

**Newfoundland and
Labrador Institutional
Designation Policy under
the International Student
Program**

Implementation
Guidelines for
Post-Secondary
Institutions

BACKGROUND

In January 2013, Citizenship and Immigration Canada (CIC) announced changes to the federal International Student Program.

Effective June 1, 2014, these changes require all post-secondary training institutions in Canada that enroll or are seeking to enroll international students for periods of study longer than six (6) months in duration to be **designated by a provincial or territorial government**.

Under the federal regulations, study permits will only be issued to international students with an offer of admission from a **designated** Canadian post-secondary institution delivering programs that are longer than six (6) months in duration. Post-secondary institutions providing educational services to international students admitted to programs six (6) months or less in duration will not be required to be designated.

CIC's changes to the International Student Program will strengthen the integrity of Canada's immigration program by requiring study permit holders to actively pursue their studies, and will help to reduce the number of non-genuine students and unregistered educational institutions hosting study permit holders.

Enhanced cooperation and coordination between federal and provincial/territorial governments will support the common goals of improving the integrity of Canada's International Student Program, enhancing accountability to international students and Canadians, as well as improve Canada's standing as a destination of choice for international students seeking a quality education.

The Government of Newfoundland and Labrador has entered into a Memorandum of Understanding (MOU) with the Government of Canada for the administration of the International Student Program. Through this MOU, the Government of Newfoundland and Labrador has established an International Student Designation framework for post-secondary educational/training institutions operating within Newfoundland and Labrador.

OVERVIEW

In accordance with the January 28, 2014 changes to the federal International Student Program (ISP), effective June 2014, Citizenship and Immigration Canada (CIC) will only issue study permits to international students with an offer of admission from a **designated** Canadian post-secondary institution delivering programs that are longer than six (6) months in duration.

The Department of Advanced Education and Skills (AES) is responsible for:

- Designating post-secondary educational/training institutions operating in Newfoundland and Labrador that choose to host international students; and
- Providing CIC with a list of designated post-secondary educational/training institutions operating in Newfoundland and Labrador that are eligible to host international students.

Citizenship and Immigration Canada (CIC) is responsible for:

- Applying the list of designated post-secondary educational/training institutions provided by AES when processing Study Permit applications for international students.

This document is a guide for all Newfoundland and Labrador post-secondary educational/training institutions applying for designation under the federal International Student Program.

INSTITUTION ELIGIBILITY

The following Newfoundland and Labrador post-secondary educational/training institutions are eligible for designation under the federal International Student Program:

- Publicly-funded universities established under the *Memorial University Act*
- Publicly-funded college(s) established under the *College Act, 1996*
- Publicly-funded post-secondary institutions established by Regional Health Authorities
- Private, post-secondary institutions registered under the *Private Training Institutions Act*
- Other private institutions offering vocational training programs that are exempt from the registration requirements under the *Private Training Institutions Act*
- Other post-secondary institutions established or continued under an Act of the Newfoundland and Labrador House of Assembly
- Other post-secondary institutions authorized under the *Degree Granting Act* to grant degrees in the province of Newfoundland and Labrador
- Education and training entities which are controlled or operated by First Nations, Metis or Inuit that receive support through Aboriginal Affairs and Northern Development Canada's Indian Studies Support Program, and through special purpose grants from the province of Newfoundland and Labrador
- Institutions whose primary educational activities involve the delivery of language training to international students, which have been reviewed or accredited by an organization recognized by AES, whose primary purpose is quality assurance of language institutions

DESIGNATION CRITERIA

In order to assure the integrity of Canada's ISP and to enhance accountability to all students – domestic and international, Canadian provinces and territories and CIC have developed common elements for designation criteria.

Taking into account the legislative requirements governing Newfoundland and Labrador post-secondary institutions, the Department of Advanced Education and Skills has built upon the common framework to define requirements specific to Newfoundland and Labrador post-secondary institutions. These criteria will provide a clear set of performance standards for post-secondary institutions seeking ISP designation, and help ensure that international and Canadian students have an equivalent educational experience when attending a designated post-secondary institution.

The criteria will also ensure that the specific needs of international students studying in Newfoundland and Labrador can be met or supported by the designated institution.

In order to be designated, every post-secondary institution in Newfoundland and Labrador applying for designation must meet the defined criteria. The Department will assess the extent to which an institution meets the criteria during the application process. In order to maintain designated status, institutions must continue to meet all required criteria outlined in the application process as well as satisfy the maintenance procedure outlined in this guide. Failure to do so may result in suspension, revocation or non-renewal of designation.

The criteria fall under four (4) main categories – *Institutional Eligibility*, *Operational Capability*, *Student Support and Protection Mechanisms*, and *Reporting, Monitoring and Maintenance Procedures for Designation*. Please note that some criteria must be met before an institution's application for designation will be considered.

I. INSTITUTIONAL ELIGIBILITY

Institutional eligibility includes basic eligibility requirements as demonstrated through the following criteria:

- Is in compliance with applicable provincial legislation, regulations and policies governing education and applicable bylaws, standards and policies respecting the delivery of education or training programs set by accrediting or standard-setting bodies recognized by the provincial government;
- Is in compliance with all municipal and provincial laws; and,

- Has been in operation for at least three (3) consecutive years and has demonstrated adequate financial capacity and adequate financial protection for students.

II. OPERATIONAL CAPABILITY

Operational capability addresses an institution's ability to appropriately provide training and administrative services which encompasses the following criteria:

- Has adequate premises, equipment and resources for the delivery of training, which may require a site inspection;
- Has appropriate process for maintenance of student files;
- Are conducting promotional activities that are in compliance with provincial legislation along with ethical recruitment practices; and,
- Has a quality assurance mechanism acceptable to AES in place.

III. STUDENT SUPPORT AND PROTECTION MECHANISMS

This considers an institution's ability to be able to provide adequate supports to meet the unique needs of international students. It also outlines the protection mechanisms which must be in place. This category encompasses the following criteria:

- Has clearly documented admission policies, including language proficiency and credential assessment and has demonstrated that student contracts contain sufficient detail as outlined by AES;
- Has a clearly documented dispute resolution process acceptable to AES;
- Has a clearly documented tuition refund policy acceptable to AES; and,
- Has adequate student supports in place acceptable to AES which meet the specific needs of international students.

IV. REPORTING, MONITORING AND MAINTENANCE PROCEDURES FOR DESIGNATION

Based on the initial application, once designation is granted, reporting is an ongoing requirement under the pan-Canadian Designation Framework for the International Student Program. At the time of application, the institution must identify at least one individual who will be assigned to perform this task.

APPLICATION FOR DESIGNATION

I. INSTITUTIONAL ELIGIBILITY

1. Compliance with Applicable Provincial Legislation, Regulations and Policies Governing Education

An institution must be in good standing under any applicable provincial legislation, regulations and policies governing education and applicable bylaws, standards and policies respecting the delivery of education or training programs set by accrediting or standard-setting bodies recognized by the provincial government.

Public Institutions:

- The institution receives an operating grant from the government of Newfoundland and Labrador.
- The institution submits its annual report in accordance with the *Transparency and Accountability Act*.

Other Post-Secondary Institutions:

- The institution is in compliance with governing legislation as applicable (e.g. The *Private Training Institutions Act and Regulations*).
- The institution is in compliance with the terms of the NL Designation Policy Framework through Student Financial Services, if applicable.

2. Compliance with Legislative or Policy Requirements of Canada or Other Jurisdictions

An institution must be in good standing with respect to any other provincial or federal legislation or policies.

All Institutions

- Must be in compliance with legislation administered by Canada Border Services and CIC.
- Must report student attendance and/or program data to CIC as required and at intervals required by CIC.

3. In Operation for at least Three Consecutive Years

An institution must be in operation for three consecutive years immediately prior to submitting an application for designation.

Public Institutions:

- Not applicable.

Other Post-Secondary Institutions:

- Evidence of registration under the *Private Training Institutions Act and Regulations* for at least three consecutive years prior to submission of an application for designation.
- For other institutions, confirmation of educational program delivery for at least three consecutive years immediately prior to submitting an application for designation.

4. Financial Capacity

An institution must demonstrate that it has the financial capacity to provide programs of study to international students.

Public Institutions:

- No change to current process.

Other Post-Secondary Institutions

- For private training institutions registered under the *Private Training Institutions Act and Regulations*, this requirement is met by the legislated requirement for the submission of audited financial statements.
- For all other institutions, audited financial statements must be provided for the three years prior to the application and then must be submitted annually within 3 months of fiscal year end.

5. Adequate Financial Protection

An institution must provide financial protection for international students. The financial protection put in place must align with the institution's tuition fee collection and refund policy. Institutions need to have financial protection mechanisms in place, such as a trust account, surety bond, phased tuition collection or some other form of protection acceptable to AES, such as a letter of credit.

Public Institutions:

- Not applicable.

Other Post-Secondary Institutions:

- Private training institutions must be in compliance with requirements under the *Private Training Institutions Act and Regulations*.
- For all other institutions, documentation must be provided to AES to show appropriate financial protection mechanisms are in place. Institutions that propose to provide educational programs for international students that are not currently approved, regulated or inspected under existing legislative or policy frameworks, or where there is no existing statutory authority to establish and confirm high standards of education delivery and student protection will be required to establish a trust account managed by a recognized financial institution. Unearned tuition revenue is to be held in this trust

account and only withdrawn when earned by the institution at specific milestones approved by AES.

II. OPERATIONAL CAPABILITY

1. Adequate Educational Premises

An institution must provide premises conducive to the effective delivery of educational programs. These premises must be safe and meet all provincial and municipal requirements for the delivery of the institution's training programs. The location must be identified on the application for designation and may require a site inspection as part of the designation process.

Public Institutions:

- Not applicable.

Other Post-Secondary Institutions:

- Private training institutions registered under the *Private Training Institutions Act* and *Regulations* will not be subject to an additional site inspection as this function is carried out as part of the ongoing review of compliance with the *Act*.
- A language training institution that is accredited or undergoing accreditation by an accrediting body acceptable to AES may not be subject to a site inspection where one has been conducted and deemed acceptable as part of the accreditation process.
- Other institutions that are not registered under the *Private Training Institutions Act* and *Regulations* nor are accredited by an acceptable third party accrediting body will need to provide evidence to AES that their premises have met all applicable municipal and provincial requirements, along with submission of a floor plan and proof of general liability insurance. These institutions may require a site inspection.

2. Maintenance of Student Files

An institution must maintain a written or electronically stored record for each student capturing records of enrollment, academic assessment, academic progress and program completion as well as financial records.

Public Institutions:

- Must confirm their compliance with student record retention practices as a condition of the Designation Agreement.

Other Post-Secondary Institutions:

- Private training institutions must be in compliance with all requirements related to maintenance of student files as outlined under the *Private Training Institutions Act* and *Regulations*.

- All other institutions must demonstrate their compliance with this requirement by providing AES with information outlining how they will be compliant.
- On an ongoing basis, ALL institutions must ensure that student files contain the following student information and related documents at a minimum:
 - Student's full name, date of birth, address while in Canada, all applicable phone numbers, email addresses, country of origin, mother tongue, student visa number, date of admittance in to Canada, visa expiry date, results of academic evaluations or admissions tests performed on the student at enrollment with results and a signed copy of the student contract; and,
 - Evidence that a student obtained health insurance prior to beginning the program.
- ALL private institutions must retain the complete student files for a minimum of two (2) years after a student has completed the program and left the institution.
- Transcript information must be maintained for at least 50 years.

3. Promotional Activities in Compliance with Provincial Regulation and Ethical Recruitment Practices

An institution's promotional activities must be in compliance with all applicable federal/provincial/municipal legislation and requirements (e.g. *PTI Act*, *Consumer Protection and Business Practices Act*, the Imagine Education au/in Canada Brand Eligibility Requirements). The advertising must demonstrate an honest ethical approach to recruiting international students and must conform to the guidelines established by the Canadian Code of Advertising Standards.

Institutions must submit information as outlined below at the time of application.

Public Institutions:

- Must confirm their compliance with this requirement as a condition of the Designation Agreement.

Other Post-Secondary Institutions:

- Private training institutions must be in compliance with the guidelines in the *Private Training Institutions Act and Regulations*.
- Language schools accredited by an accrediting body acceptable to AES must be in compliance with all standards, if any, regarding advertising and promotion established by that body.
- All other institutions must provide copies of advertisements and proof of any other promotional activities undertaken within the last year. If the advertisement was not published in English, it must be translated by a qualified translator and provided to AES.
- Institutions and their directors, officers, partners, or owners must not have any prior known convictions for violations of federal or provincial legislation governing ethical

recruitment or advertising or convictions under the Criminal Code for fraud related to such activity.

4. Quality Assurance

If an educational institution or its programs have not been reviewed and approved through a legislative framework, AES may require the institution to obtain accreditation through a third party organization acceptable to the Department. All costs associated with this process are the responsibility of the training institution. This accreditation, if applicable, would then become a condition of designation.

Public Institutions:

- Must confirm their compliance with this item as a condition of the Designation Agreement.

Other Post-Secondary Institutions:

- Registered private training institutions whose programs have been approved by the Superintendent of Private Training Institutions within the Department of Advanced Education and Skills will be deemed to have satisfied this requirement.
- Language schools accredited by an accrediting body acceptable to the Department will be deemed to have satisfied this requirement.
- Language schools that are in the process of becoming accredited may be conditionally designated as long as they complete their accreditation in the timeline determined by the accrediting body.
- All other institutions will be required to submit proof of adequate quality assurance at the time of submission of the application for designation.

III. STUDENT SUPPORT AND PROTECTION MECHANISMS

1. Student Contracts

Institutions must provide clear transparent student contracts identifying the program of study the student is enrolling in along with all associated program costs and fees. A sample contract must be included in the application for designation.

Institutions subject to this section must submit a sample student contract at the time of application for designation. Contents of student contracts may be reviewed during routine site inspections which may include file review. In order to be in compliance with privacy legislation, student contracts must provide notice to students that institutions may be required to submit attendance or proof of enrollment along with evidence of successful completion of program requirements to Citizenship and Immigration Canada.

Public Institutions:

- Not applicable.

Other Post-Secondary Institutions:

- Where specific contract requirements are not specified under legislative authority (e.g. *Private Training Institutions Act*), all contracts must contain the following:
 - The legal name, location and address of the institution;
 - Name and address of student;
 - The name of the program and duration in weeks;
 - All associated program fees;
 - Admission requirements, as applicable (including academic and non-academic);
 - All courses that make up the program of study;
 - The requirements for successful completion of the credential being pursued;
 - Primary method of the program delivery;
 - The start and end date of the program of study;
 - The expected hours of instruction, lab/shop participation, and/or placement expectations required for successful completion of the program of study;
 - All tuition and other related fees (e.g. textbooks, equipment) associated with the program;
 - Payment schedule of fees to be paid;
 - Consent by the student to share enrollment and/or reporting information with CIC as necessary to meet the terms of the ISP designation process;
 - Space for student signature along with an acknowledgement that they have received and read the contract;
 - The tuition refund policy applicable to the student; and,
 - Student's agreement/consent to abide by institutional policies.

2. Clearly Documented Policies

Every institution must have clearly documented policies that are available to prospective and current international students at all times. These policies must be included with the application for designation and must be acceptable to AES.

a) Academic Admission

Clearly documented academic admission policy must be available to prospective and current international students at all times. The admissions policy must include a clearly articulated process for determination of language proficiency and credential assessment. This policy must detail what constitutes good academic standing at the institution. Sample policies must be submitted along with the application for designation.

b) Academic dishonesty – definition and consequences;**c) Student evaluation – methodology, grading, and appeal process;****d) Process for withdrawals and dismissals; and,****e) Student handbook which includes details surrounding the student contract, fee collection, sale of student goods and services, fee refund, transcripts, credentials,**

complaint procedures, supplementary exams, deferred exams, academic probation, and insurance.

Public Institutions:

- Must confirm their compliance with the documented policies requirement as a condition of the Designation Agreement

Other Post-Secondary Institutions:

- Must provide documentation on all requirements outlined above.

3. Dispute Resolution Process

Every institution must have a clearly documented dispute resolution process that is available to prospective and current international students at all times. Institutions must ensure that they identify the institution's official to whom a complaint can be presented. The institution must also ensure that the student be permitted to have the assistance of a representative in asking for further clarification. A sample of this dispute resolution process must be included with the application for designation and must be acceptable to AES.

Public Institutions:

- Must confirm their compliance with this requirement as a condition of the Designation Agreement.

Other Post-Secondary Institutions:

- Private training institutions registered under the *Private Training Institutions Act* and *Regulations* must follow the procedure outlined in the Operations Manual for Private Training Institutions.
- Language schools accredited by an accrediting body acceptable to the Department must follow the standards outlined by that accrediting body, if in existence.
- Where there is an institution that does not have a dispute resolution mechanism in place as part of its registration and/or accreditation, the process outlined in the Operations Manual for Private Training Institutions will apply.
- Where the student and the individual cannot resolve the issue, the complaint must be submitted in writing to AES for review and investigation.

4. Transparent Tuition Refund Policy

Every institution must have a clearly documented tuition refund policy that is available to international students at all times. This policy must be submitted to AES along with the application for designation and must be deemed acceptable.

Public Institutions:

- Must confirm their compliance with this requirement as a condition of the Designation Agreement.

Other Post-Secondary Institutions:

- Private training institutions must be in compliance with the requirements under the *Private Training Institutions Act and Regulations*.
- Language schools accredited by an accrediting body acceptable to AES must comply with any conditions related to refunds.
- Where there is an institution that does not have a tuition refund policy in place as part of its registration and/or accreditation, the institution must provide its policy which contains the provisions governing tuition refunds and program fees which have been deemed acceptable to AES, and this policy must be included on the student contract.

5. Student Supports

Institutions must demonstrate that they have appropriate supports in place to meet the specific needs of international students. All institutions must have someone clearly identified as primary contact for the provision, coordination and oversight of international student supports.

Institutions must ensure that they have appropriate policies in place for both staff and students to ensure that the post-secondary environment is equitable, respectful and inclusive. These policies must be included in the application for designation.

Public Institutions:

- Must confirm their compliance with this requirement as a condition of the Designation Agreement.

Other Post-Secondary Institutions:

- At a minimum, institutions must demonstrate that they have the following supports in place:
 - Where there is no housing provided by the institution, housing supports such as links to organizations that can assist the individual in finding appropriate housing;
 - A mechanism to provide health insurance or confirmed information on where students can obtain health insurance;
 - Academic and peer counseling supports or confirmed links where these supports can be accessed;
 - Links to cultural and religious community organizations;
 - Health or other social service supports;
 - A current list of contacts at the nearest embassy or consulate representing that student's country of citizenship;

- Academic supports; and,
- Orientation and/or welcome services for international students at the time of arrival.
- Institutions must provide confirmation in writing that they will not, under any circumstances, retain or withhold a student's passport or visa documentation.
- Language schools accredited by an accrediting body acceptable to AES must comply with any standards for student support services specified in the accreditation standards and/or those identified as a requirement by AES.

IV. REPORTING, MONITORING AND MAINTENANCE PROCEDURES FOR DESIGNATION

1. Assignment of Individual in Charge of Confirmation and Reporting Requirements

All institutions must appoint an individual who will have responsibility for submitting data to CIC. This includes initial enrollment data and information related to the student's academic good standing in the program as required for tracking purposes. Identification of the individual responsible for reporting to CIC and confirmation of the institution's intention to comply with this requirement must be provided at the time of application.

All international students must be notified at the time of enrollment that the institutions may be required to submit enrollment data and information related to academic good standing to CIC.

Data reporting requirements will be provided to institutions once finalized through consultation between CIC and the Province.

2. Site Assessment

Where an institution is applying for designation that does not fall under a current legislative framework, a site inspection may be required to determine that all requirements are in place for the delivery of training.

For Language schools that are accredited by an accrediting body acceptable to AES, a successful site inspection by that organization can satisfy this requirement. The site inspection report completed by an accrediting body must be submitted to AES as evidence that the site is approved and adequate for training.

TERMINATION OF DESIGNATION

I. REVOCATION OF DESIGNATION OR REFUSAL TO RENEW DESIGNATION

Where it has been determined by AES that an institution is non-compliant with the applicable legislation, those post-secondary institutions operating under Newfoundland and Labrador legislation may have their designation revoked or re-assessed with additional conditions applied.

The Department reserves the right to revoke designation or refuse to renew the designation of an institution in the event of a breach of the conditions set out in the NL Designation Framework. Revocation would be subject to a revocation process as identified in the Agreement.

II. VOLUNTARY REMOVAL OF DESIGNATION

Post-secondary institutions that no longer wish to enroll international students may choose to terminate the Designation Agreement voluntarily without penalty or prejudice to future designation by notifying AES in writing of their intent.

III. RE-APPLICATION FOR DESIGNATION

An application for designation from a post-secondary institution whose designation has been revoked or not renewed by AES due to non-compliance will not be considered until two (2) calendar years have elapsed from the date of loss of designation, and/or until the institution can demonstrate to the satisfaction of AES that the issues which caused the original loss of designation no longer apply.

IV. REQUESTS FOR REVIEW

An institution whose application for designation or renewal of designation has been refused or revoked may request a review of the decision by submitting a request in writing. The request must identify the reasons for the request along with any documentation that supports the request for review.

Requests for a review can be submitted to:

Director, Literacy and Institutional Services
Department of Advanced Education and Skills
P.O. Box 8700
St. John's, NL A1B 4J6