** or any condition of Institution or Program Approval specific to the Institution;
- b) the Minister has reasonable grounds to believe that the financial viability or integrity of the Approved Institution may jeopardize its future ability to comply with the **Performance Requirements**;

- c) the Approved Institution has a new director, officer, controlling shareholder(s), owner or partner who has been a director, officer, controlling shareholder, owner or partner of another Approved Institution which, at the time the person held the position, is or was found by the Minister to have failed to comply with the **Performance Requirements** or the **Performance Requirements, 1997** including the default sharing requirements or any other requirements relating to its OSAP administration responsibilities;
 - d) the Approved Institution has a new director, officer, or partner, which change does not constitute a Change of Ownership, but the individual has been a director, officer, controlling shareholder, owner or partner of another Approved Institution which, at the time the person held the position, is or was found by the Ministry to have failed to comply with the *Private Career Colleges Act, 2005* or the *Post-Secondary Education Choice and Excellence Act, 2000*; or
 - e) the Approved Institution requests voluntarily to have its Approval revoked.
- 7.2 For the purposes of section 7.1(a) a failure to comply with a provision or condition includes: a failure by the Approved Institution to implement a default management correction plan submitted by the Institution to the Minister, comply with any default sharing requirements, or default correction plan conditions imposed by the Minister under section 3.4.2 cooperate with an inspection of the Approved Institution conducted under the authority of the Act, or comply with any condition imposed by the Minister following an inspection.
- 7.3 Measures that the Minister may deem reasonable and necessary under section 7.1 include suspending or revoking the Approval of the Institution or one or more Program Approvals, or not granting an Approval of the Institution for the next OSAP Academic Year.
- 7.4 Despite section 7.1, if the Minister determines that the matter of concern is minor in nature, he or she shall give notice in writing to the Approved Institution of the non-compliance or concern and give the Institution the opportunity to remedy the matter within a specified period of time.
- 7.5 In all other cases identified in section 7.1, the Minister, without limitations, may:
- a) make the continuation of the Institution's Approval for student loan purposes conditional upon meeting specific requirements within a specified period of time;
 - b) require the Approved Institution to provide written notice to current and prospective students identifying the non-compliance and/or any conditions imposed on it by the Minister;
 - c) require the Approved Institution to remit a security, made payable to the Minister of Finance of Ontario, in the value of the estimated losses by the Governments of Ontario, Canada, students, lenders and any other affected party identified by the Ministry. Such security may take the form of an irrevocable letter of credit, direct payment or such other form deemed acceptable by the Ministry; and
 - d) suspend, revoke or refuse to renew the Approval of the Approved Institution or the Program Approval of one or more of the Approved Institution's Approved Programs of Study.

- 7.6 Further if the Minister is of the opinion that the non-compliance or deficiencies in the Approved Institution's administration of OSAP are serious, the Minister may contract with an independent auditor, at the sole expense of the Approved Institution, to assess the costs to Ontario and Canada arising from the non-compliance or deficiencies in administration. In such an event the Approved Institution shall make all relevant files and records requested by the auditor accessible to the auditor and make staff available to the auditor who have the knowledge to answer any questions that may arise during the audit.
- 7.7 An audit conducted pursuant to section 7.6 may be a quantification audit or a forensic audit, as determined by the Minister.
- 7.8 Upon determination of the cost of the non-compliance or deficiencies by the auditor, the Approved Institution shall, if required by the Minister:
- a) fully repay student loan amounts issued and/or costs incurred by Ontario as a result of the Institution's failure to comply with the terms and conditions of the **Performance Requirements** or other improper practices at the Institution, as determined by the independent audit; and
 - b) pay interest on the above amounts at the interest rate payable by Ontario to the student loan lender.
- 7.9 An Institution that does not meet the requirements for Approval or requests voluntarily to have its Approval revoked will not be considered for Approval for the three immediately preceding OSAP Academic Years. If, after at least three OSAP Academic Years have passed, the Institution seeks Approval, it must apply as an Institution seeking Approval for the first time.

8 Change in Organization

- 8.1 If in the opinion of the Minister, the Approved Institution has an organizational change or re-organization that is so significant that the Institution's previously established OSAP administration record is no longer relevant, the Approved Institution shall be deemed to be a new Institution for the purpose of the Approval. This shall require that it meet the criteria for Approval of new Institutions.
- 8.2 Despite an Approved Institution having been deemed a new Approved Institution pursuant to section 8.1 above, the Minister shall extend the loans approved for students of the Approved Institution prior to such deemed change for the balance of the OSAP Academic Year if it provides evidence, satisfactory to the Minister, that it will continue to have the capacity to properly administer the programs in which such students are enrolled.

9 Change in Ownership

9.1 Change in Ownership of Approved Institution

- 9.1.1 An Approved Institution may not transfer an Approval to any other Institution and, subject to section 9.1.3 below, a third party may not acquire an Approval through the purchase or acquisition of an Approved Institution or the assumption of responsibility for delivering Approved Programs of Study.
- 9.1.2 Subject to section 9.1.3 below, an Approval is terminated as of the date the Change in Ownership takes effect.
- 9.1.3 If there is a proposed Change of Ownership of the Approved Institution, the Minister may agree to grant a Continuing Approval as of the date the Change of Ownership takes effect if the Minister is satisfied that the Approved Institution meets all of the terms and conditions imposed by the Minister from time to time for granting such Continuing Approval including any Approved Institution or Continuing Approval-specific conditions. The Minister may impose Institution-specific conditions on a Continuing Approval.
- 9.1.4 If the Minister does not grant a Continuing Approval in the case of a Change in Ownership, the Minister may extend the loans approved for students of the Approved Institution prior to the Change of Ownership for the balance of the OSAP Academic Year if the Institution provides evidence, satisfactory to the Minister, that the Institution following the Change of Ownership will continue to have the capacity to properly administer the programs in which such students are enrolled.

9.2 Change in Ownership of One or More Campuses of Approved Institution

- 9.2.1 An application for a Change of Ownership under section 9.1 of one or more Campuses will not be considered unless the Campus has been included in the Institution's Approval for at least three years prior to the application.
- 9.2.2 Subject to section 9.2.3 below, a Change in the Ownership of one or more Campuses specified in the Institution's Approval is deemed to be a Change in Ownership of the Approved Institution and the Approval is terminated upon the Change in Ownership of the Campus.
- 9.2.3 Subject to section 9.2.1, if there is a proposed Change in the Ownership of one or more Campuses specified in the Institution's Approval, the Minister may agree to:
- a) amend the Approval of the Approved Institution to remove the references to such Campus(es); and
 - b) continue the part of the Approval that relates to such Campus(es) in the Approval of the New Owner effective upon the transaction taking place.

9.2.4 The amendment and continuance of an Approval under paragraph 9.2.3(b) above (“a Campus-Specific Continuing Approval”) is subject to the Minister being satisfied that the Approved Institution and New Owner meet all Campus-Specific Continuing Approval criteria established by the Minister from time to time. The Minister may also impose Approved Institution and/or New Owner-specific terms and conditions on the Approvals.

10 Amendment of Performance Requirements

- 10.1 The **Performance Requirements** is not exhaustive and may be amended from time to time, including through Ministry Memoranda.
- 10.2 Subject to sections 10.3 and 10.4 below, an amendment to the **Performance Requirements** shall not take effect before the beginning of the next OSAP Academic Year.
- 10.3 Any amendment to the **Performance Requirements** required by or pursuant to legislation shall take effect as required under the legislation.
- 10.4 The Minister may require an amendment to the **Performance Requirements** to come into effect prior to the next OSAP Academic Year if he or she is of the opinion that to do so is in the public interest.

11 Survival of Performance Requirements

- 11.1 The Approved Institution’s obligation to comply with the **Performance Requirements**, including its obligation to comply with the confidentiality provisions set out in Appendix 4, survives the expiry, suspension or revocation of the Approval of the Institution.

12 Notice and Contact Information

- 12.1 Unless specified otherwise by the Minister, any notice pursuant to a requirement to notify the Minister or the Ministry or to provide notice in writing shall be sent to the attention of the Manager, OSAP Inspection and Compliance Unit.

Courier address:

Ministry of Advanced Education and Skills Development
OSAP Inspection and Compliance Unit
900 Bay Street, 9th Floor Mowat Block
Toronto, ON
M7A 1L2
Gen. Inq.: 416.314.0714

Postal address:

Ministry of Advanced Education and Skills Development
OSAP Inspection and Compliance Unit
77 Wellesley Street West, Box 276
Toronto, ON
M7A 1N3
Fax: 416.325.3096

Part B: Additional Requirements Applicable to Private Institutions Offering Programs that Require Approval under the Private Career Colleges Act, 2005

1 Program Approval

- 1.1 No program of study that requires approval under the *Private Career Colleges Act, 2005* is eligible to be an Approved Program of Study unless:
 - a) the Institution offering the program is an Approved Institution and is a Private Career College (an “Approved Private Career College”);
 - b) the program meets the requirements for an approved program of study for student loan purposes set out in the Regulation and is provided on a full-time basis;
 - c) the program has been approved by the Superintendent of Private Career Colleges pursuant to the *Private Career Colleges Act, 2005*; and
 - d) the Minister is satisfied that:
 - i. the program is delivered in conformity with the description of the program as approved by the Superintendent; and
 - ii. students enrolled in the program have been notified in writing of the requirement to attend scheduled classes in accordance with the Active Participation Policy set out in Appendix 5.
- 1.2 For the purpose of section 1.1 of Part B and Appendix 5 (Active Participation Policy), “full-time basis” means delivery of 100% of the course load approved by the Superintendent and a minimum of 20 Hours of Instruction a week.
- 1.3 If the program of study was an Approved Program of Study offered by an Approved Private Career College which ceased to offer it as an Approved Program of Study due to the Approved Private Career College requesting that the Program Approval be removed under the default cost sharing policy, the program is not eligible to be considered again for Program Approval unless it has not been an Approved Program of Study for at least the last three years. Factors taken into account in considering whether to grant Program Approval on a new application include the last default rate for the program and the Approved Private Career College’s overall default rate at the time of application.
- 1.4 The Minister may impose Institution-specific conditions on a Program Approval.

2 Additional Conditions for Maintenance of Approval Applicable to Institutions Offering Programs that Require Approval under the Private Career Colleges Act, 2005

2.1 Participate in the Measurement of Performance Indicators

2.1.1 The Approved Private Career College shall participate annually in the process established by the Superintendent of Private Career Colleges to measure the Institution's Key Performance Indicators relating to students or graduates of the Institution's Approved Programs of Study as identified from time to time by the Superintendent.

2.2 Remain in Good Standing under Relevant Legislation

2.2.1 The Approved Institution shall remain registered and in good standing under, and in compliance with, the *Private Career Colleges Act, 2005*, including having paid in full any payments as required under that Act and its regulations, and in compliance with any other legislation relating to the Institution's operation in Ontario.

Part C: Additional Requirements Applicable to Private Institutions Offering Programs that Do Not Require Approval under the Private Career Colleges Act, 2005

1 Program Approval

- 1.1 A program of study that does not require approval under the *Private Career Colleges Act, 2005* is not eligible to be an Approved Program of Study unless:
- a) the Institution offering the program is an Approved Institution; and,
 - b) the program meets the requirements for an approved program of study for student loan purposes set out in the Regulation and is provided on a full-time basis.
- 1.2 For the purpose of section 1.1 of Part C, "full-time basis" means:
- a) for all programs other than degree programs, a minimum of 20 Hours of Instruction a week; or
 - b) for degree programs, a maximum of 40% of the teaching and learning is offered through means other than direct classroom instruction, including through e-learning, correspondence, and open broadcast.

1.3 If the program of study was an Approved Program of Study offered by an Approved Institution which ceased to offer it as an Approved Program of Study due to the Approved Institution requesting that the Program Approval be removed under the default cost sharing policy, the program is not eligible to be considered again for Program Approval unless it has not been an Approved Program of Study for at least the last three years. Factors taken into account in considering whether to grant Program Approval on a new application include the last default rate for the program and the Approved Institution's overall default rate at the time of application.

1.4 The Minister may impose Institution-specific conditions on a Program Approval.

2 Additional Conditions for Maintenance of Approval Applicable to Institutions Offering Programs that Require Approval under the Private Career Colleges Act, 2005

2.1 Participate in the Measurement of Performance Indicators

2.1.1 The Approved Private Career College shall participate annually in the process established by the Superintendent of Private Career Colleges to measure the Institution's Key Performance Indicators relating to students or graduates of the Institution's Approved Programs of Study as identified from time to time by the Superintendent.

2.2 Remain in Good Standing under Relevant Legislation

2.2.1 The Approved Institution shall remain registered and in good standing under, and in compliance with, the Private Career Colleges Act, 2005, including having paid in full any payments as required under that Act and its regulations, and in compliance with any other legislation relating to the Institution's operation in Ontario.

Appendix 1: Procedural Manuals and Other Documents Relating to the Administration of OSAP by Approved Institutions

It is the responsibility of an Approved Institution:

- to know how to access the most recent copies of the documents identified below, as appropriate; and
- to ensure that all relevant officers, employees or persons acting on behalf of the Institution are familiar with and comply with all provisions and requirements set out in the following documents that are relevant to the duties of the individual with respect to the proper administration of OSAP.

Reference to the legislation, forms, applications, guidelines, manuals and resources below refer to such legislation and documents as they may be amended from time to time.

1 Documents Relating to Access to FAO Information Portal

(See FAO Information Portal via One-Key Portal - secure access: ONE-Key Portal <https://www.iaa.gov.on.ca/iaalogin/IAALogin.jsp>)

- Access Request Package - OSAP FAO Administrative Services for Users Employed by Approved Postsecondary Institutions in Canada
- Access Request Package - OSAP FAO Administrative Services for Users Employed by the Ontario Association of Career Colleges
- How to Obtain Access to OSAP FAO Administrative Services (including "FAO Portal")
- ONE-Key Portal and OSAP FAO Administrative Services: Guide to ONE-Key Registration and OSAP Administrative Services Enrolment

2 Manuals and Guidelines – available on FAO Information Portal

- CIFS Manual
- Confirmation of Enrolment Procedural Overview
- User Guide: Confirmation of Enrolment Work Queue for OSAP FAO Administrative Users at Private Career Colleges and Other Institutions located in Ontario
- Eligibility, Assessment and Review Manual, Parts I – V
- Program and Cost Code Manual for Institutions Registered under the Private Career Colleges Act, 2005
- Program and Cost Code Manual for Institutions Not Registered under the Private Career Colleges Act, 2005
- Memo to Private Career Colleges and Other Postsecondary Institutions Designated for Student Financial Aid Purposes.

3 Forms– available on FAO Information Portal

- Program Approval Form
- Application for Bursary for Students with Disabilities (BSWD) and Canada Study Grant for Students with Permanent Disabilities
- OSAP Application Update: Change to Study Period or Program
- OSAP Application for Living and Learning Grant
- Credit Check Review Form
- Detailed Box Content Listing
- Disability Verification Form for the OSAP and OTG
- History of Canadian Residency for Student Form
- History of Canadian Residency for Student and Parents
- History of Canadian Residency for Student and Spouse
- OSAP Application Update: Parental Information
- OSAP Request for Grant Only Funding
- Parental Income Verification: Foreign and/or Taxable Income
- OSAP Release of Information to Others
- Ontario Tuition Grant (OTG) Application
- Application for Accommodation: 30% Off Ontario Tuition Grant
- OSAP Instructions Booklet for Full-Time Students [not to be used for any student applying through the web]
- OSAP Paper Application for Full-Time Students [not to be used for any student applying through the web]
- One-Year OSAP Grace Period for Entrepreneurs Application
- One-Year OSAP Grace Period for Not-For-Profit Employees
- Request for Assessment on Parent's Estimated Income
- Request for Assessment on Spouse's Estimated Income
- Request for Review: Adjust Income Contribution Due to Lack of Employment
- Request for Review: Adjust Living Allowance
- Request for Review: Adjust Local Travel
- Request for Review: Student Fixed Contribution
- Request for Study Period Information
- Request for OSAP Access Number (OAN)
- Request for a Temporary OSAP Password (for student)
- Student Activity Update Form
- Scorecard: Student Fixed Contribution Review

- Verification of Status form with Ontario Children's Aid Society
- Supporting Documentation Cover Sheet

4 Legislation

(See Service Ontario e-laws: www.e-laws.gov.on.ca) and Government of Canada - Justice Laws Website: <http://laws-lois.justice.gc.ca/eng>)

- *Ministry of Training, Colleges and Universities Act*, R.S.O. 1990, c. M. 19, and Regulations 774, and 775 and O. Reg. 268/01, 118/07 and 212/13 made under the Act
- *Canada Student Financial Assistance Act*, S. C. 1994, c. 28; and Regulation, SOR 95-329
- *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.F.31
- *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c.5
- *Privacy Act*, R.S.C., 1985, c.P-21
- *Private Career Colleges Act, 2005*, S.O. 2005, c. 28, Sched L, O. Reg. 415/06 and O. Reg. 414/06 made under this Act
- *Post-Secondary Education Choice and Excellence Act, 2000*, S.O. 2000. c. 36 and O. Reg, 279/02 made under this Act

See Also:

OSAP Website (public):

- www.ontario.ca/osap (English OSAP)
- www.ontario.ca/rafeo (French OSAP)

Appendix 2: Approved Program of Study Admission and Academic Requirements

1 Admission Requirements

At a minimum, the admission requirements for an Approved Program of Study must be at least:

- an Ontario Secondary School Diploma (OSSD) or its equivalent;
- a diploma or degree from an Ontario postsecondary institution or its equivalent; or
- mature student status.

These are minimum requirements, however, and it is incumbent on an Approved Institution to be able to demonstrate that it has reasonable grounds to conclude that the students admitted to an Approved Program of Study have the ability to meet the specific requirements of the program to which the student is being admitted.

The Approved Institution's admission requirements for a program shall be applied to all students enrolled in the program, not only those applying for assistance under OSAP. If the Approved Institution is a Private Career College, admission requirements in addition to the minimum requirements set out above must be those identified in the approval of the program by the Superintendent of Private Career Colleges.

2 Publication of Requirements

The Approved Institution's admission requirements and policy must be published in its calendar and all admission-related publications.

3 Mature Student Status

A mature student means an applicant who has reached the age of 18 years on or before the commencement of the Approved Program of Study in which he or she intends to enroll, who does not have an OSSD or equivalent credential, or does not have a diploma or degree from an Ontario postsecondary institution or an equivalent credential.

The Approved Institution shall verify, prior to admitting a mature student, that the student is able to demonstrate an academic achievement equivalent to an OSSD . An Approved Institution that is a Private Career College is required to use an academic achievement test identified in the approval of the program by the Superintendent of Private Career Colleges.

4 Admission Documentation

The Approved Institution shall retain the following documentation for all students enrolled in an approved program, whether or not the student received assistance under OSAP:

- For OSSD graduates: a copy of Grade 12 transcripts, diplomas, or the equivalent diploma or certificate.
- For Mature students:
 - signed attestation by an Approved Institution's representative that the student has shown a birth certificate or other official government document that includes the student's date of birth; and
 - the results of the academic achievement test.
- Written verification that the student has met all admission requirements of the program prior to the student beginning classes.

5 Students With Advanced Academic Standing

If the Approved Institution has accepted a student for enrolment in an Approved Program of Study on the basis of the student having advanced academic standing, the program will not be considered to be an Approved Program of Study for the purposes of assessing the student's eligibility for assistance under OSAP unless:

- the student has been granted advanced academic standing based upon previous postsecondary studies or an objective assessment of his or her prior learning;
- the number of weeks in the student's remaining study period is at least 12 weeks in duration;
- in the case of a program approved by the Superintendent of Private Career Colleges, the remaining portion of the program is delivered in conformity with the description of the program as approved by the Superintendent and the student has been notified in writing by the Approved Institution of the requirement to attend scheduled classes on a full-time basis in accordance with the Active Participation Policy;
- in the case of a program which does not require approval by the Superintendent, the student's remaining program course load is at least 60% of the course load of the Approved Program of Study or 40% if the student is a student with a disability; and
- the student's contract with the Approved Institution reflects the reduction in the number of weeks as well as a reduction in the tuition fee amount based on the student being enrolled with advanced standing.

6 Advanced Standing Documentation

To verify a student's advanced standing, the Approved Institution shall maintain the following documentation in the student's file:

- the official transcript(s), or the assessment method(s) and results on which the advanced standing was granted; and
- the student's contract with the Approved Institution which reflects reduction in the number of weeks enrolled on the basis of advanced academic standing.

7 Active Participation Policy

If the Approved Institution is a Private Career College, the Approved Institution shall:

- a) develop and maintain on file an active participation policy that:
 - i. complies with the Active Participation Policy; and
 - ii. clearly identifies for the Institution's students, the academic requirements of their program of study with respect to hours of instruction and course load, including classroom attendance, course work, self-paced study, and clinical or field placement, as relevant; and
- b) monitor each student's compliance with the Active Participation Policy and maintain an hourly participation record for each student.

8 Demonstration of Academic Progress

Academic progress requirements may be established from time to time by Ontario and Canada. Such requirements shall be set out in the **OSAP Eligibility, Assessment and Review Manual**.

A student who does not make satisfactory progress in his or her program of study may be found ineligible for assistance under OSAP. The Approved Institution shall monitor the academic progress and performance of its students, and maintain academic records of all students in an Approved Program of Study, whether or not the student is receiving assistance under OSAP.

The Approved Institution shall notify the Minister of any student receiving assistance under OSAP who has not successfully earned a credential by the end date of the student's Approved Program of Study. Such notification shall be communicated to the Minister within thirty (30) calendar days of the end date of the student's Approved Program of Study.

Appendix 3: OSAP Administrative Procedures

1 Completion of OSAP Application

Each student must complete, sign and submit his or her own OSAP application. An Approved Institution shall ensure it remains at arm's length from a student's OSAP application and shall not:

- request or accept from a student a paper OSAP application unless that student is applying by paper;
- complete an OSAP application on behalf of a student;
- request, record or use a student's OSAP application code or password; or
- otherwise breach the arm's length relationship the Approved Institution must maintain with respect to the student's OSAP application.

2 Confirmation of Enrolment Process

The Approved Institution shall electronically confirm that the student is registered, has enrolled in and is attending classes in the Approved Program of Study and update the student's income information stated on his or her OSAP application, as required by the Ministry's confirmation of enrolment process identified in "Confirmation of Enrolment Procedural Overview".

3 Conditions for Confirmation of Enrolment and Release of Funding

- 3.1 The Approved Institution shall not confirm enrolment for a student until it has ensured, in accordance with the applicable academic year Processing Guidelines, that the following conditions are met:
- the student is enrolled full-time in an Approved Program of Study;
 - if the Approved Institution is confirming the student's information prior to the study period, the start date specified on the Confirmation of Enrolment is the same as indicated on the student's contract or, if the student's start date in the program as identified in the original contract has been delayed, the delay is less than one month and the Institution has updated the student's contract and immediately notified the Ministry of the change in the start date of the program;
 - if the Approved Institution is subject to the Active Participation Policy, the Institution has advised the student in writing of the requirements of the Active Participation Policy; and
 - the Approved Institution has notified the student of his or her loan responsibilities with regard to repayment, active participation and academic progress.
- 3.2 If the student's start date has been delayed by one month or more, the Approved Institution shall return promptly a student activity update form to update the student's account.

- 3.3 The Approved Institution shall not confirm enrolment for a student who has withdrawn or been deemed to have withdrawn as set out in section 5.2 below.

4 Redirection of Funds (Loans/Grants) to Approved Institution

- 4.1 The Approved Institution shall not accept the redirection by a student of funds from any authorized loan or grant to the Approved Institution in excess of tuition and compulsory fees. For the purposes of this section, book costs are not compulsory fees.
- 4.2 The Approved Institution shall not require a student to redirect funds to the Approved Institution from any loan or grant issued under OSAP as a condition of enrolment, registration, placement, or delivery of an Approved Program of Study.

5 Students Who Have Ceased Taking the Minimum Required Course Load

- 5.1 If the Approved Institution is not a Private Career College, the Approved Institution shall complete a Student Activity Update form for each student who ceases to take the minimum required course load as set out in section 9 of the Regulation and within 30 days of the date on which the student ceased taking the minimum required course load, send to the National Student Loans Service Centre and the Ministry's Programs Unit office in Thunder Bay at the address noted below, a copy of the completed Student Activity Update form.

Ontario Student Assistance Program (OSAP)
Ministry of Advanced Education and Skills Development
189 Red River Road, 4th Floor
Thunder Bay, ON
P7B 6G9
Fax: 1-807-343-7278

6 Students Who Have Withdrawn

- 6.1 For OSAP purposes only:
- the date of withdrawal is the last day of attendance in the Approved Program of Study by the student; and
 - the effective date of withdrawal is the earliest date that the Approved Institution is able to ascertain that the student is deemed to have withdrawn pursuant to section 6.2 below, which in no case can be later than five days after the 28th day of consecutive absence.

- 6.2 For OSAP purposes only, a student is deemed to have withdrawn from his or her Approved Program of Study if the student:
- has notified the Approved Institution that he or she has withdrawn from the Approved Program of Study;
 - is registered in a non-degree Approved Program of Study and has not attended 28 consecutive days of scheduled classes;
 - for any other reason is incapable of attending classes; or
 - has been dismissed or expelled from the Institution.
- 6.3 Within 30 days of the effective date of withdrawal due to one or more of the above occurrences, the Approved Institution shall send to the National Student Loans Service Centre and the Ministry's Programs Unit office in Thunder Bay, at the address noted below, a copy of the completed Student Activity Update form.

Ontario Student Assistance Program (OSAP)
Ministry of Advanced Education and Skills Development
189 Red River Road, 4th Floor
Thunder Bay, ON
P7B 6G9
Fax: 1-807-343-7278

7 Fee Refunds

- 7.1 The Approved Institution shall calculate all refundable tuition and compulsory fees in accordance with its refund policy.
- 7.2 If the Approved Institution is a Private Career College, its refund policy must meet the requirements of the *Private Career Colleges Act, 2005* and Ontario Regulation 415/06 made under that Act.
- 7.3 Within 30 days of the effective date of withdrawal, the Approved Institution shall forward any applicable fee refund to the National Student Loans Service Centre.

8 Student File Documentation

The Approved Institution shall maintain an individual student file for each student in its approved programs at the Institution, whether or not the student is receiving assistance under OSAP.

9 Record Retention

The Approved Institution shall retain each student file for the past two OSAP Academic Years in addition to the current OSAP Academic Year.

Appendix 3.1: OSAP Administrative Procedures for Academy of Learning – Integrated Learning System Programs

In the case of Academy of Learning – Integrated Learning System (ILS) Programs, Appendix 3 applies except that sections **6.1 and 6.2 are replaced with the following:**

6 Students Who Have Withdrawn

6.1 For OSAP purposes:

- the date of withdrawal is the last day of attendance in the Approved Program of Study by the student; and
- the effective date of withdrawal is the earliest date that the Approved Institution is able to ascertain that the student is deemed to have withdrawn pursuant to section 5.2 below, which in no case can be later than five days after the day the student failed to receive 80 hours of ILS Instruction (as defined in Section 1.1 of Alternative Appendix 5) over any period of 28 consecutive days.

6.2 For OSAP purposes, a student is deemed to have withdrawn from his or her Approved Program of Study if the student:

- has notified the Approved Institution that he or she has withdrawn from the Approved Program;
- is registered in a non-degree Approved Program of Study and has not received 80 hours of ILS Instruction over any period of 28 consecutive days in accordance with section 2 of Alternative Appendix 5.1 (Active Participation Policy For Academy of Learning – Integrated Learning System Programs);
- for any other reason is incapable of attending scheduled classes in the Approved Program of Study; or
- has been dismissed or expelled from the Approved Institution.

Appendix 4: Confidentiality Requirements

The Approved Institution understands that the Ministry is bound by the protection of privacy provisions of the *Freedom of Information and Protection of Privacy Act*, that Canada is bound by the protection of privacy provisions of the *Privacy Act*, and that the Approved Institution is bound by the *Personal Information Protection and Electronics Document Act*. In administering OSAP, the Institution shall protect the privacy of individuals and abide by the following terms and conditions:

- 1 The Approved Institution shall use the information in OSAP records solely for the purpose of administering OSAP as authorized by the Ministry, unless otherwise required by a court of competent jurisdiction or the Approved Institution has the Ministry's written authorization.
- 2 The Approved Institution shall designate an informed, and if possible, experienced, officer or employee to be responsible for ensuring the Approved Institution's compliance with the privacy provisions of the **Performance Requirements**, including section 6.4 and this Appendix, and ensure that the designated individual is aware of such privacy provisions.
- 3 The Approved Institution shall only give access to personal information in a form in which the individual to whom it relates can be identified to its officers and employees if:
 - the officer or employee needs the information in the performance of his or her duties and where such disclosure is necessary and proper in the administration of OSAP by the Institution;
 - the Approved Institution has obtained a signed agreement from such officer or employee to ensure that he or she will abide by the terms of these confidentiality provisions and will not disclose such information to any other person; and
 - the Approved Institution maintains a file listing of the persons so authorized, along with an original copy of their signed confidentiality agreement.
- 4 The Approved Institution shall ensure that only officers and employees authorized by the Ministry to access the FAO Information Portal through the ONE-Key Portal have access to the Portals using their assigned access identification numbers or codes and that such officers and employees comply with all conditions imposed or attached to the allocation and use of such numbers or codes.
- 5 The Approved Institution shall ensure that all personal information accessed or obtained from OSAP records or otherwise required pursuant to the **Performance Requirements** shall be stored, remain in and be accessible in a physically secure location in Canada to which access is given only to the persons referred to in sections 2 and 3 above. The security of all student and student-related personal information must be accessed and maintained in accordance with all relevant Ministry guidelines, directives or other Ministry documents relating to OSAP-related information access and security.

- 6 The Approved Institution shall ensure the secure and irreversible destruction of all personal information that is not needed for the purposes set out in section 1 above, within three years after the student has completed his or her attendance at the Institution in a manner that is appropriate to the medium on which the personal information is stored. The Approved Institution shall provide confirmation of the secure destruction to the Ministry in writing on the request of the Ministry.
- 7 The Approved Institution shall ensure that no personal information shall be used or disclosed in a form in which the individual to whom it relates can be identified, except for the purposes set out in section 1 above, without the written authority of the Ministry, unless required to do so by a court of competent jurisdiction.
- 8 The Approved Institution shall notify the Ministry in writing immediately upon becoming aware of a potential or actual breach of any privacy protection provisions of the **Performance Requirements**.
- 9 The Approved Institution shall provide the Ministry, on request, with any information the Ministry may need to confirm that the Approved Institution has complied with the conditions set out in the **Performance Requirements**.
- 10 The Approved Institution shall cooperate with the Ministry and the Ministry's contractors and auditors, and with Canada, and Canada's contractors and auditors, in any audit of or investigation into breach of the privacy protection provisions of the **Performance Requirements or Performance Requirements, 2007**.
- 11 The Approved Institution shall implement, use and maintain other specific privacy or security measures that in the reasonable opinion of the Ministry would improve the adequacy and effectiveness of the Institution's measures to ensure the privacy and security of the information.
- 12 These confidentiality provisions shall survive the termination of the annual **Performance Requirements Institution Agreement** between the Minister and the Approved Institution.
- 13 These confidentiality provisions apply only to records related to the Approved Institution's administration of OSAP on behalf of the Ministry and are not intended to affect the general administration of the Approved Institution or any of its other records.

Appendix 5: Active Participation Policy

1 This Appendix applies to Approved Institutions that are Private Career Colleges.

Section 1.1 of Part B of the **Performance Requirements** provides that a program of study approved by the Superintendent of Private Career Colleges pursuant to the *Private Career Colleges Act, 2005*, is not eligible for Program Approval under the **Performance Requirements** unless the Minister is satisfied that:

- a) the program is or will be delivered in conformity with the description of the program as approved by the Superintendent;
- b) students enrolled in the program have been informed in writing by the Approved Institution that they are required to attend all scheduled classes and placements on a full-time basis in accordance with the Active Participation Policy; and
- c) student attendance will be managed in accordance with the Active Participation Policy.

The Active Participation Policy is set out below.

1.1 Definitions

For the purpose of this Appendix:

“Teach” means:

- a) instruction provided during class hours required as part of the program as approved by the Superintendent of Private Career Colleges; and
- b) clinical or field placement hours that are a required part of a program as approved by the Superintendent, and which are monitored or supervised as required by the Superintendent.

1.2 The Policy

An Approved Institution offering a program that is approved by the Superintendent of Private Career Colleges pursuant to the *Private Career Colleges Act, 2005*, and that is also an Approved Program of Study under the **Performance Requirements** must:

- a) Teach the Approved Program on a full-time basis¹, as approved by the Superintendent of Private Career Colleges, including scheduling classes in conformity with the Superintendent’s approved program requirements;
- b) be able to demonstrate on the request of the Ministry, that it has and continues to exercise due diligence to ensure that each student is actively pursuing his or her studies as specified in paragraph (e) below;

¹See definition of “full-time basis” in section 1.2 of Part B of the **Performance Requirements**

- c) ensure that documentation identifying all missed course requirements for the Approved Program of Study that the student failed to fulfil due to absence are noted in the Student File;
- d) inform the Minister promptly if the Approved Institution becomes aware that the student has not been, is not or will not be able to attend or participate in his or her Approved Program of Study for a period of 28 consecutive days or more; and
- e) ensure that each student is informed in writing before commencing the Approved Program of Study of:
 - i. the expectation that the student attend all scheduled classes for the Approved Program of Study;
 - ii. the expectation that the student completes all Approved Program of Study course requirements by the student's approved study period end date, including fulfilling all course requirements that the student missed or failed to fulfil due to absence;
 - iii. the Approved Institution's obligation to ensure that all course requirements for the Approved Program of Study that the student missed or failed to fulfil due to absence are noted in the Student File;
 - iv. the student's responsibility for notifying the student's instructor(s) and the Approved Institution about any period of absence that is likely to last four consecutive weeks or more; and
 - v. the Approved Institution's obligation to report absences of 28 consecutive days to the Minister and that such absences will affect the student's eligibility for OSAP assistance.

2 Accommodation for Students with a Disability

It is recognized that Approved Institutions are obligated under Ontario's Human Rights Code to provide accommodation to persons with disabilities. If a student is unable to attend all classes scheduled for the Approved Program of Study on a full-time basis, due to his or her disability, and the Approved Institution proposes an accommodation plan, the Minister will consider the student's continued eligibility for assistance under OSAP as a full-time student if the Minister is satisfied that:

- a) the proposed accommodation plan responds to and is appropriate to the specific needs of the student arising from the disability;
- b) the plan requires attendance in classes providing at least 40% of the program's scheduled Hours of Instruction;
- c) the Approved Institution has received satisfactory documentation from an appropriate health care professional regulated under the *Regulated Health Professions Act, 1991* that confirms that the student has a disability and the nature of the accommodation required by the student in the context of the program; and
- d) the accommodation plan has been developed in consultation with the student and he or she has agreed to it.

The Approved Institution shall maintain all required documentation noted above to support the proposed accommodation plan in the Student File, which documentation shall be available for verification or audit purposes by the Ministry, including verification of Institution compliance under Section 6.8 of the **Performance Requirements**.

Important Note: The development of an accommodation plan is the sole responsibility of the Approved Institution and student. The Minister does not participate in the development of the plan, and any decision by the Minister that the student remains eligible for assistance under OSAP as a full-time student does not represent any approval or endorsement of the accommodation plan in terms of whether it meets all the Approved Institution's obligations under the *Human Rights Code*.

Appendix 5.1: Active Participation Policy For Academy Of Learning - Integrated Learning System (ILS) Programs

1 (For Academy of Learning – Integrated Learning System Programs replace Appendix 5 with this Appendix 5.1)

Section 1.1 of Part B of the **Performance Requirements** provides that a program of study approved by the Superintendent of Private Career Colleges pursuant to the *Private Career Colleges Act, 2005*, is not eligible for Program Approval under the Performance Requirements unless the Minister is satisfied that:

- a) the program is or will be delivered in conformity with the description of the program as approved by the Superintendent;
- b) students enrolled in the program have been informed in writing by the Approved Institution that they are required to attend all scheduled classes and placements on a full-time basis in accordance with the Active Participation Policy; and
- c) student attendance will be managed in accordance with the Active Participation Policy.

The Active Participation Policy set out below applies to Academy of Learning - Integrated Learning System (ILS) Programs.

1.1 Definitions

For the purpose of this Alternative Appendix:

“Computer Based Learning” means AOL Integrated Learning System (ILS), which is a blended learning system, where the student has access to course materials, in the form of training manuals, media, data files, and exercises that require the use of original software, all supported by a facilitator with the required qualifications as specified by the Superintendent of Private Career Colleges, who monitors or supervises student use of the ILS, works one-on-one with each student, and is available to answer student questions.

“ILS Instruction” means the provision of Computer Based Learning related to a student’s Approved Program of Study.

1.2 The Policy

An Approved Institution offering an ILS program approved by the Superintendent of Private Career Colleges pursuant to the *Private Career Colleges Act, 2005*, which is also an Approved Program of Study under the **Performance Requirements** must:

- a) deliver the Approved Program of Study on a full-time basis², as approved by the Superintendent of Private Career Colleges, including scheduling classes in conformity with the Approved Program of Study requirements;

² See s. 1.2 of Part B of the Performance Requirements for definition of “full-time basis”. For programs approved by the Superintendent of Private Career Colleges, “full-time basis” means delivery of 100% of the course load approved by the Superintendent and a minimum of 20 hours of instruction a week.

- b) maintain hourly attendance records for each student in the Student File; c) ensure that documentation identifying all missed course requirements for the Approved Program of Study that the student failed to fulfil due to absence are noted in the Student File;
- d) inform the Minister promptly if a student fails to receive 80 hours of ILS Instruction over any period of 28 consecutive days;³ and
- e) ensure that each student is informed in writing before commencing the Approved Program of Study of:
 - i. the expectation that the student attend all scheduled classes for the Approved Program and receive a minimum of 80 hours of Computer Based Learning (i.e., ILS Instruction) over any period of 28 consecutive days;
 - ii. the expectation that the student fulfils all Approved Program of Study course requirements by the student's approved study period end date, including fulfilling all course requirements that the student missed or failed to fulfil due to absence;
 - iii. the Approved Institution's obligation to ensure that all course requirements for the Approved Program of Study that the student missed or failed to complete or fulfil due to absence are noted in the Student File;
 - iv. the student's responsibility for the notifying the Approved Program of Study instructor, facilitator and/or administrator responsible for monitoring the student's class work and instruction, and the Approved Institution, about any period of absence that is likely to result in the student being unable to receive 80 hours of ILS Instruction over any period of 28 consecutive days; and
 - v. the Approved Institution's obligation to report absences which result in the student receiving less than 80 hours of Computer Based Learning, i.e., ILS Instruction, over any period of 28 consecutive days to the Minister and that such absences will affect the student's eligibility for OSAP assistance.

2 Accommodation for Students with a Disability

It is recognized that Approved Institutions are obligated under *Ontario's Human Rights Code* to provide accommodation to persons with disabilities. If a student is unable to attend on a full-time basis due to his or her disability, and the Approved Institution proposes an accommodation plan, the Minister will consider the student's continued eligibility for assistance under OSAP as a full-time student if the Minister is satisfied that:

- the proposed accommodation plan responds to and is appropriate to the specific needs of the student arising from the disability;
- the plan requires attendance in classes providing at least 40% of the program's required Hours of Instruction;
- the Approved Institution has received satisfactory documentation from an appropriate health care professional regulated under the *Regulated Health Professions Act, 1991* that confirms that the student has a disability and the nature of the accommodation required by the student in the context of the program; and

³ For the purposes of 1.2(c) of this Appendix, the calculation of the 80 hour threshold commences the first week that the student fails to receive 20 hours of instruction.

- the accommodation plan has been developed in consultation with the student and he or she has agreed to it.

The Approved Institution shall maintain all required documentation noted above to support the proposed accommodation plan in the Student File, which documentation shall be available for verification or audit purposes by the Ministry, including verification of Institution compliance under Section 6.8 of the **Performance Requirements**.

Important Note: The development of an accommodation plan is the sole responsibility of the Approved Institution and student. The Minister does not participate in the development of the plan, and any decision by the Minister that the student remains eligible for assistance under OSAP as a full-time student does not represent any approval or endorsement of the accommodation plan in terms of whether it meets all the Approved Institution's obligations under the *Human Rights Code*.