

Student Refund Policy

15(3) The address of the private vocational institution specified in the contract

1. must be a municipal address in Manitoba; and
2. is the address for service of the institution for all purposes under the Act and this regulation.

15(4) For the purposes of the Act and this regulation, a student is deemed to have entered into a contract for a program of instruction at a private vocational institution on the day he or she receives a copy of the contract from the institution that complies with subsection (2).

Age restriction

15.1 No registrant may enroll a person who is of compulsory school age, as provided for in The Public Schools Act, as a student in a private vocational institution without the prior written consent of the director.

Cancellation of enrolment re international students

15.2 A registrant who receives written notice that a prospective international student has not been issued a visa or that an international student's visa has expired or been cancelled must

1. not enroll the student in a program of instruction; or
2. if the student is enrolled, cancel the student's enrolment within five days of receiving such notice.

When student ceases to be enrolled

16 A student ceases to be enrolled in a program of instruction on the date

(a) that the student

(i) gives written notice of withdrawal from the program of instruction to the private vocational institution,

(ii) is expelled for cause from the program, or

(iii) is absent, during the first two-thirds of a program of instruction, for 10% or more of its total hours of instruction; or

(b) that the registrant cancels the student's enrolment under section 15.2.

Student fees

17 A registrant may not receive any fees from a student other than those listed in the statement of fees under clause 9(1)(c).

Certificates or diplomas must be issued

17.1 If a student successfully completes a program of instruction, he or she must receive a certificate or diploma from the registrant.

Transcripts must be issued

17.2(1) A registrant must, on request of a student, issue a transcript detailing the marks or grades achieved by the student.

17.2(2) A registrant must give a student a transcript, at no cost to the student, at the following times:

1. after the student graduates or ceases to be enrolled in a program of instruction;
2. if the student's program of instruction has a duration of more than one year, on request of a student, after the end of the first year of the program.

REFUNDING FEES TO STUDENTS

If contract is rescinded

18 If a student rescinds the contract for a program of instruction that he or she entered into as set out in section 15 of the Act, the registrant must refund all money received or realized in respect of the rescinded contract.

Interpretation: materials fees

19 For the purposes of section 21, "**materials fee**" means the fee paid for books, course materials and equipment, which must be refunded when indicated if the student returns the books, course materials and equipment to the institution

1. within 10 days of ceasing to be enrolled; and
2. in substantially the same condition as they were received.

When a student terminates a contract

20 For the purposes of section 21, a student terminates a contract for a program of instruction on the day he or she ceases to be enrolled in the program of instruction contracted for.

Calculating refund amount

21(1) If a student terminates the contract he or she entered into with an institution at any time, the registrant is entitled to retain from the fees received in respect of that student the lesser of

1. \$225.; or
2. the registration fee plus 10% of the tuition.

21(1.1) If a student terminates the contract he or she entered into with an institution before the beginning of the program of instruction he or she is enrolled in, the registrant must refund all fees received in respect of that student, including the materials fee, less the amount determined under subsection (1).

21(2) If a student terminates the contract he or she entered into with an institution after the beginning of the program of instruction he or she is enrolled in, the registrant must refund all fees received in respect of that student, less the greater of

1. the amount determined under subsection (1); or

2. the amount determined in accordance with the following formula:
 $A/B \times C$

In this formula,

A is the tuition fee for the program of instruction,

B is the total length of the program of instruction in hours, classes or, in the case of a distance education program, the number of assignments,

C is the number of hours or classes or, in the case of a distance education program, the number of assignments, from the beginning of the program of instruction to the date the student ceases to be enrolled.

21(2.1) Amounts that a registrant has forwarded to the director under subsection 26(1) (contributions to the fund) in respect of a student's contract are not refundable under this section.

21(3) No refund is payable under this section if more than two-thirds of a program of instruction is completed before a student ceases to be enrolled in it,

21(4) For the purposes of this section,

(a) each assignment and each hour or class in a program of instruction is of equal value; and

(b) a student is deemed to have attended every regularly scheduled hour of instruction and, in the case of a distance education program, to have submitted each regularly scheduled assignment up to the date he or she withdraws.

Abandonment by registrant

22 A registrant must refund all money received or realized in respect of a student enrolled in a program of instruction if the registrant

1. ceases to provide instruction in that program while the student is still enrolled; or
2. expels the student without cause.

Other circumstances when refund payable

23(1) If a registrant's registration is cancelled, the registrant must refund all fees that have been paid in respect of the vocational training provided under that registration.

23(2) Repealed.

23(3) A person who provides vocational training without first being registered must refund all fees that have been paid in respect of the vocational training.

Payment of refunds

24(1) Subject to subsection (2), a refund of a student's tuition must be paid to the student.

24(2) If a registrant receives payment of a student's tuition from a government program, an agency or a person other than the student, any tuition refund must be paid on behalf of the student to that government, agency or other person.

24(3) A registrant must issue a refund payment in Canadian currency within 30 days of the refund becoming payable,

TRAINING COMPLETION FUND

Information from registrants

25 In respect of every student enrolled in private vocational institution, the registrant of the institution must provide to the director, at the time specified by the director,

1. his or her name, address and telephone number;
2. the program in which he or she is enrolled;
3. if any portion of his or her fees were paid by or received from a government program, an agency or another person, and, in that case, the name and address of the government program, agency or other person; and
4. any other information required by the director to determine eligibility for making claims against the fund.

Contributions to the fund

26(1) For each contract for a program of instruction entered into by a registrant, the registrant must contribute to the fund 1% of the tuition. This amount must be forwarded to the director by the last working day of the month after the month in which the program of instruction commences.

26(2) The director must deposit in the fund all money paid by registrants in accordance with this section.

26(3) If contributions owed by a registrant are determined by the director to be in arrears, the director must give notice to the registrant to remit all outstanding payments within 10 days of receipt of notice, and if the total outstanding amount is no paid within the prescribed time, the director may cancel or suspend the registrant's registration.

26(4) No vested right or interest in deposited funds is created or implied for a registrant at any time during the operation of the fund.

Payments out of the fund

27(1) In the event a registrant's registration is cancelled or not renewed, or a registrant becomes insolvent, the director must notify the students and any other persons and agencies referred to in subsection 24(2) of their rights under the fund and how to make a claim.

The notice is to be sent by regular mail to the address provided under clause 25(c).

27(2) A person or agency that receives a notice under subsection (1) may submit a claim on behalf of a student.

27(3) A person may make an application for compensation under the fund within six months of the notice under subsection (1), and not after.

27(4) Subsection 24(2) applies, with necessary changes, to any payments out of the fund.

27(5) No liability accrues to the government from claims made against the fund.

27(6) The director is empowered to settle and determine all claims with respect to the fund.

27(7) For greater certainty, no payment from the fund to, or on behalf of, a student may exceed the amount of tuition fees that were actually paid to the registrant by, or on behalf of, that student.

SECURITIES TO BE PROVIDED

Securities

28(1) A security submitted with an application for registration or renewal of registration must
(a) be in the form of

(Above information comes from the Private Vocational Institutions Act website in Manitoba)