

International Student Program (ISP)

Guide to the Application Process for First-time and Previously-designated Private Postsecondary Institutions

(“Private Institution ISP Application Guide”)

Ministry of Training, Colleges and Universities
Issued: December 4, 2015

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Introduction to the *Private Institution ISP Application Guide*

The purpose of this document is to assist private postsecondary institutions that are completing an Application for Designation for the purposes of the International Student Program (“ISP”). Specifically, this document explains the information and supporting documents that an institution is required to submit when completing an Application for Designation under the ISP.

This *Private Institution ISP Application Guide* applies only to private postsecondary institutions. These include:

- Private career colleges registered under the *Private Career Colleges Act, 2005* (“PCC Act”);
- Private institutions offering vocational training programs that are exempt from the institution registration and program approval requirements under the PCC Act;
- Private institutions providing all or part of one or more degree programs authorized under a statute of the Ontario Legislature or pursuant to the consent of the Minister of Training, Colleges and Universities under the *Post-secondary Education Choice and Excellence Act, 2000*;
- Private institutions providing postsecondary education programs that are not vocational programs or degree programs; and
- Private institutions whose primary educational activities involve the delivery of language training to international students.

This *Private Institution ISP Application Guide* applies to both institutions that have not been previously designated (“first-time applicants”) and institutions that have been previously designated (“previously designated applicants”).

Definitions

Terms that are capitalized below are defined in the *2015 Requirements for Designation of Postsecondary Institutions for the Purposes of the International Student Program* (the “*ISP Requirements, 2015*”). For example, “Campus”, when used below, means “a physical site at which an institution directly provides postsecondary education”.

Applicants are expected to have reviewed the definitions set out in the definition section of the *ISP Requirements, 2015* before completing an application.

Designation Criteria: the *ISP Requirements, 2015*

This document does **not** set out the criteria for designation under the ISP. The designation criteria are set out in the *ISP Requirements, 2015*. In the event of any discrepancy between the *ISP Requirements, 2015* and this document, the *ISP Requirements, 2015* governs. As noted above, applicants are expected to review the *ISP Requirements, 2015* before completing an application form for Designation under the ISP.

Overview of the Application Process

Before completing an application form, applicants should review the following documents to ensure they thoroughly understand the designation criteria and application process:

- The *ISP Requirements, 2015*;
- The *Private Institution ISP Application Guide* (this document);
- The “International Student Program Postsecondary Application for Designation, 2015 – Private Institutions” for first-time applicants; and
- The “International Student Program Postsecondary Application for Re-Designation, 2015 – Private Institutions” for previously designated applicants.

Completing an Application

In order to complete an application, institutions must fill out the appropriate application form and provide all supporting documents identified in the application form. If a Language Program Accreditor performed a site assessment at one or more of the Campuses or Branch Locations identified in the institution’s application with respect to the institution’s current accreditation, the applicant must also provide a copy of the accreditation inspection report.

Applicants are encouraged to submit all required information and documents in one application package. If this is not possible, applicants have a maximum of six (6) months to submit all forms, documents, and information required as part of an Application for Designation. **If an applicant fails to submit all documents within six (6) months of the date of the Ministry’s receipt of an initiated application, its application will be deemed to be abandoned.** All documents and forms submitted to MTCU as part of its application will be returned to the institution.

Requests for Clarification or Additional Documents

Applications will be reviewed against the criteria set out in the *ISP Requirements, 2015*. In the event that further documents or clarification is required, the Ministry will contact an applicant directly. An applicant will be deemed to have abandoned its application if it fails to respond to a request for clarification or further documentation in the timeframe specified in the Ministry’s request.

Site Assessment

For First-Time Applicants:

The Ministry **will** conduct a site assessment at each Campus and Branch Location identified in an applicant’s Application for Designation if the applicant has not been subject to an inspection pursuant to legislation for which the Minister is responsible in the previous twelve (12) months.

If an applicant has been subject to an inspection pursuant to legislation for which the Minister is responsible in the previous twelve (12) months, the Ministry **may** conduct a site assessment for each Campus and Branch Location identified in the Application for Designation.

The Ministry will contact an applicant that has submitted a complete Application for Designation to inform the applicant if a site assessment is required.

Note: Under the *ISP Requirements, 2015*, applicants intending to offer language training to International Students must be accredited by a Language Program Accreditor. Although the accreditation process may include a site assessment, the Ministry will also conduct a site assessment for the purposes of designation under the ISP.

If a Language Program Accreditor performed a site assessment at one or more of the Campuses or Branch Locations identified in the institution's application with respect to the institution's current accreditation, the applicant must also provide a copy of the accreditation inspection report.

For Previously Designated Applicants:

Previously designated applicants may be subject to a Ministry-conducted site assessment as part of their Application for Designation. The Ministry will inform an applicant if a site assessment is required.

If a Language Program Accreditor performed a site assessment at one or more of the Campuses or Branch Locations identified in the institution's application with respect to the institution's current accreditation, the applicant must also provide a copy of the accreditation inspection report.

Offer of Designation

It is important to note that the submission of a complete application does not guarantee that the applicant will receive an offer of designation. Such an offer will only be extended to an applicant if Ontario is satisfied that the applicant meets all of the criteria for designation set out in the *ISP Requirements, 2015*.

An "offer of designation" will include a Designation Agreement that the institution must sign before it will be designated. Successful applicants will become designated on the date that the designation agreement is fully executed by the successful applicant and Ontario.

An institution ceases to be designated at the end of the day on the date the Designation Agreement expires. A Private Postsecondary Institution's Designation Agreement will expire eight (8) months after the institution's next fiscal year end.

Institutions are reminded that designation under the ISP is site-specific, meaning that the designation applies to only those Campuses and Branch Locations identified in the institution's Designation Agreement. It is therefore possible that an institution may only be eligible to receive students at one or more, but not of all of the Campuses and/or Branch Locations it operates.

If an institution later wishes to apply to have its designation extended to an additional Campus or Branch Location (e.g., the institution opens a new Campus), the institution must submit an application in a form required by the Ministry demonstrating that the Campus or Branch Location it wishes to include in its designation meets all relevant ISP requirements.

If Ontario is satisfied that it does meet all relevant ISP requirements, a fully executed amendment to the institution's Designation Agreement is required before the Campus or Branch Location becomes included in the institution's Designation. In other words, the institution cannot host International Students at the new Campus or Branch Location until both parties have signed an amendment to the institution's Designation Agreement that includes the Campus or Branch Location in the institution's Designation.

Applicants that are not Designated

If an applicant is unsuccessful, does not enter into a Designation Agreement, or does not meet any other condition included in the offer of designation, **it will not be designated for the purposes of the ISP**. Institutions that are not designated are not eligible to receive international students requiring a study permit to attend a program of study that is six (6) months in duration or longer.

Continuing Designation: Applicants that are Designated at the time of their Application for Designation

If an applicant submits a complete Application for Designation on or before the expiry of its current Designation Agreement, the institution will remain designated pending the decision on its application (a "continuing designation"). Institutions with continuing designations are required to continue to meet the requirements of their current Designation Agreements. If the institution is unsuccessful in its Application for Designation, the notice of decision will identify the date on which such continuing designation ceases to be in effect.

If an institution's current Designation Agreement expires before it submits a complete Application for Designation, or if an institution's Application for Designation is unsuccessful, **the institution ceases to be designated for the purposes of the ISP and Ontario will notify Immigration, Refugees and Citizenship Canada that the institution should be removed from the list of Designated Learning Institutions**. Institutions that are not designated are not eligible to receive international students requiring a study permit to attend a program of study that is six (6) months in duration or longer.

Requests for Reconsideration

An applicant whose Application for Designation is unsuccessful may request a reconsideration of the decision by submitting a request in writing. A request must set out the reasons for the request and must be accompanied by such supporting documents which the applicant considers relevant to the request.

A reconsideration request will be considered only if it raises new information or explanations that are relevant to the *ISP Requirements, 2015*.

Completing an Application for Designation or Re-designation

The following section describes, for both first-time applicants and previously designated applicants, how to complete an Application for Designation.

Part A: General Information

This part requires an applicant to complete a series of sections that provide general information about the institution.

1. Institution Information

In this section, applicants are required to enter specific information about the institution, including:

- legal name,
- registered operating name,
- business number, unless the applicant was established by statute,
- address, and
- general contact information.

The applicant is required to estimate the institution's projected total International Student enrollment for the upcoming designation year and the current total student population at the time the application form is submitted (all students, domestic and international) in the space provided.

Additional Information for Previously Designated Applicants:

Previously designated applicants are also required to indicate whether they are seeking a continuing designation. A continuing designation is only available for applicants that are Designated on the day that they submit their Application for Designation. (See page 7 for more information).

Previously designated applicants seeking a continuing designation are required to confirm that they will continue to comply with their current Designation Agreement while their Application for Designation is under consideration.

2. Institution Type

In this section, applicants are required to identify the institution categories that apply to the applicant. Please list all that are applicable to the institution, and provide the appropriate identification number in the space provided.

For example, an applicant that offers language programs and vocational programs requiring approval under the PCCA should select both:

- Registered private career college; and
- Other, specifying "Language School".

Such an applicant should also provide its registration number under the PCC Act.

3. Campus Information

In this section, applicants must list all Campuses for which the applicant is applying to be included in the Designation (i.e., the locations at which the institution proposes to offer programs of study to International Students).

Campuses that are not identified in the Application for Designation will not be considered for inclusion in a Designation. An institution cannot receive International Students for programs that are six (6) months in duration or longer at Campuses that are not included in a Designation.

In the space provided, indicate for each proposed Campus:

- Name, and
- Address, including street address, unit (if applicable), city/town, and postal code.

Additional Information for Previously Designated Applicants:

Applicants must list all individual Campuses at which the applicant is applying for designation, providing the same Campus information as requested above.

Campuses that are not identified in the application will not be included in an applicant's Designation, even if the applicant's Previous Designation Agreement(s) included such Campuses.

If an applicant does not wish to apply for designation of a specific Campus, it should omit the Campus from the list.

If an applicant wishes to apply for designation at a new Campus, the applicant should provide details of the Campus in the space provided on the Application for Designation.

4. Branch Location Information

In this section, applicants are required to list all Branch Locations at which the applicant is applying for designation.

A “Branch Location” is a physical site operated by a third party at which an institution provides postsecondary education through the third party.

If this section applies to the applicant, it must indicate for each Branch Location:

- the legal and operating name of the third party that will be operating the Branch Location,
- a copy of the agreement between the applicant and the third party providing for the delivery of postsecondary programs by the applicant through the third party at the Branch Location,
- the address of the Branch Location, including street address, unit number (if applicable), city or town, and postal code, and
- the business number of the third party operating the Branch Location.

Additional Information for Previously Designated Applicants:

Applicants must list all current Branch Locations at which the applicant is seeking designation, providing the information requested above for each Branch Location.

Applicants should include all new Branch Locations and omit any Branch Locations that have ceased operating on behalf of the applicant.

For greater clarity, if an agreement respecting a Branch Location has expired or been terminated, the applicant should not include the Branch Location in the application.

Part B: Postsecondary Institutional Eligibility

5. Compliance with Ontario Legislation and Policies Governing Postsecondary Education Institutions

In this section, applicants must indicate:

- (a) whether they have been informed by the Ministry or the Superintendent of Private Career Colleges that they are **not** in compliance with legislation for which the Minister is responsible; and
- (b) whether they are otherwise aware that they are **not** in compliance with legislation for which the Minister is responsible.

Applicants are expected to have conducted due diligence in ensuring they are in compliance with legislative requirements governing their operations, including:

- The *Ministry of Training, Colleges and Universities Act*
- The *Post-secondary Education Choice and Excellence Act, 2000*
- The *Private Career Colleges Act, 2005*

For example, applicants can pre-screen programs of study with the Ministry to determine whether those programs require approval under the *Private Career Colleges Act, 2005*. More information about the pre-screening process is available online: <http://www.tcu.gov.on.ca/pepg/audiences/pcc/register.html>.

6. Compliance with All Other Legislation to which the Institution is Subject

In this section, applicants must indicate:

- whether they have been informed by a federal, provincial, territorial, or municipal body that they are not in compliance with any other federal, provincial, territorial, or municipal legislation that applies to them;
- whether they are otherwise aware that they are **not** in compliance with federal, provincial, territorial, or municipal legislation that applies to them; and
- whether any person who manages or directs the affairs of the institution (e.g., corporate director/officer, controlling shareholder, owner, partner) has a prior conviction with respect to offences under the *Criminal Code* or other federal, provincial, or territorial legislation.

If an applicant indicates that a person who manages or directs the affairs of the institution has been previously convicted of an offence, the applicant may provide an explanation of the circumstances of the offence and make submissions relevant to section 4.4 of the *ISP Requirements, 2015*.

7. Debts to the Crown and Payments due under Governing Legislation

In this section, applicants must indicate whether the institution is in arrears with respect to any payment schedule related to a debt that is owed to Ontario, Canada, or any other province or territory of Canada.

8. History of Providing Postsecondary Education Programs in Ontario

In this section, applicants must confirm whether they have been delivering postsecondary education programs in Ontario for at least three (3) consecutive years immediately before submitting the Application for Designation.

This confirmation must be accompanied by providing the following:

- Income tax Notices of Assessment (NOA) for the applicant for the previous three (3) consecutive years or other evidence satisfactory to Ontario that the institution has been delivering postsecondary education programs in Ontario for at least

three (3) consecutive years immediately before submitting the Application for Designation.

9. Sufficient Financial Capacity

Applicants must demonstrate that they have the financial capacity to provide programs of study to International Students. Applicants are required to submit **audited financial statements for the two (2) most recent and consecutive fiscal years**.

The audited financial statements must be in respect of the legal entity that is submitting the Application for Designation. Other types of financial statements (e.g., review engagement) or financial statements of a parent or subsidiary corporation will not be accepted in place of audited financial statements for the applicant.

10. Trust Account

Under section 8 of the *ISP Requirements, 2015*, applicants may be required to establish a trust account to hold monies received from international students:

- An applicant that is registered under the *Private Career Colleges Act, 2005* should confirm with the Private Career Colleges Branch inspector assigned to the institution whether it is required to establish a trust account for International Students enrolled in approved vocational programs
- An applicant that has been granted Ministerial consent under the *Post-secondary Education Choice and Excellence Act, 2000* will already have been informed, as a condition of Ministerial consent, about whether it is required to establish and maintain a trust account with respect to the program or programs for which a consent is granted
- An applicant that is offering any other program of study is required to establish a trust account to hold fees for international students enrolled in such programs (see section 8.3 of the *ISP Requirements, 2015*)

If an applicant is required to establish and maintain a trust account, it must complete the *Trust Account Confirmation Form* attached to the ISP application form.

Part C: Operational Capability

11. Campuses

For First-Time Applicants:

Applicants must provide the following documents in respect of **each** Campus at which the applicant proposes to deliver programs of study to International Students:

- documentation confirming that the applicant has a right to occupy the premises (e.g., lease, deed);

- a fire inspection report (issued by the relevant fire department);
- a floor plan (including classroom photos); and
- a certificate of insurance verifying insurance coverage for the premises.

Note: A fire inspection report may take several months to be obtained from fire department officials. Applicants are encouraged to request this document well in advance of their application so that this document can be submitted with the application package.

For Previously Designated Applicants:

In respect of each Campus that was included in an applicant's Previous Designation Agreement(s), the applicant must:

- confirm whether there has been any change in the applicant's right to occupy the premises (e.g., change in the lease, change of ownership);
- confirm whether there has been any change to the floor plan of the Campus;
- provide an updated fire inspection report, if the report previously provided by the applicant to MTCU has expired or will expire during the term of the requested renewed Designation; and
- provide an updated certificate of insurance for the Campus, if the certificate previously provided by the applicant to MTCU has expired or if any changes were made to the insurance coverage for the Campus.

If changes have been made in respect of the applicant's right to occupy the premises, or the floor plan, the applicant must submit updated information with the application form.

In respect of each new Campus, the applicant must provide:

- documentation confirming that the applicant has a right to occupy the premises (e.g., lease, deed);
- a fire inspection report (issued by the relevant fire department);
- a floor plan (including classroom photos); and
- a certificate of insurance demonstrating insurance coverage for the premises.

12. Maintenance of Student Files

For First-Time Applicants:

In this section, applicants must:

- (a) Submit template forms or documents demonstrating that the institution will be able to maintain International Student files in compliance with section 10.3(c) of the *ISP Requirements, 2015*;
- (b) Confirm that, if the applicant is designated, it will use those template forms or documents to maintain a file for each International Student for a minimum of

- three (3) years after the International Student has ceased to be enrolled at the institution; and
- (c) A copy of any agreement between the applicant and any person retained to maintain transcripts in accordance with section 10.3(e) of the *ISP Requirements, 2015*.

For Previously Designated Applicants:

Applicants are required to submit a copy of any documents contained within the International Student file that have changed since their Previous Designation Agreement(s) came into effect.

13. Recruitment Practices

In this section, applicants are required to provide the following documents and information with respect to at least three (3) advertisements used by the applicant in the past year:

- (a) The text of the advertisement, whether the advertisement is written or oral;
- (b) The period during which the advertisement was published or broadcast; and
- (c) If the advertisement was not in English or French, a translation prepared by a person whose primary employment is translation or who has trained as a translator of the advertisement's text.

If the applicant has used more than three (3) advertisements in the past year, the applicant must select three (3) or more advertisements that, in the applicant's reasonable opinion, are an accurate and fair sample of all the advertisements it used in the past year.

If the applicant has used three (3) or fewer advertisements in the past year, the applicant must confirm that it has produced all advertisements it used in the past year.

14. Programs of Study

For First-Time Applicants:

In this section, applicants must indicate:

- (a) Whether they intend to deliver language training to International Students; and
- (b) If so, whether they are accredited by a Language Program Accreditor identified in Schedule A to the *ISP Requirements, 2015*.

An applicant that is in the process of applying for accreditation by a Language Program Accreditor but that is not yet accredited when it submits an Application for Designation may be eligible for conditional Designation, provided that it becomes fully accredited within the period of time specified in the offer of designation.

For Previously Designated Applicants:

Previously designated applicants that were accredited by a Language Program Accreditor when their Previous Designation Agreement came into effect must indicate if any change in their accreditation status has occurred or is anticipated.

15. Student Contracts

For First-Time Applicants:

Applicants must provide the template form that will be used for each contract that it will enter into with an International Student in respect of a program of study.

For Previously Designated Applicants:

Applicants must submit the current template form that it uses for each contract with an International Student in respect of a program of study.

Applicants must also indicate whether any changes are anticipated to that template form. If changes are anticipated, applicants must identify those changes.

16. Admissions and Academic Policies

For First-Time Applicants:

Applicants must provide a copy of their admissions and academic policies. These policies must comply with section 14 of the *ISP Requirements, 2015*, including:

- (a) A definition of academic dishonesty;
- (b) The method(s) used to evaluate student work, including grading and appeals;
- (c) Provisions regarding withdrawals and dismissals; and
- (d) A statement of student rights and responsibilities.

For Previously Designated Applicants:

Applicants must submit copies of admission and academic policies if any changes have occurred since their Previous Designation Agreement(s) came into effect.

17. Student Complaint Procedure

For First-Time Applicants:

Applicants must submit a copy of their student complaint procedure.

For Previously Designated Applicants:

Applicants must submit a copy of their student complaint procedure if any changes have occurred or are anticipated since their Previous Designation Agreement(s) came into effect.

18. Fee Refund Policy

For First-Time Applicants:

Applicants must submit a copy of their fee refund policy.

For Previously Designated Applicants:

Applicants must submit a copy of their fee refund policy if any changes have occurred or are anticipated since their Previous Designation Agreement(s) came into effect.

19. Student Supports

For First-Time Applicants:

Applicants must:

- (a) Identify one or more persons, by the person's position with the institution, responsible for providing, coordinating, or overseeing the provision of supports to International Students (e.g., "Vice President, Student Supports");
- (b) Confirm that they do not, and will not, retain or withhold an International Student's passport, Study Permit, or similar document under any circumstances; and
- (c) Submit documentation demonstrating that the institution meets the requirements set out in section 17.5(b)(ii) of the *ISP Requirements, 2015*.

For Previously Designated Applicants:

If there has been a change in the person(s), identified by position(s), responsible for providing, coordinating, or overseeing the provision of supports to International Students, the applicant must identify, in the space provided on the application, the new person(s). The new person(s) must be identified by their position(s) with the institution (e.g., "Vice President, Student Supports").

20. Designation of an Individual in Charge of Confirming and Reporting Enrolment

For First-Time Applicants:

In this section, provide the contact information for the person who will be responsible for confirming and reporting enrolment to Immigration, Refugees and Citizenship Canada.

For Previously Designated Applicants:

If any changes have occurred since the applicant's Previous Designation Agreement(s) came into effect, please provide the updated contact information.

21. Campus or Branch Location Site Assessment

If a Language Program Accreditor performed a site assessment at one or more of the Campuses or Branch Locations identified in the applicant's Application for Designation, the applicant must provide a copy of the accreditation inspection report.

22. Compliance with Previous Designation Agreement(s)

This section applies **only** to previously designated applicants, whether or not they are Designated at the time of their application.

In this section, previously designated applicants must confirm whether they have strictly complied with the following sections of their Previous Designation Agreements:

- section 1.1 of Schedule A (student financial protection);
- section 1.2 of Schedule A (student files);
- section 1.3 of Schedule A (ethical recruitment and promotional activities);
- section 1.4 of Schedule A (program quality assurance);
- section 1.5 of Schedule A (student contracts);
- section 1.6 of Schedule A (published admission policies);
- section 1.7 of Schedule A (published academic policies);
- section 1.8 of Schedule A (student complaint resolution);
- section 1.9 of Schedule A (tuition refund policy);
- section 1.10 of Schedule A (approval for the purposes of OSAP);
- section 1.11 of Schedule A (international student supports); and
- any additional terms and conditions set out in section 2 of Schedule B.

If a previously designated applicant has not strictly complied with its Previous Designation Agreement(s), the applicant may provide an explanation of the circumstances of the non-compliance and make submissions relevant to section 19.2 of the *ISP Requirements, 2015*.