

# WELLSPRINGS COLLEGE OF MASSAGE THERAPY & ESTHETICS

## ADMISSIONS & ACADEMIC POLICIES



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INTERNATIONAL

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## **POLICY STATEMENT**

It is our goal to encourage excellence in all aspects of the Esthetics Program for the International student. . To further this goal we have established the following Academic Policies:

### **1.0 Admission Requirements**

In order to ensure that each applicant has a reasonable opportunity of success in this demanding professional program, the School has endeavored to establish a set of enrolment criteria that will provide a suitable measure of the applicant's compatibility with the level of education to be provided. All applicants should also fully review the "Application Process" procedures separately set out by the school.

### **1.1 Entrance Requirements**

To be eligible for admissions into our program, applications must provide documentation of successful completion of all of the following:

- Have completed a Secondary School Diploma grade 12 or equivalent or greater.
- Including two senior level (grade 11+) science and/ or physical education credits with a mark of 65% or greater.
- Academic Documents: translated and notarized transcripts from high school (secondary school) and higher education institute ( if applicable)
- Official IELTS/ TOEFL results or English grade 12 credit from a Canadian Secondary school (if applicable)
- Mature Student applicants must be at least 19 years of age and pass a Superintendent approved qualifying test in English and provide Official IELTS/TOEFL results of a grade 12 equivalency
- Courses must be approved by the College Admissions Officer. (see 1.2)
- A brief written assignment to accompany enrollment application
- Copy of Passport, Picture and address pages. Note: the Wellsprings College will NOT, under any circumstances, retain or withhold a student's passport or visa documentation.

### **1.2 Language of Instruction**

The language instruction at Wellspring College is English. Students must be proficient in all areas of the English language including speaking, reading and writing. Student from areas where English is not the language of instruction are required to provide evidence of English proficiency. Satisfactory achievement equivalent to Grade 12 of a Canadian Secondary School on the Foreign Language (TOEFL / IELTS is acceptable. Students must also achieve a pass (70%) on the Vocabulary and Reading Comprehension Test. (see above)

### **1.3 Mature Students**

Mature Student applicants must be at least 19 years of age and pass a Superintendent approved qualifying test in English and provide Official IELTS/TOEFL results of a grade 12

equivalency and has passed a qualifying entrance examination including satisfying the English requirements above. A brief written assignment to accompany enrollment application including an essay written in English describing their suitability for the Esthetics program and a resume written in English. Additionally, the mature applicant must provide a Copy of Passport, Picture and address pages. Note: the Wellsprings College will NOT, under any circumstances, retain or withhold a student's passport or visa documentation.

## **2.0 Student Records**

All student records are confidential. This includes admission documentation, class attendance, examination evaluations, marks and transcripts. You must make a written request in order to have the information in your student file released to a third party.

Student evaluations Reports are provided at mid point, week 14 of the program, and again after completion of the program after week 29.

## **2.1 Graduation**

To obtain a graduation diploma in the Esthetics program each student's is required to fulfill all course requirements as set out in the following policies;

- Obtain a course mark of at least 70% in all subjects.
- Obtain an average of at least 70% in the Practical Skills exam.
- Satisfy School requirements of professional and ethical behavior as set out below.
- To have paid all fees and account balances.

In order to obtain a PASS mark in each course, students are required to fulfill all course requirements as set out by the Instructor at the start of the term. These include, but are not necessarily limited to:

- a) Obtaining an average mark for the course of at least 70%. Average course marks will be based on a weighted average, as prescribed by the instructor at the outset of each course, of tests, quizzes, attendance and, the final examination.
  - i. Obtaining an average of at least 70% in the Practical Skills Examination.
  - ii. Satisfying attendance requirements as set out in Paragraph 4.0 below.
- b) Supplement Examinations  
Any student, who is unsuccessful in obtaining a passing average in a course, may write a Supplemental Examination in that course. A student who obtains a passing mark on a Supplemental Examination will receive a PASS mark of 70% regardless of the examination mark. A student who has not been successful in completing a course after writing the Supplemental Examination for the subject may be required to:
  - i. Re-take course the next time it is offered; or
  - ii. Take remediation classes and re write the examination.

Each case will be considered individually and a decision will be made by the Education Director at Wellspring College.

## 2.2 Academic Requirements

### Final Comprehensive Examination

- a) A student who writes such a Supplemental Examination will receive only a "PASS" or "FAIL" mark, regardless of the examination mark. A PASS mark will be recorded as 70% on the Transcript. A student who has not been successful in completing a course after writing the Supplemental Examination for the subject may require to:
  - i) re-take the course the next time it is offered; or
  - ii) take remediation classes and re-write the examination

Each case will be considered individually and a decision will be made by the Education Director at Wellspring College.

## 2.3 Requirements to Pass each Course

In order to obtain a PASS mark in each course, students are required to fulfill all course requirements as set out by the Instructor at the start of the term. These include, but are not necessarily limited to:

- a) Obtaining an average mark for the course of at least 70%. Average course marks will be based on a weighted average, as prescribed by the instructor at the outset of each course, of tests, quizzes, attendance and, the final examination.
- b) Completing and submitting all Assignments, Projects and Presentation, which are set out as, course requirements.
- c) Satisfying attendance requirements if they are set out for any particular course in the Course Outline & Requirements, which are distributed at the commencement of each course.
- d) Obtaining an average of at least 70% in the Oral-Practical Examinations.
- e) Satisfying attendance requirements as set out in Paragraph 4.0 below.
- f) Compliance with any and all other individual policies as may exist for any individual course or subject or component thereof (e.g. Clinical practical).
- g) Supplement Examinations

Any student, who is unsuccessful in obtaining a passing average in a course, may write a Supplemental Examination in that course, (see Paragraph 7.0). If a student is unsuccessful in obtaining a passing average in the Oral Practical section of a Clinical Education course, he/she may perform a Supplemental Oral Practice exam (see Paragraph 7.0) A student who obtains a passing mark on a Supplemental Examination will receive a PASS mark of 70% regardless of the examination mark. A student who has not been successful in completing a course after writing the Supplemental Examination for the subject may be required to:

- i. Re-take course the next time it is offered; or
- ii. Take remediation classes and re write the examination.
- iii. Each case will be considered individually and a decision will be made by the Education Director at Wellspring College.

## **2.4 Pre-requisites and Advancement from Term to Term**

Certain subjects are foundations subjects and must be completed successfully before the student can advance. These are listed for each term. Subjects are divided into eight modules each comprising theoretical and practical hours of instruction.

**Module I: Introduction to Skin Care**

**Module II: Advanced Facial Treatments**

**Module III: Manicure / Pedicure**

**Module IV: Hair Removal - Advanced Techniques**

**Module V: Make-up Artistry**

**Module VI: Related Services**

**Module VII: Retail Sales, Salon Services and Management**

**Module VIII: Marketing for Success**

Promotional Skills

**Additional Practical Hours**

## **3.0 ACADEMIC HONESTY**

In pursuit of high academic standards, Wellspring College expects scrupulous honesty from all students. Honesty is the hallmark of all regulated professions and cheating is not tolerated.

### **3.1 Honesty in examinations**

Students will comply with the requirements set out by the Exam Proctor.

- a) During a written examination, students are allowed to have only their writing instruments on the desk (pen, pencils, highlighters, etc.) No student –provided paper, blank or otherwise, is allowed in the examination room. If paper is required it will be supplied in the examination room by the school. All textbooks, binders, notes papers, electronic devices (including cell phones and pagers) and other material must be left in their backpacks or school bags and set in a designated area.
- b) Students must sit where assigned by the Exam Proctor and will move to a new location if requested by the Proctor.

- c) Any student who does not comply with the instructions of the Proctor will be instructed to leave the examination room and their examination will be scored with a final mark of "zero". The Education Director acting on the recommendations of the proctor may also hand out further disciplinary action, including expulsion from the school.
- d) Any student who is suspected of dishonest behavior during an examination will be instructed to leave the room and their examination will be scored with a final mark of "zero". The Education Director acting on the recommendations of the Proctor may also hand out further disciplinary action, including expulsion from the school.
- e) Students who have completed writing a test or exam must hand the test in to the Proctor and leave the room. Before leaving the room they must also hand in any notepaper, leftover paper or other materials that were provided to them by the school for the purposes of the examination.
- f) Students cannot take the exam, any part of the exam or any other examination materials whatsoever out of the examination room, and are not to copy any of the questions from the examination.
- g) If a student completes an examination and dishonest behavior is suspected, the completed examination will be scored as a final mark of "zero"
- h) Other disciplinary action may be taken at the discretion of the Education Director, including expulsion from the school.
- i) From the point at which the examination starts until it finishes, students will only be allowed to leave the examination room by permission from the Proctor. Permission will be granted only for legitimate reasons (medical, bathroom etc.). Determination of what a legitimate reason is will be at the sole discretion of the Proctor. In all such cases where a student is granted permission to leave the examination room they must be accompanied by a staff member of the school as arranged by the Proctor. Any student who leaves the room without permission or escort will not be allowed back into the examination room until the examination is over.

### **3.2 Honesty in Assignments and Projects**

Plagiarism of any written work is considered in the same category as dishonesty in an examination. Any student who has copied the work of another student, in whole or in part, will be subject to the same consequence as a student who is dishonest during an examination. If two students submit a written assignment or project that is the same or very similar, and if there is no admission by either student or it is not clear which student is the originator of the material, then both students will be subject to consequences at the discretion of the Education Director. It is equally dishonest and unacceptable to knowingly

allow your work to be copied, as it is to copy the work of another student. Plagiarism of published textbooks and other copyrighted materials, including but not limited to materials obtained from the Internet, is not only dishonest but it is also illegal.

Any student, whose written assignments are very close or similar to such protected materials, will be liable for consequences at the discretion of the Education Committee, which may include immediate expulsion or suspension.

#### **4.0 ATTENDANCE**

In order for students to reach their potential and the level of competence required we believe it is important that they attend all classes:

##### **4.1 Excused Absences**

If students are absent due to illness, or any other emergency, we require that they submit a physician's note or other documentation acceptable to the school to verify their reason for absence. This note must be submitted to the Teacher within two days of the student's return to school after the absence. Upon receipt of this document, the absence will be recorded as an "excused absence". The time of absence prescribed on the physician's note must be consistent with the period of absences and must specify that the student was under the care of the prescribing physician during the full period of absence.

##### **4.2 Prolonged Excused Absence**

If a student is absent from school for more than one-third of the scheduled classes in any given semester or three or more consecutive classes of the same subject, then it is a concern that this student will not have a good enough understanding of the subject material. Therefore, even though such situations might otherwise be regarded as an "Excused Absence" on the basis of medical evidence, the Educational Director will review the student's attendance record and the students may have to repeat the subject/semester, or be required to undergo remediation in the subject. All such decisions are at the absolute discretion of the Education Director.

##### **4.3 Unexcused Absences**

If a student is absent from class and cannot support their absence with documentation acceptable to the school, then that absence will be recorded as an "unexcused absence". Students are allowed only two unexcused absences in each subject in a semester. Each half-day session missed is considered one absence.

##### **4.4 Lateness**

If a student arrives at the classroom more than 15 minutes after the regularly scheduled start time for any class or more than 5 minutes after a regularly scheduled break then this will be recorded as an "unexcused absence" in that subject. In all cases, including expulsion from a class, where a student leaves a class early (either before any break or before the regularly scheduled termination time of the class) then this will be recorded as an "unexcused absence" in that subject. Students are solely responsible for notifying the instructor in advance of any class they know they will be late for or from which they will

need to leave any class they know they will be late for or from which they will need to leave early. In the case where extenuating circumstances acceptable to the instructor are presented then an "Incident Report" from must be completed and signed by the instructor

and the student, given details of the extenuating circumstance. Such case will be regarded as and "excused absence".

All cases of lateness that fall within the grace periods provided herein will still be noted in the student's file and the students will be charged with one-half (1/2) of an "unexcused absence". In this absolute discretion, the Education Director may call for a full review of any student's attendance record and may assess "unexcused absences" and/or "excused absences" scattered across a number of subjects even though they have not reached the maximum allowed absences in any one particular subject.

#### **4.5 Eligibility to Write Final Examinations**

Students who have more than two unexcused absences in a subject in a semester will not be eligible to write the Final Examination in that subject. Similarly, the Education Director may determine a student whose situation is described in 4.2 above is also not eligible to write the Final Examination in any particular subject(s).

#### **4.6 Supplement Examination**

Students who are not eligible to write the Final Examination in a subject due to excessive absence, as set out in paragraph 4.5, will be eligible to write the Supplemental Examination in that subject as well as a Supplementary Oral Practical examinations. If the Examination is written successfully, the student will receive a PASS mark of 70% regardless of their examination mark.

### **5.0 EXAMINATIONS**

All examinations, whether course examinations, comprehensive examinations, remediation examinations or any other type of examination conducted by the College will be held at a time and place and shall be of such duration as specified by the school at the time of the examinations but it retains absolute discretion to specify and regulate all of the circumstances, terms and conditions prevailing over any examination it conducts.

### **6.0 MISSED EXAMINATIONS**

If a student will be absent from school due to illness or emergency on the day of the test, examination or oral-practical examination, the student must notify the Teacher by phone prior to the examination time, and must produce a documented excuse within 48 hours upon returning to school.

**6.1 Writing the Missed Examination** - The student must arrange to write the missed examination test, or oral-practical examination within two days of returning to school.

If advanced notice and documentation are not given as required, a final mark of zero will be recorded for the missed examination.

## **7.0 FAILURE OF A SUBJECT**

Any student, who has not been successful in obtaining a passing mark in a subject after having written the Final Examination in the subject, provided that they have obtained a final mark of at least 60%, will be eligible to write a **"Supplemental Examination"**.

**7.1** Supplemental Examinations - The school will schedule the Supplemental examinations within two weeks after the Final Examination and will post the dates of the Supplemental Examinations by email. It is up to each student to check their email and be aware of:

- a) Which subject(s) they have to re-write.
- b) The date and time of the examination.

**7.2** The Supplemental Examination must be written on the date and at the time scheduled. If a student does not show up to write the exam at the scheduled time, a mark of zero will be recorded as the final mark.

**7.3** If a student is unable to attend the Supplement Examination because of illness, the college must be notified 24 hours prior to the examination time, and acceptable documentation for the absence must be submitted on the day the student returns to school.

**7.4** The supplemental examination will then be rescheduled within two days of the student's return to school and no further rescheduling will be permitted. If for any reason the student is unable to write such rescheduled supplemental examination then the student will be required to repeat the course again at a cost to student of the regular prevailing cost for that course at the time the school next has that course available for enrolment.

**7.5** Any student who fails a course because he/she has not, for any reason, written the Final Examination, will write the Supplemental Examination and will not be entitled to any further examinations in that subject. Any student failing a supplementary examination in any course or subject will be required to repeat the course again at a cost to the student of the regular prevailing cost for that course or subject at the time the school makes such course or subject available.

## **8.0 PARTICIPATION / PRACTICE MARKS**

As Esthetics is a “hands-on” skill, it is necessary to actively practice these skills in the classroom. To encourage practice of these skills, there will be a mark for “Participation/ Practice” in some subjects. The weighting of practice marks will be determined by and set out by the Instructor of the college at the beginning of the course.

To obtain marks for participation/ practice, students must be observed to practice the hands-on assignment specified by the Instructor of that lesson.

Students, under the direction of the Instructor, must participate as the “esthetician” by performing the specified task(s) and also as the “client” by allowing another student to practice as the “esthetician”.

Student should be aware that “participation” is not the same as “attendance”. They must also be aware that “participation” is not optional. If a student is present in class but does not practice as both the esthetician and the client when instructed to do so by the Instructor, then he/she will not receive a participation mark for that lesson. Repetitive refusal to “participate” may lead to further disciplinary action including expulsion from the course.

A student, who is present in class but is not able to participate as either the esthetician or the client, may be excused from participating only if he or she has an illness or injury on that day that is observable by the instructor, or that is documented by a medical note. The student will be expected to participate in whatever way they can, depending on the severity or limitations of the illness or injury.

**8.1 Participation in Oral Practical Examinations** - In order to prepare effectively for these examinations Students are required to participate as both Esthetician and Client. A student who refuses to participate in an Oral Practical examination as a client, will receive a failing mark on his/her own Oral Practical exam. Any student, who is disruptive while performing as a client in an exam, either by being unco-operative, by giving answers to the student being tested, or by inappropriate behavior of any kind, will have marks deducted from his/her own examination at the discretion of the examiner(s).

## **9.0 CONDUCT**

It is our goal to provide a safe environment, which is conducive to learning, personal growth and academic success for all of our students.

Any student who is convicted of an offence under the Criminal code may be subject to expulsion from the school at the absolute discretion of the Education Director.

The school has a “Zero Tolerance” policy with regard to abuse and harassment. There shall be no comments, gestures, conduct, jokes, threats or derogatory statements regarding any person involved with or outside of the school, regarding: race, national or ethnic origin, colour, religion, sex, sexual orientation, pregnancy or childbirth, marital status, family status, socio-economic status, physical or mental disability, previous conviction.

The school has available an “Incident Report” form that student’s and Instructors are encouraged to complete in any instance where they believe there has been a violation of these policies.

All such forms will be treated very seriously and will be reviewed by the school’s senior administrative staff and where appropriate, forwarded on to the Education Director for consideration of punitive action. Because these reports are treated with such seriousness and may have devastating ramifications to an accuse person, frivolous or malicious use of these forms will be treated with the same seriousness and potential ramifications.

No student shall commit an act of abuse, violence or harassment against any student, faculty member or staff member either in the classroom, Clinic, or anywhere on or outside the college property. (See also above – Incident Reports.)

No alcohol or illicit drugs are permitted on the school premises, and no student shall attend class or clinic while under the influence of alcohol or drugs. Any student who commits such an act may be subject to immediate suspension pending review of the circumstances by the Education Director, which will decide on an appropriate consequence and which may involve further suspension or expulsion.

#### **10.0 STANDARDS OF PROFESSIONALISM**

The college has an important role to play in preparing students to become professionals in their career. We do our best to model high standards of professionalism and integrity, and expect the same of our students, instructors and staff. The School reserves the right to expel students for violations of non-academic standards. Such violations include but are not limited to:

1. Sexual misconduct or harassment, verbal or physical harassment, involving clients, staff or other students.
2. Unprofessional behavior with clients, staff or other students such as discriminatory behavior or breach of confidentiality.
3. Academic dishonesty.
4. Accepting payments for esthetics treatments in clinic or class or outside of the College.
5. Theft or other criminal behavior.
6. Violence, threatening violence or any abusive or profane language.
7. Damage to college or personal property.
8. Attending classes, or practical practice under the influence of drugs or alcohol.

9. Having entered the program under false pretences or having falsified information on application.
10. Any other serious breach of the Academic Policies contained herein or in any other, written or verbally conveyed, of school policies or procedures that the student could reasonably be expected to be aware of.
11. Any act deemed by the Educational Director to be an act of gross misconduct.

The senior management of the school as well as the Education Director will review accusations of any of the above misconduct, or any other unprofessional or inappropriate

conduct. (See above –Incident Reports) The decision of the Education Director in these or similar matters is final and without appeal.

### **11.0 CLASSROOM REGULATIONS**

Classes begin at 9:30am and finish at 5:00pm. Please note: class hours and schedules are subject to change.

In order to prepare for classes the school will open at 9:00 am. Lunch is 30 minutes in duration beginning at 12:00 pm. Both morning and afternoon class will have a 15-minute break.

Students who arrive late, or return late from breaks will be admitted to the class only after the next break.

Chewing gum in class or during tests, teaching clinic, outreach or any other function related to the school is not permitted.

No food is permitted in the classroom.

All students are required to participate in the classroom cleanup. This includes: cleaning tables, collecting garbage, straightening chairs and tables, depositing sheets to laundry room, wiping down tables and other duties as may be reasonably assigned by the instructor.

The school is a working environment and therefore noise must be kept to a minimum at all times in both in and outside the class rooms. Students who disturb the class will be instructed to leave the classroom. Students who fall asleep or otherwise show an obvious disregard for the teaching activities will be instructed to leave the classroom.

Students practice on each other in the classroom. In order for all students to have equal opportunities for learning, students shall practice with the partner assigned, both as esthetician and client. If a student is absent, or arrives late for the practical portion of the class they will only be allowed into the classroom at the absolute discretion of the instructor and they may be assessed an unexcused absence on their record. In such cases, the teacher may assign the student(s) present to new partners, or, if there is an uneven number, may assign three students to a group, or one student to do “rounds” with the teacher.

**Inappropriate Conduct** - Any student who observes inappropriate conduct by another student shall report this conduct by filling out and submitting an Incident Report on the same day. Reports forms may be obtained from the Manager, School Operations.

## **12.0 CONDUCT & SAFETY ON THE SCHOOL PREMISES**

### **Lunchrooms**

Students who choose to bring their own lunch shall eat in the “student rooms” provided. It is the students’ responsibility to clean the lunchroom after using it. Students may eat or drink outside the building in the nice weather at the discretion of the Instructor.

**Littering** on the school premises (inside or outside-including the parking lot) will lead to disciplinary action.

**Smoking** is prohibited in the building. If you step outside for a cigarette, please use the ashtray and ensure that all “butts” are picked up off the ground and appropriately disposed of. We expect students and staff to take pride in the cleanliness and appearance of the premises and to play a role in keeping it that way.

### **Personal Belongings**

Please leave your valuables at home. The school will not accept responsibility for any loss or damage to personal property. All personal articles such as purses, books, shoes, etc. are to be kept with you at all times.

### **Fire regulations**

Please familiarize yourself with the locations of the fire exits and fire extinguishers in case of an emergency.

### **Parking**

Limited parking is available in the front and back of the building on a “first come, first serve” basis.

### **Cleanliness**

Please keep the common areas of the school clean and clear. Do not throw paper towels or anything else in the toilet bowls. Use the disposal bags when needed. Always wash your hands before leaving the restroom.

## 12.1 Personal Hygiene

### *What is Hygiene?*

- Conditions and practices that serve to promote or preserve health and cleanliness. \

### *Why is Hygiene important?*

- Hygiene is a critical part of Esthetics. As an Esthetician we have certain standards that we MUST follow when it comes to Hygiene. The College is very strict about Hygiene and how we present ourselves as Estheticians.

### **How to Practice Good Hygiene**

- Before coming to class please ensure you have showered so there are no traces of body odor. Unclean hair emits odors as well.
- Ensure that you present yourself as a healthy and cleansed Esthetician to your clients.
- Ensure your hands are washed before having any physical contact with your client.
- Please rinse your mouth or brush your teeth if you have eaten food that has a strong scent to it, because you never determine who can be irritated by the scent.
- Please make sure your hair is properly shampooed, brushed and groomed as this is a very easy way for your client to notice if you have showered or just got out of bed!

### **Damage**

No students shall cause damage to school property. Any damage shall be repaired or replaced at cost by the student or students and disciplinary action may be taken.

### **Telephone calls**

Students are not permitted to use the office phone for outgoing or incoming phone calls unless there is an emergency. You may give the school's phone number only to a babysitter, daycare, or family member in case of emergency. Other than emergency calls, no messages will be accepted.

### **Photocopying**

Staff will NOT photocopy student text books or notes.

## **Conduct**

Students are not to use office photocopier. Students are not to enter the storage room, and not to use other equipment without express permission. If students wish to speak to a

member of the Administrative Staff, they are to put their request in writing and they will be given an appointment to speak to the appropriate staff member.

### **13.0 STUDENTS WITH SPECIAL NEEDS**

Some students need specific consideration in test taking. Some of the more common circumstances encountered are special needs relating to visual or hearing impairments, learning difficulties, or due to English not being the student's first language. Students with such special needs shall identify themselves to the Educational Director at the time of enrolment or as soon as such special needs are known so that any special preparations regarding testing can be put in place. Students with visual impairments can request to have their tests copied in large-font print, or can request a reader. Students with hearing impairment can request that questions on an oral-practical examination are given to them in writing. ESL students may be allowed the use of direct-translation dictionaries and can have additional time to complete tests. Students with learning difficulties can also be allowed additional time to complete tests, and students in both these categories may be allowed the use of a private room. Other individual testing needs will be addressed if the school can reasonably provide them. Students making requests for special consideration in testing must submit to the Education Director in advance and in writing, a diagnosis acceptable to the school from a credentialed professional, which validates the individual need. The Education Director will communicate the special needs of these students to the teaching faculty. Other physical handicaps or challenges which mean that the students needs particular types of support in test-taking, throughout the course or at any particular time, will be addressed by the Education Director on a case-by case basis.

### **14.0 APPEALS PROCESS**

Students have the right to appeal a failing course mark. All appeals must be submitted in writing. Each appeal is considered individually and judged on its merits. The Education Director decides appeals and where appropriate the course instructor may be consulted by the Education Director. All decisions of the Education Director are final, binding and without further recourse. All appeals are treated with respect and confidentiality, and no single decision sets a precedent for further decisions. Evaluation of appeals will be considered on the basis of the student's academic, attendance and participation recorded, and the validity of the grounds. Grounds for an appeal may include, but are not limited to the following:

1. Ill health, based on presentation of medical letter, which includes substantiating information dated within three days of the test, with the failing result.
2. Death or serious illness of an immediate family member, substantiated by a physician's letter or copy of the death certificate, within three days of the test which led to the failing result.

3. A dispute or claim related to the process of grading the test. The appeal must be submitted within three days of the test mark being posted. The written appeal can be presented in any form that is legible and must include the ground(s) for the appeal, all related supporting documents and the student's plan for redress of the failure should the appeal be granted.
4. A dispute over the marks assessed. This may also include a dispute over an assessed passing mark where the student has legitimate reason to believe that their mark should have been higher. Appeals are not allowed where the assessed mark is more than 15 percentage points below the passing mark.

In case where a student feels that they have legitimate grounds to appeal an issue not otherwise included in these policies, they have the right to apply to the Education Director for an appeal hearing. This provision to apply for hearing in no way guarantees that such an application will be granted. Such applications must be in writing. The application for hearing must clearly set out the situation, circumstance and grounds for the application. If an appeal hearing is granted on the basis of the written application. Each appeal is considered individually and judged on its merits.

#### **15.0 ABUSE OF GENERAL INTENT OF THESE POLICIES**

As stated at the outset of these Policies, it is our goal to encourage excellence in all aspects of the Esthetics Program. To further this goal we have established the above Academic Policies. Regardless of how much effort goes into producing such a policy document it is inevitable that oversights will occur, opportunities for avoidance may be present or wording may not fully and accurately describe intent. As such situations present themselves, these policies will be revised from time to time. In all cases that come before it, the Education Director will give primary consideration to the intent of these policies and secondary consideration to effective wording. Any student who has any uncertainty with regard to wording or intent should approach the Education Director for clarification.

## **16.0 STUDENT COMPLAINT PROCEDURES**

All complaints made by the student must be formally made in writing.

Address complaints to:

**Dr. Sohrab Khoshbin, Ph.D.**

**Wellsprings College of Massage Therapy & Esthetics**

**13085 Yonge Street, Suite 205**

**Richmond Hill, Ontario Canada**

**L4E 3S8**

**Tel: +001-(289)-234-9141**

**Email: [Drkhoshbin@cchh.org](mailto:Drkhoshbin@cchh.org)**

(Email must have subject heading designating this is a formal complaint)

If after a review of the decision, the student may refer the complaint to the:

**Superintendent of Private Career Colleges**

**Private Institutions Branch**

**Ministry of Training Colleges and Universities**

**77 Wellesley Street West, Box 977**

**Toronto, Ontario Canada M7A 1N3**

Please note that the college will retain a record of the student complaint for a period of at least three years from the date of the decision, including a copy of the student complaint, submissions filed and the decision specified.

**See additional material entitled Student Complaint Procedure Guide and Form**

## **STUDENT COMPLAINT RESOLUTION PROCEDURE**

As cited in Schedule B of the Student Enrollment Contract for Vocational Programs

For Complaints to be addressed by WELLSPRINGS' Counselor and Resolution Committee in compliance with the Private Career Colleges Act, 2005, and o. Reg. 415/06 - Section 36, the following procedure is to be used:

### **General Guidelines:**

1. Statements of complaint must be made in writing.
2. All complaints are confidential.
3. The procedure outlined below must be followed.
4. A staff presented with a verbal complaint will ask the Student to follow the procedure and remind the Student of the written complaint requirement.
5. A designated individual ("Counselor") shall be made available by WELLSPRINGS to the Students to deal with student complaints in a timely manner.
6. Complaints will be reviewed by a Resolution Committee, as established by WELLSPRINGS, but only after the Student has complained to the Counselor.
7. The Resolution Committee will also ask for a copy of any written response(s) from those already contacted by the Student in accordance with the procedure.
8. Arrangements for meetings and written responses from the person being complained about will be made in a timely and professional fashion. No complaint will go unanswered.
9. Records of Complaints will be maintained at the location where they originated for a period of at least three years.

### **Complaint Procedure:**

#### **Step 1.**

The Student will request a meeting with the Instructor responsible for the course to discuss the complaint verbally.

If not resolved at this level, the Student will proceed to Step 2.

#### **Step 2.**

The Student will submit a completed written complaint to the Counselor.

The Counselor will arrange a meeting with the Student within 7 days of receipt of the written complaint.

The Student will have an opportunity to make an oral presentation of the complaint at this meeting and to have another person present or another person make the oral presentation on his/her behalf. This meeting discussion will be minuted.

The Counselor will provide a written response to the Student, outlining the discussion and any proposed and/or agreed upon solution(s) within 14 days of the meeting. This response will include a decision statement, together with the reasons on which the decision is based and minutes of meetings held.

If not resolved at this level, the Student will proceed to Step 3.

### **Step 3.**

The Student will submit a completed written complaint to the Resolution Committee.

The Resolution Committee will arrange a meeting with the Student within 14 days of receipt of the written complaint (a copy of the written complaint which was submitted to the Counselor), the Counselor's response with recommended solutions and the Student's objections or comments regarding these solutions.

The Student will have an opportunity to make an oral presentation of the complaint at this meeting and to have another person present or another person make the oral presentation on his/her behalf. This meeting will be minuted.

The Resolution Committee will provide a written response to the Student, outlining the discussion and any proposed and/or agreed upon solution(s) within 14 days of the meeting. This response will include a decision statement, together with the reasons on which the decision is based and minutes of meetings held.

If not resolved at this level, the Student will proceed to contact the Superintendent of Private Career Colleges, Ministry of Advanced Education and Skills Development using the following contact information:

Director and Superintendent of Private Career Colleges  
Ministry of Training Colleges and Universities  
Private Institutions Branch  
77 Wellesley Street West  
Box 977  
Toronto, Ontario  
Canada M7A 1N3

### **17.0 EXPULSION**

A student may be expelled from the program if the student attends classes under the influence of drugs or alcohol, or for the harassment of other students or staff or for a violation of the college's attendance policies. A student may be expelled if they commit any violent act or cause damage to any property at the college or belonging to fellow students and /or staff.

Please see additional material below in Student Expulsion Policy as cited as Schedule D in the Student Enrollment Contract for Vocational Programs.

### **SUSPENSION AND EXPULSION POLICY**

1. WELLSPRINGS reserves the right to enforce a student discipline policy that is not inconsistent with the laws, Regulations, and policy directives enforced by the Ministry of Training, Colleges and Universities.
2. WELLSPRINGS will seek to enforce and uphold a discretionary (at the discretion of WELLSPRINGS) graduated discipline policy, meaning that some forms of student misconduct will not warrant an immediate expulsion. Forms of academic discipline other than immediate expulsion include but are not limited to
  - (a) Reduction in grade or "zero" (where appropriate);
  - (b) Verbal warning/Reprimand;
  - (c) Written warning/Reprimand; and
  - (d) Suspension.
3. Objectionable conduct includes (but without limitation): dishonesty (including dishonesty in the application process itself), academic fraud, non-payment of fees, academic failure, non-attendance, discriminatory or repeatedly disruptive conduct, abuse of drugs or alcohol, endangerment of staff, students or employees, or failure to abide by the school's rules, regulations, or code of conduct. More specifically
  - (a) Dishonesty: shall be interpreted broadly and shall (without limitation) apply to any deception or dishonest conduct by the student which compromises the integrity of the program or WELLSPRINGS.
  - (b) Non-Payment of Fees: a student may be expelled within      days of not having paid any outstanding tuition/fees, but expulsion shall not be the sole and exclusive remedy for non-payment of fees (WELLSPRINGS may, at its discretion, exercise any remedy to protect itself that does not offend the Private Career Colleges Act, 2005 or the Regulations made thereunder).

(c) Attendance: students who do not meet the attendance requirements for each specific course may be subject to discipline as is reasonable in each circumstance.

(d) Failing Grade: Students who do not meet the academic requirements of a program may be expelled.

(e) Discrimination: WELLSPRINGS will have a "zero tolerance" policy with respect to harassment and/or discrimination. Students accused of such conduct may be suspended immediately while an investigation is undertaken by WELLSPRINGS, and until a final determination is made regarding what (if any) further discipline is warranted.

(f) Abuse of drugs or alcohol: shall be reviewed on a case by case basis, but under no circumstances will WELLSPRINGS permit the use of drugs or alcohol on the premises. Nor will WELLSPRINGS allow the use of drugs and alcohol to compromise the integrity of WELLSPRINGS programs or disrupt other students.

(g) Academic Fraud: Includes, but is not limited to:

- i. Cheating on a test or assignment that is graded: 'Cheating is defined as any deliberate attempt to obtain credit through the use of deceit or dishonest methods. Examples of such behavior might include, and without limitation passing exam papers/solutions to another student; repeatedly looking at other students' papers; discussing or whispering of answers during a test; submitting research reports in which no research actually took place; writing answers on a desktop.
- ii. Plagiarism: Plagiarism is the act of submitting as your own material or work which is in whole or in substantial part, someone else's work, such as: copying previously published work; copying another student's work; reviewing materials or works from mailboxes, printers, or faculty desks or other sources, and adopting those works as your own; using the paid or unpaid services of other people to complete one's assignments.
- iii. Copyright Ownership Violation: Violation of WELLSPRINGS' or an instructor's copyright ownership, independent of any plagiarism;
- iv. Unauthorized collaboration of graded work; and

Alternation of academic records in any manner whatsoever.

4. Students are expected to acknowledge the sources of ideas and expressions they use in essays, reports, assignments etc. Failure to do so constitutes plagiarism and is subject

to academic penalty. Students who knowingly loan work to be copied, in whole or in part, by another student, for which a grade is assigned, are equally at fault in cases where plagiarism has occurred, and may also be open to academic sanction. Cheating offences are subject to academic penalty.

5. Students who are suspended or expelled will receive notification in writing, either hand delivered or by registered mail. Specific reasons will be provided for the suspension or expulsion.
6. Students wishing to appeal the suspension or expulsion must file an appeal within three days of notification of such disciplinary action by WELLSPRINGS. If the student is unsuccessful in appealing the suspension or expulsion, they may be able to appeal to the Ministry of Training, Colleges and Universities pursuant to the provisions of the Private Career Colleges Act, 2005, so long as the discipline relates to an approved program.
7. Fee refunds will be governed by the provisions of the Private Career Colleges Act, 2005, O.Reg. 415/06, and any other laws and/or regulations as administered by the Ministry of Training, Colleges and Universities. However, where WELLSPRINGS has no legal requirement/obligation to refund tuition or any portion of a student's tuition to any student who has been suspended or expelled, the school shall have no obligation to refund tuition or any part of that student's tuition.
8. A suspension or expulsion will be recorded on a student's academic record and transcript, and all forms of discipline may be placed and retained in the student's file.

#### **18.0 STUDENT EXPULSION POLICY GUIDE**

The College is committed to taking all reasonable steps to ensure the students have the opportunity to successfully complete their programs. The College has a commitment to ensure that within this general framework that all students are treated fairly and equitably. Students who do not support the academic and ethical goals of the College for themselves and their fellow students may be subject to penalties, up to and including expulsion.

In general, the College will attempt to resolve a situation without expulsion. Verbal warning, written warnings and suspension may precede this final and most serious of actions. Where the College deems the integrity, safety or well being of the College, students, staff, clients, visitors and other guests is in danger then expulsion may be applied at the College's discretion at any point in the process.

In conjunction with this policy, the college will have to ensure that students receive and are aware of its code of conduct, its academic policy, and its attendance policy. (College to modify these stipulations as appropriate to their own situation)

The following outlines the conditions under which a student may be expelled with cause:

(Where the College has specific policy in these areas, they may reference them. Where no specific policy exists, the College should provide sufficient detail to allow the student to comprehend the conditions that will result in expulsion).

1. Academic Dishonesty – students may be subject to expulsion at the discretion of the College for academic dishonesty. Academic dishonesty is any word, action or deed performed alone, or with others for the direct or indirect intention of providing an unfair advantage or benefit to self or other student(s) including:
  - a. cheating
  - b. plagiarism
  - c. unapproved collaboration
  - d. alteration of records
  - e. bribery
  - f. lying
  - g. misrepresentations
2. Outstanding Fees – failure to pay overdue accounts owing to the college within the specified period may be grounds for expulsion after a written warning has been given.
3. Code of Conduct - all students are required to adhere to the College’s published code of conduct. Where the violations do not have the potential to result in physical harm to persons or property the College may expel a student who has received suspension for failure to comply and has since violated any of the terms of the College’s code of conduct. Students who are found under the influence of drugs and/or alcohol or carrying weapons will be subject to immediate expulsion. (Colleges that do not have a code of conduct may need to modify this section to adapt to their own situation)
4. Significant Omissions or Errors in Admissions Documentation – the College has a responsibility to ensure students have been admitted in accordance with the registration requirements for the program. Students who knowingly misrepresent their applications are subject to immediate expulsion.
5. Academic Failure – students who fail to achieve the required academic standing in their programs may be expelled from the program. The College may at its discretion offer alternatives to a student and these are outlined in the academic policies for the program of study.

6. Attendance – students who do not achieve the required attendance as stated in College policy are subject to expulsion.
7. Harassment or Discrimination – the College does not condone harassment or discrimination of any student, staff, client or visitor to the College. Students participating in harassing or discriminatory activities that are racial, sexual, or pertaining to sexual orientation in nature may be subject to immediate suspension depending on the severity of the activity and pending investigation.

Any student, who is deemed by the investigation to have engaged in severe harassing or discriminatory activities, may be expelled at the discretion of the college, depending on the severity of the activity.

Racial harassment means bothering, threatening, or treating someone unfairly because of their race, colour, ancestry, birthplace, religious belief, ethnic background, citizenship, or language.

Sexual harassment means bothering someone by saying or doing unwanted or unwelcome things of a sexual or gender-related nature including touching inappropriately, making offensive jokes about women and men, making sexual suggestions or requests, staring at or making unwelcome comments about one's body, displaying sexually offensive pictures, or being verbally abusive because of one's gender.

Sexual orientation harassment means treating someone unequally because they are gay, lesbian, heterosexual, bisexual, or living in a same-sex relationship. This could include making a hurtful comment or action to an individual that is known or ought to be known to be unwelcome, making homophobic jokes or hints about a person's sexual orientation or same-sex partnership status, or displaying of disrespectful signs, caricatures, cartoons or graffiti.

In determining what constitutes harassment or discrimination, the College refers to The Ontario Human Rights Code. Students requiring more specific information may refer to the specific code as posted on the Provincial web site

(<http://www.ohrc.on.ca/english/code/index.shtml>).

8. Misuse of College Property – College property is for the provision of College services. Students who damage, misuse, steal or otherwise use the property in a way that is prohibited may be expelled and required to make restitution.

9. Endangerment of Staff or Students – The College is committed to the right of all College staff, students, clients and visitors to be safe. Students who by action or neglect in any way endanger the safety of themselves or others may be expelled.

Prior to expulsion, depending on the severity and nature of the situation, the College may take intermediate steps at its discretion including:

- a. verbal warning
- b. written warning
- c. suspension
- d. expulsion

Notification:

Students who are subject to expulsion for any reason will be notified in writing, either hand delivered or by registered mail with return receipt. The College is not responsible for non-delivery by registered mail if the student has not provided a valid home address where the student currently resides.

The notification will contain a description of the basis for expulsion and the effective date. Expelled students who dispute the facts of the expulsion and wish to appeal must appeal the decision in writing within one week of the notification by following the college's student complaint procedure provided to the student and by providing sufficient proof to support the complaint.

A Student whose expulsion is upheld after having followed the college's student complaint and appeal procedure, may file a further appeal through the Complaints process of the Ministry of Training, Colleges and Universities, provided the students are attending a program approved under the Private Career Colleges Act, 2005.

If a student's appeal is successful and he/she is eventually reinstated as part of the internal college or Ministry appeal processes, than the college will arrange for the student to make up the training time that he/she had missed since the date of expulsion specified in the written notification.

Fees

Settlement of student's accounts, for students that have been expelled, will be completed under the College's Fee Refund Policy, using the effective date of expulsion as the final day of attendance in their program of study.

Return of Property

A student who is expelled is responsible for the return of any College property in his/her own possession within 10 days of the expulsion and will be held financially responsible for any property not returned in good condition or as outlined in the student contract.

## **19.0 STUDENT COMPLAINT FORM**

### **Student Complaint Form**

This form is to be used by students to request the initiation of the college's formal complaint procedure or to request a review (appeal) of a formal resolution plan that the student deems unsatisfactory.

This form is also to be used by college staff to record the results of the formal complaint procedure and the review process (if applicable).

If a student is not satisfied with the college's decision after working through the formal complaint procedure and any subsequent review process, he/she can ultimately file a complaint with the Superintendent of private career colleges, provided that the student is attending a program approved under the Private Career Colleges Act, 2005.

### **Section 1 – Request to Initiate the Formal Complaint Process**

#### **Instructions:**

- Before submitting this form to the school administrator or college president, be sure that every question has been answered.
- You will be contacted if the college requires any additional information, so please make certain that your contact information is correct.

Once Part A has been completed, please make sure that you sign the declaration in Part A and then submit the original and a copy of this form to the college president, who will co-sign both copies, return the original to you, and keep the copy for your academic file.

**PART A - TO BE COMPLETED BY STUDENT**

i. Personal Information			
Student First Name:			
Student Last Name			
Street Address in Canada (# and street name):			
City:	Province:	Country:	Postal Code:
Home Telephone Number		Work Telephone Number:	
Email Address:			
ii. Nature of Complaint:			
What is your complaint with the college? (If you need more space, either here or below, attach a separate sheet.)			
What do you want the college to do to resolve your complaint? (If you need more space, either here or below, attach a separate sheet.)			
Have you tried to resolve your concern informally and directly with the person(s) involved? Please explain:			
Do you have any documentation in support of your complaint that you want to submit to the college? If so please itemize them below and attach them to this form:			

By signing this form, I, \_\_\_\_\_ declare the information provided by me in Part A to be true and correct.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date (dd/mm/yyyy)

\_\_\_\_\_  
College Staff Signature

\_\_\_\_\_  
Date (dd/mm/yyyy)

**PART B - TO BE COMPLETED BY COLLEGE STAFF**

i. Formal Resolution and Follow Up			
Student First Name:			
Student Last Name			
Street Address in Canada (# and street name):			
City:	Province:	Country:	Postal Code:
Home Telephone Number		Work Telephone Number:	
Email Address:			
Record here any decision that resulted from the formal process meeting between the student and the college staff member, the reason for that decision, and a description of the complaint resolution plan that will be implemented and monitored:			

We, (student name) \_\_\_\_\_ and (college staff name) \_\_\_\_\_  
declare that we have agreed to implement and monitor the resolution plan described above.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
College Staff Signature

\_\_\_\_\_  
Date

**ii) Closure of Student's Complaint and the Mutually Satisfactory Outcome:**

This part to be signed by both the student and the college staff representative, when a mutually satisfactory resolution has been achieved.

We, (student name) \_\_\_\_\_ and (college staff name) \_\_\_\_\_ declare that the resolution described in (i) above has worked to our mutual satisfaction and agree to close this complaint,

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
College Staff Signature

\_\_\_\_\_  
Date

Section 2: Request to Review the Formal Procedure Resolution Outlined in Part B above.

**Part C:** To be completed by the student when requesting a review

Describe the reasons why the complaint resolution plan resulting from the formal procedure from Part B above was unsatisfactory:

\_\_\_\_\_  
Student' Signature

\_\_\_\_\_  
Date

**Part D:** (to be completed by College Administrator upon completion of the review.)

Describe the findings from the investigation by the Student Complaint committee:

Outline the Student Complaint Committee's resolution decision and the reasons for that decision:

\_\_\_\_\_  
College Staff Signature

\_\_\_\_\_  
Date

## 20.0 STUDENT COMPLAINT PROCEDURE GUIDE

### General Overview

The College is committed to the prompt and equitable resolution of student conflict issues to the satisfaction of both the student and the College. The Student Complaint Procedure is designed to provide students with both an informal and formal process whereby a student may request the review and resolution of a concern if satisfactory resolution has not been reached by way of the daily problem-solving activities between staff and students which, in most cases, result in immediate resolution. The student has the right to present his/her case and be accompanied, at all times during the process, by an individual of his/her choice. In addition, the student can ask the individual who accompanies him/her to present the case on his/her behalf.

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Students are encouraged to address any concerns immediately; please do not let a minor problem develop into a major one. Should you have any problems or concerns during your training period, we encourage you to discuss them promptly with the staff member directly involved. Should the resolution to your issue require further involvement, a meeting will be arranged with the President of the College, Prof. Sohrab Khoshbin, as part of the college's formal complaint procedure. The complaint process is expected to take approximately three weeks to complete and satisfactory resolution to be agreed upon.

### Formal Complaint Procedure

1. In the case where a student is unable to achieve a satisfactory resolution using the informal direct discussion approach recommended above, the student can request that a more formal complaint procedure be launched. To do so, a student must complete and sign an original Student Complaint Form recording his/her concern and documenting the student's desired resolution. The student must submit the original form and one signed copy to the President of the College, Dr. Sohrab Khoshbin, who will co-sign the forms in Part A, return the original to the student and keep the copy in the student's academic file.
2. After submission of the Complaint Form, the College will within 3 days review and respond in writing, addressing the concerns of the student and the proposed solution. IF this is unacceptable the student must contact the College and request a formal meeting with the President
3. The College President will arrange to meet with the student within three working days of the date of the written response by the College. If, as a result of that meeting, the student and the College President decide to implement a mutually agreed to complaint resolution plan, then that decision, the reason for the decision, and a description of the resolution plan must be recorded by the College President in Part B on the student's original complaint form. The original form must be co-signed by the student and the staff member in sub-section i) of Part B of the form. The original must be returned to the student and a copy must be filed in the student's academic file.

4. If the student and the College President reach a mutually agreed to resolution in step 2 above then the plan must be implemented and the President's assistant must follow up to ensure the resolution plan satisfactorily resolves the concern.

Upon mutually satisfactory resolution of the student concern, the College President will meet briefly with the student to close the concern and record in Part B of the original Student Complaint Form a confirmation that the concern has been satisfactorily resolved. The student and the College President will sign the declaration at the bottom of Part B. The original form will be given back to the student and a copy will be filed in the student's academic file. A second copy will be filed in the Campus Student Complaint Binder and kept for 3 years.

### **Review Process**

1. Where a student concern has arisen that could not be resolved to the student's satisfaction, through the formal procedure outlined above, the student may initiate an appeal. The student must complete and sign Part C (Request for a Review) of the original Student Complaint Form setting out the reasons why the formal procedure resolution was unsatisfactory. The student will again keep the original form and a copy will be submitted to the college Administrator.
2. The college Administrator will form a Student Complaint Committee to investigate the student's concern and meet with the student within five (5) working days of the request for a review to discuss resolution. The committee will consist of a minimum of 3 people including a staff member from the academics department, a student representative and the campus administrator.
3. The Committee will report to the student by completing and signing Part D of the Student Complaint form within five (5) days of the conclusion of its resolution investigation process. The written report will include a summary of the investigation findings and the committee's complaint resolution decision including the reasons for arriving at that decision.
4. The student will be given the original signed copy of the student complaint form. A copy of the student complaint form will be retained in the student's academic file and a second copy will be placed in the Campus Student Complaint Binder, where it will remain for a minimum period of three (3) years. .
5. The Campus Administrator will maintain this binder on site for possible annual inspection.
6. If the student is not satisfied with the college's decision after the review process, he/she can file a complaint with the Superintendent of private career colleges, provided the student is attending a program approved under the Private Career Colleges Act, 2005.

### **Superintendent**

#### **Private Institutions Branch**

#### **Ministry of Training Colleges and Universities**

**77 Wellesley Street West, Box 977, Toronto, Ontario Canada M7A 1N3**

## 21.0 STATEMENT OF STUDENTS' RIGHTS AND RESPONSIBILITIES



**Ministry of Training Colleges and Universities**

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April 13, 2017

Private Career Colleges Act, 2005

### Statement of Students' Rights and Responsibilities

Private career colleges in Ontario are regulated under the Private Career Colleges Act, 2005, which is administered by the Superintendent of Private Career Colleges. Prior to offering vocational programs to the public, private career colleges must be registered and have their programs approved under the Act. For a list of registered private career colleges and approved programs, please go to the ServiceOntario website at [www.serviceontario.ca/pcc](http://www.serviceontario.ca/pcc).

#### Dealing With Your Private Career College

There may be times when you need to communicate formally with your private career college, for example, giving notice that you want to withdraw from a program and receive a refund of fees or if you have a complaint against the college. When this is the case, you should do so in writing and the document should be delivered personally to the college, sent by courier or registered mail, or faxed or emailed to the appropriate official at the college. You should keep copies of any written documents between you and the college.

#### Contract

When you enroll in a program, you must sign and receive a written contract. The private career college is not allowed to require you to obtain a product or service as a condition of admission into the program. For example, a private career college may

not require you to purchase a laptop computer from the college prior to enrolling you in a vocational program.

The written contract must contain all of the following terms:

- the approved program name;
  - your address, telephone number and, if applicable, e-mail address;
  - the start and expected end date;
  - the language of instruction;
  - the admission requirements;
  - a schedule of hours of instruction; • the location of instruction, and if instruction is provided online, the website address;
  - the location of any additional training location and/or practicum (e.g., work placement), and if additional training and/or a practicum is provided online, the website address;
  - the fees in Canadian dollars and a schedule indicating the time and amount of each payment;
  - a place for you to acknowledge that you have received a copy of:
    - this Statement of Students' Rights and Responsibilities issued by the Superintendent of Private Career Colleges,
    - the college's fee refund policy,
    - the college's student complaint procedure,
    - the college's sexual violence policy, and
    - the college's policy relating to the expulsion of students;
  - a consent section for the collection and use of your private information; and
  - statements, in bold, that:
    - the contract is subject to the Private Career Colleges Act, 2005 and the regulations made under the Act,
    - the private career college does not guarantee employment for any student who successfully completes a vocational program offered by the college;
- and
- you are entitled to a copy of the signed contract immediately after it is signed.

- The private career college does not guarantee employment for any student who successfully completes a vocational program offered by the college; and o you are entitled to a copy of the signed contract immediately after it is signed.

## Fee Collection

A private career college is only allowed to charge or collect fees for a program in Canadian dollars. Furthermore, the college is not allowed to charge or collect any compulsory fee for a program that is not published on the ServiceOntario website or that is higher than what is published. The college is also not allowed to charge or collect any optional fee for a program that is not approved by the Superintendent of Private Career Colleges.

Before a contract is signed, a private career college is prohibited from collecting any fees from you, except 20% of the total fees for the program or \$500, whichever is less. These fees must be in relation to processing your application or conducting any admission tests or assessments and must be disclosed in your contract.

A private career college is required to issue you a receipt every time you pay a fee. You should keep all receipts on file.

## Sale of Students' Goods and Services

A private career college is only permitted to sell goods you produce or create, provide your services to the public or arrange for the delivery of such services if the sale is part of completing your program. The college cannot profit from these sales; it can only charge an amount that allows the college to recover its cost.

## Fee Refund

A private career college is required to issue a fee refund within 30 days of you giving a written notice of cancellation or withdrawal or 30 days of you receiving a written notice of expulsion from the college. If you do not meet the admission requirements at the time the program begins, the college is required to issue you a refund of fees within 30 days of the start of the program. If you do not attend the first 14 days of classes, the college can cancel the contract and must issue a refund within 45 days of the start of the program.

Only the compulsory fees published on the ServiceOntario website or the optional fees approved by the Superintendent of Private Career Colleges are covered by the refund policy. You must return any goods you received under a contract in the same state they were in when supplied to you within 10 days of withdrawing in order to get credit for them. All refunds must be in Canadian dollars.

A private career college is prohibited from deducting any monies owed by you for other services or non-vocational programs offered by the college from a refund that you are entitled to for a vocational program.

The same refund policy applies when you withdraw from a program or are expelled from a private career college in accordance with the college's expulsion policy or sexual violence policy.

## Cooling Off Period

You can cancel a contract within two days of signing it if you deliver a written notice to a private career college at the address shown on the contract. You are entitled to a full refund of fees paid for the program, including any application fee, from the college.

## Full Refund

In any of the following circumstances, you have a choice of cancelling a contract and making a written request for a full refund of fees paid for a program or accepting the shortcoming and continuing your training with the private career college:

- the college collects any fees for the program before the college is registered or before the program is approved under the Private Career Colleges Act, 2005;
- you are expelled from the college in a manner or for reasons not permitted under the college's expulsion policy or sexual violence policy;
- the college collects more than 20% of the total fees for the program to a maximum of \$500 before signing a contract with you;
- a total of more than 10% of the program is taught by unqualified instructors;
- the contract does not include all the mandatory terms required (refer to the "Contract" section); or
- the college, while still operating, discontinues the program before you can complete the program.

In addition, you also may seek a full refund if a private career college or its representative makes certain types of untrue statements for the purposes of convincing you to enroll in the program and the statements constitute a fundamental breach of the contract. The categories of inappropriate statements include: a false or misleading statement, a statement that guarantees admission to or successful completion of the program, employment after graduation or the right to enter Canada or receive a visa.

If you do not make a request for a full refund within a reasonable time of finding out about the shortcoming, you may lose your right to make a claim for a refund.

If a private career college charges or collects any compulsory fee that is not published on the ServiceOntario website or that is higher than what is published, you are entitled to a full refund of the unpublished fee or the difference in amount between what is published and what was collected. The same applies if the college charges or collects any optional fee that is not approved by the Superintendent of Private Career Colleges.

## Partial Refund Before a Program Begins

You are entitled to a refund of fees paid for a program, except that a private career college is allowed to retain 20% of the total fees for the program or \$500, whichever is less if:

- you withdraw from the program before it begins;
  - you do not meet the program's admission requirements before the program begins;
- or
- the college cancels the contract for the program within 45 days of the start of the program because you do not attend the first 14 days of classes.

## Partial Refund After a Program Begins

If you withdraw from a program after the program begins, you may be entitled to a refund of fees paid for the program, depending on how much of the program has been delivered by a private career college. In most cases, the college is allowed to retain 20% of the total fees for the program or \$500, whichever is less, plus the fees paid with respect to the portion of the program that has been delivered by the college.

## Transcript

You have the right to access your transcript for 25 years after you leave a private career college. You may request a copy of your transcript by contacting your college.

In the event of a private career college closure, you will be able to access your transcript from an approved third party transcript issuer. It is suggested that you ask your college for the name of the third party issuer when you graduate.

## Credential

A private career college is required to issue you a credential (diploma or certificate) within 60 days of completing a program. The college does not have to issue your credential until you have paid your fees in full.

## Student Complaint Procedure

All private career colleges are required to have a student complaint procedure in place to resolve issues arising between the college and its students.

You must first go through a private career college's student complaint procedure before filing a complaint with the Superintendent of Private Career Colleges. A Student Complaint Form for a complaint to the Superintendent can be downloaded from the Service Ontario website at [www.forms.ssb.gov.on.ca](http://www.forms.ssb.gov.on.ca).

## Sexual Violence Policy and Accommodation

All private career colleges are required to have a stand-alone policy to address sexual violence and harassment involving students. In addition, all private career colleges must, without fee, appropriately accommodate the needs of students affected by sexual violence or harassment.

The sexual violence policy must be included in every enrolment contract between a student and a private career college and it must be published on each private career

college's website or, where the private career college does not have a website, posted in a conspicuous location at each campus of the private career college.

At a minimum the policy must:

- provide information about supports and services available at the college or through its agent for students affected by sexual violence or harassment;
- identify the specific official, office or department at the college that students should contact to obtain supports and services;
- provide information about supports and services in the community for students affected by sexual violence or harassment;
- inform students that the college will appropriately accommodate the needs of students affected by sexual violence or harassment and identify the specific official, office or department at the college that students should contact for accommodation;
- inform students that they are not required to report an incident of, or make a complaint about, sexual violence or harassment to obtain supports, services, or accommodation; and
- set out a process for responding to and addressing incidents and complaints of sexual violence and harassment that includes the elements specified in the regulations under the Private Career Colleges Act, 2005.

Every private career college student who experiences sexual violence or harassment has the right to be treated with dignity, compassion, and respect. In addition, every student has the right to choose among the available options for addressing incidents of sexual violence or harassment, whether those options are provided on campus or off. Except in extreme situations, where there is an imminent threat to the campus or broader community, the choice of options (including the choice not to exercise any option) always remains with you, the student.

## International Students

If you are attending or planning to attend a private career college under a student visa, some special rules apply.

### Fee Collection

You should make sure that you are familiar with the rules mentioned in the "Fee Collection" section. A private career college is allowed to charge special international student fees in relation to a vocational program but these fees cannot be higher than what are published on the Service Ontario website.

Only the compulsory fees published on the Service Ontario website or the optional fees approved by the Superintendent of Private Career Colleges are covered by the refund policy.

After you sign a contract, a private career college is allowed to collect no more than 25% of the total fees for a program from you before the program begins. Some private career colleges are required to hold the money in a trust account until you begin the program. You should ask your college for details of its trust fund arrangement when you pay your fees.

## Fee Refund

You can cancel a contract with a private career college or withdraw from a program for any reasons. The same refund policy for domestic students also applies to you and any written notice of cancellation or withdrawal is acceptable.

In addition, a special rule applies to international students if you are unable to obtain a student visa to enter Canada. As long as you deliver a written notice of this fact to a private career college before half of the portion of a program has passed, you are entitled to a refund of fees paid for the program, except that the college is allowed to retain 20% of the total fees for the program or \$500, whichever is less.

## Insurance

Every private career college is required to have insurance in case you have an accident in class or while on an offsite placement. If you are injured while attending a private career college, you should immediately inform the relevant official at the college.

## Midway Evaluation

If you enroll in a program that is 12 months or shorter or that is delivered over an undefined period of time (e.g., trucking), a private career college is required to provide you with the result of at least one evaluation of your progress before you complete half of the total length of the program. If your program is longer than 12 months, for each 12-month period, the college is required to provide the result of at least one evaluation before you complete half of the period, i.e., 6 months.

## Qualified Instructors

You are entitled to be taught by an instructor who holds the required combination of academic, practical and teaching experience. In case of emergency, a private career college is allowed to use a substitute instructor who is not fully qualified. However, the college is not allowed to use unqualified instructors to teach a total of more than 10% of a program.

## Closure

Special rules apply when a private career college closes. If your college closes before you finish your program, efforts will be made to arrange for you to complete your program. Instead of participating in a training completion, you may choose to receive a refund of fees paid for the portion of the program that has not been delivered.

For more information about your rights and responsibilities in the event of the closure of your private career college while you are enrolled as a vocational student, please see the Superintendent's FACT SHEET #5: Training Completion Assurance Fund (TCAF) — Information for Students: Private Career College Closure at [www.tcu.gov.on.ca/pepg/audiences/pcc/factsheet5.html](http://www.tcu.gov.on.ca/pepg/audiences/pcc/factsheet5.html).

This document is provided for your information and convenience only. It is not a legal document. For further information and the exact wording please refer to the Private Career Colleges Act, 2005 and regulations.

### Need More Information?

You can find more detailed information about student protection measures in the Private Career Colleges Act, 2005 Facts Sheets, including information about fee refund calculation. All Fact Sheets can be downloaded from the Ministry of Training, Colleges and Universities website at [www.tcu.gov.on.ca/pepg/audiences/pcc/](http://www.tcu.gov.on.ca/pepg/audiences/pcc/).

If you have questions about the Private Career Colleges Act, 2005 and regulations, contact the Private Career Colleges Branch at:

Private Career Colleges Branch  
Ministry of Training, Colleges and Universities  
77 Wellesley Street West  
Box 977 Toronto (Ontario) M7A 1N3

Telephone: (416) 314-0500 or 1-866-330-3395

Fax: (416) 314-0499

E-mail: [pcc@ontario.ca](mailto:pcc@ontario.ca)

OR

Visit our website at: [www.tcu.gov.on.ca/pepg/audiences/pcc/](http://www.tcu.gov.on.ca/pepg/audiences/pcc/)

The full text of the act and regulations can also be downloaded from the Ontario government E-Laws website at:

[www.ontario.ca/laws](http://www.ontario.ca/laws)

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## 22.0 SEXUAL VIOLENCE AND HARASSMENT POLICY

Ministry of Training,  
Colleges and Universities

Private Career Colleges Branch  
77 Wellesley Street West  
Box 977  
Toronto ON M7A 1N3

Ministère de la Formation  
et des Collèges et Universités

Direction des collèges  
privés d'enseignement professionnel  
77, rue Wellesley Ouest  
Boîte 977  
Toronto ON M7A 1N3



### *Addendum to the Superintendent's*

### *Statement of Students' Rights and Responsibilities*

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### **SEXUAL VIOLENCE AND HARASSMENT POLICY**

On March 8, 2015, International Women's Day, Ontario issued an Action Plan against Sexual Violence and Harassment calling, among other things, for increased safety on Ontario's postsecondary campuses. These principles known as Bill 132 the Sexual Violence and Harassment Action Plan 2015 in addition to the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms provide the basis of the changes to the Private Career Colleges Act, 2005. The Act was amended to include clear definitions of "sexual violence and harassment".

### **Definitions**

What is Sexual Violence and Harassment?

**The definition of "sexual violence"** means any sexual act or violent act,

physical or psychological in nature, targeting a person's sexuality, gender identity or gender expression, whether the act that is committed, threatened, or attempted against a person without a person's consent, and includes:

sexual assault,                      sexual abuse,  
sexual harassment,                  criminal harassment,  
stalking,                                voyeurism,  
indecent exposure,  
sexual exploitation and cyber bullying

Any type of an unwanted sex act done by one person to another, without that person's consent that violates the sexual integrity of an individual ranging from unwanted touching to penetration.

Any course of annoying, vexatious, intimidating or threatening comment or conduct of a sexual nature that is known or ought reasonably to have been known to be unwelcome. The behavior need not be intentional to be considered harassment. Offensive and harassing behavior may include:

Offensive or dirty jokes or comments of a sexual nature;  
Suggestions, requests or demands of a sexual nature;

Suggestive or offensive remarks, bragging about sexual prowess;

Displaying of pornographic or sexist pictures or materials, including on-line;

**“Sexual Harassment “** is any unwelcome behavior that is sexual in nature. The Ontario Human Rights Code defines sexual harassment as follows:

“... discrimination on the grounds of gender is a violation of the Individuals' Rights Protection Act. Unwanted sexual advances, unwanted requests for sexual favors and other unwanted verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicit or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual affects that individual's employment.

Sexual harassment is illegal ...

## **Sexual harassment can include such things as:**

Unwelcome language related to gender

Remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex or sexual orientation;

Bragging about sexual prowess

Physical contact such as touching, patting, or pinching, rubbing or leering, with and underlying sexual connotation and

Sexual solicitation or advance made by a person in a position to confer grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome. The behavior need not be intentional to be considered harassment.

Sexual assault, which is any type of an unwanted sex act done by one person to another, without that person's consent, that violates the sexual integrity of an individual ranging from unwanted touching to penetration.

## **Sexual Violence and Harassment Policy at Wellsprings College**

Wellsprings College seeks to maintain a learning environment and workplace that is free from any type of harassment and violence. The College aims to provide a safe, healthy and rewarding learning and working environment for both students and staff. Wellsprings has a Zero Tolerance policy for harassment and sexual violence and bullying.

Wellsprings will not tolerate any kind of harassment or violence. Wellsprings will not tolerate, ignore or condone any form of discrimination or harassment and is committed to promoting appropriate standards of conduct at all times.

The College has developed a policy intended to prevent sexual violence and harassment of its students and staff and to deal quickly and effectively with any incident that may occur. Students are entitled to be aware of the policy and the supports offered here at the college.

A copy of this policy is also published on the college website. The College is required to review the policy at least once every 3 years and amend it if necessary. Student input is welcomed. As a student at a private career college, you also have a role to play in creating safe campuses for everyone. Private career colleges will welcome your suggestions and ideas.

Wellsprings College will upon notification of such take appropriate disciplinary action against any student or employee found to have initiated any form of sexual harassment. Disciplinary action may include suspension, dismissal, and notification to the appropriate authorities, Human Rights Commission or the police, and /or criminal charges.

Please note that all complains are assumed to have been filed in good faith.

When a complaint has been made, under this policy, The College will take all reasonable steps to investigate it and including:

- Responding promptly to any complaint and keeping the complainant and respondent informed and updated on the status of the investigations
- Assisting those who have experienced sexual violence or sexual harassment in obtaining counseling and medical care if necessary
- Providing those who have experienced sexual violence or sexual harassment with the appropriate academic and other accommodations
- Providing those who have experienced sexual violence or sexual harassment with information about reporting options.

Every private career college student who experiences sexual violence or harassment has the right to be treated with dignity, compassion, and respect.

Every student has the right to choose among any available options for addressing incidents of sexual violence or harassment, whether these options are provided on campus or off.

Except in extreme situations, where there is an imminent threat to the campus or broader community, the choice of options (including the choice not to exercise any option) always remains with you, the student.

If you experience sexual violence or harassment at your private career college, you may:

- Request information about any counseling, health services, or other supports that are available at your private career college from your campus administrator.

Please bring the incident to the attention of Dr. Sohrab Khoshbin Principle or Donna Brown in the administration office. The College will make “appropriate accommodations” to assist with the needs of the student affected by sexual violence or harassment.

- Engage the services of an off-campus organization, such as a crisis and counseling centre, in your community;
- Contact the Human Rights Tribunal of Ontario; and/or
- Report the incident to the police.

A student is not required to report an incident of , or make a complaint about, sexual violence in order to obtain supports, services, or accommodations.

For information about resources in your community, visit [draw-the-line.ca](http://draw-the-line.ca) and [tracons- les- limites.ca](http://tracons-les-limites.ca). These websites list services available throughout Ontario.

Should you witness an incident of sexual violence or harassment at your private career college, you may bring your concerns directly to the attention of the campus administrator or another staff member at the private career college. All members of the Wellsprings College community has the responsibility to take all reasonable steps to prevent sexual violence and harassment on our campus. Whether they are subject to, witness of, have knowledge of, or reason to believe that sexual violence has occurred or may occur.

As a student at a private career college, you also have a role to play in creating safe campuses for everyone. Private career colleges will welcome your suggestions and ideas.

## Responsibility of the College

It is the responsibility of the College, whether employee, instructor, director or principal who deals with students in any role to take immediate and appropriate action to report and deal with incidents of sexual harassment whether brought to their attention or personally observed. Under no circumstances should a legitimate complaint be dismissed or downplayed or the complainant told to deal with it personally. It will not be condoned and must be stopped immediately.

### Procedures to follow:

1. Obtain a detailed description of the incident that is written and dated. Ensure that no retaliation is taking place on student's behalf, and obtain legal counsel if required.
2. Conduct an Investigation immediately after the report has been taken. Keep all reports confidential. Document as necessary and contact the authorities if appropriate. Record as many details as possible. Advise both complainant and Respondent that they may ask another person to be present during the interview.
3. Interview the Complainant. Obtain a complete account in writing of the incident that has take place. Include all details of the incident. When, where, time, the events, persons involved, witnessed etc Determine what if any immediate assistance the complainant requires to ensure personal safety and if necessary medical attention. Take appropriate steps to ensure confidentiality. Determine any influences that may have occurred. Report on time-lines.
4. Interview the respondent or the accused. Ensure details are recorded in writing and ask for clarification as needed. Inform the respondent of the complaint and provide details of the allegations and give the respondent ample opportunity to respond to the allegations and to provide any witnesses the respondent feels are essential to the investigation. investigations Assess any chance of a retaliation from the accused and document all details including any observations of verbal and nonverbal body language.
5. Interview any other person involved or identified witnesses and or anyone who may have knowledge of the incident . Make written record of the interviews and obtained signed copies of any reports taken.

6. Following the investigations , review all evidence, Determine if sexual violence or harassment has occurred. If so,
7. Determine what disciplinary action, if any, should be taken. This may include termination of employment of instructors or staff, or altering schedules, placement of certain restrictions on respondents ability to access premises or expulsion of a student. Review and revise the situation as needed and communicate the policy regularly. Keep all re- ports and complains filed in a confidential manner. Follow up with parties involved of ongoing resolutions that need to be taken or addressed.
8. If the investigation fails to find evidence to support the complaint, there will be NO documentation concerning the complaint placed in the file of the alleged offender.

## **Responsibilities of the Student**

It is expected that you understand your rights and obligations under the Ontario Human Rights Code.

Students or employees experiencing or aware of, any sexual harassment within the organization must report the situation, either directly or through a staff person. The procedures outlined, within 24 hours of receiving a complaint, will be initiated.

All students are expected to conduct themselves in a profession manner and refrain from any all types of harassment, sexual or criminal. Students shall not harass any one with sexual remarks, inappropriate jokes or touching, make sexual suggestions or request, or threaten to penalize any person who refuses a sexual suggestion or request. Sexual remarks, jokes, touching or requests are harassment if they are not welcomed or wanted by the student or staff. Even if the student or staff does not complain, there can still be harassment. These behaviors are unacceptable in a learning and business environment under any circumstances. It will not be condoned and must be stopped immediately.

## What Should You Do?

If you believe you are being or have been sexually harassed as described in this policy, it is very important that you follow the steps outlined below. In the majority of cases, offenders feel their behavior is harmless and may not realize the negative effect it is having on you. In many situations, once you communicate your position to the offender, the harassment will stop.

## Procedures

1. Tell the person harassing you to stop. You can say, “ I don’t appreciate that. or “ I don’t like that.”
2. IF the person harassing you is a colleague or co-worker, you should also complain to your supervisor.
3. If the person harassing you is your instructor or supervisor, report it to his or her supervisor .
4. Keep a record of what happened. Include all information including time, date and place of each incident and note the name of a witness, if applicable.
5. If, after asking the offender to stop his/her behavior, the harassment continues, file a complaint ( a letter or memo outlining the behavior and including your records) with one of the following individuals listed below. Do not wait too long, especially if you feel that you have made yourself clear to the offender.

Dr. Sohrab Khoshbin, Ph.D.  
DIRECTOR Wellsprings College  
13085 Yonge Street, Suite 205  
Richmond Hill, ON L4E 3S8

An email containing a copy of the letter should be sent to  
[Drkhoshbin@gmail.com](mailto:Drkhoshbin@gmail.com)

Donna Brown  
Wellsprings College  
13085 Yonge Street, Suite 205  
Richmond Hill, ON L4E 3S8

An email containing a copy of the letter should be sent to  
[donna@cchh.org](mailto:donna@cchh.org)

The sooner you take action the sooner the harassment will be addressed and remedied. You may also choose not to file a complaint and still be entitled to appropriate accommodations in order to feel protected from further harassment.

Please note that an internal complaint does not prevent an aggrieved party from filing a complaint with the Human Rights Commission. It should be noted that there is a time limit of six ( 6 ) months from the date of the offence in which to file a Human Rights Complaint.

## **Dealing with a Complaint**

Please note that all complaints are assumed to have been filed in good faith.

1. Once a complaint is received, it will be taken seriously and will be kept confidential. An investigation will begin immediately and all necessary steps taken to resolve the problem. Your complaint should include documentation to substantiate your complaint ( i.e. your notes or records of the incidents). We will listen to your complaint and help you. If necessary, you can ask a colleague or friend to help you file the complaint.
2. The complainant and the alleged offender will both be interviewed along with any individuals who may be able to provide relevant information. All information will be kept in confidence.
3. If the investigation reveals evidence to support the complaint of sexual harassment, the harasser will be disciplined appropriately. Discipline may include suspension or dismissal, notification to the appropriate authorities ( the Human Rights Commission and or the Police and / or criminal charges. The incident will be documented in the harasser's file. No documentation what so ever will be placed in the complainant's file where the complaint is filed in good faith, where the complaint is upheld or not.
4. If the investigation fails to find evidence to support the complaint, there will be NO documentation concerning the complaint placed in the file of the alleged offender.
5. Regardless of the outcome of a sexual harassment complaint made in good faith, the individual lodging the complaint as well as anyone providing information, will be protected from any form of retaliation by either colleagues, co-workers or superiors. Retaliation may include, but is not limited to the following: demotion, unwanted transfer, denial of opportunities within the College, as well as harassment of the individual as a result of his/her having made a complaint or having provided evidence regarding the complaint. Individuals who participate in any form of retaliation will be subject to disciplinary action.

## Disciplinary Action

Any action taken against the offender will be based on the circumstances surrounding the allegations of sexual harassment. Disciplinary measures taken will be influenced by a variety of factors such as persistence, severity of the behavior and the co-operation and willingness on the part of the offender to change his/her behavior. The Director will impose the appropriate sanction on the offender. If sexual harassment has been substantiated, the incident will be documented in the offender's administration file.

Depending on the circumstances of the complaint and the outcome of the investigation, disciplinary action will include but is not limited to one of more of the following actions:

A written reprimand and warning which may include recommendations for:

Counseling.

Suspension.

Expulsion , termination.

Documentation forwarded to the Human Rights Commission and/or the

Police.

Criminal charges.

## Appeal

Should the complainant or the respondent not agree with the decision resulting from the investigation, he or she may appeal the decision to the College within 7 days by submitting a letter addressed to : Dr. Sohrab Khoshbin Wellsprings College

13085 Yonge Street, Suite  
205

Richmond Hill, ON L4E  
3S8

An email containing a copy of the letter should be sent to [Drkhoshbin@gmail.com](mailto:Drkhoshbin@gmail.com)

## 23.0 VICTIM RESOURCES

### Victim Resources

The following represents a list of Provincial Sexual Victims, Rape Crisis Centres and Counseling.

#### Canadian Association of Sexual Assault Centres

**Ontario      English**

##### **Assaulted Women's Helpline**

Toll Free: 1-866-863-0511

#SAFE (#7233) on Bell, Rogers, Fido or Telus mobile

TTY: 416-364-8762

[www.awhl.org](http://www.awhl.org)

**Ontario      Français**

##### **Fem'aide**

Telephone Toll-Free: 1-877-336-2433

ATS: 1 866 860-7082

[www.femaide.ca](http://www.femaide.ca)

#### **Sexual Assault/Domestic Violence Treatment Centres**

35 hospital-based centres that provide 24/7 emergency care to women. To locate the Sexual Assault/Domestic Violence Treatment Centre nearest you, head to [www.satcontario.com](http://www.satcontario.com)

#### **Local**

##### **YORK REGION**

##### **Newmarket, York Region**

## **Women's Support Network of York Region**

Crisis 24 Hr Counseling: 1-800-263-6734 or 905-895-7313

Office: (905) 895-3646

[www.womenssupportnetwork.ca](http://www.womenssupportnetwork.ca)

[info@womenssupportnetwork.ca](mailto:info@womenssupportnetwork.ca)

1110 Stellar Drive, Unit 109

Newmarket, Ontario L3Y 7B7

Victim Services of York Region (VSY)

**905-474-2955**

24 Hr. practical and emotion assistance to victims of crime or tragic circumstances.

## **York Regional Police**

**905-881-1221**

## **Domestic Abuse and Sexual Assault Care Centre of York Region (DASA)**

**1-800-521-6004 ext. 2**

The Domestic Abuse and Sexual Assault Care Centre is located at YORK CENTRAL HOSPITAL at 10 Trench Street in Richmond Hill.

DASA can provide acute care to victims of sexual violence or partner abuse. As it is located within a hospital, the resources of the Emergency Room are immediately available as well. DASA also handles non-acute assessments, counseling and referral services for those who have suffered domestic violence.

## **24 hour Crisis Lines and Counseling**

Assaulted Women's Helpline (866) 863-7868

310-COPE (905) 310-2619

Kids Help Phone (800) 668-6868

Women's Centre of York Region (905) 853-9270

Women's Support Network of York Region (905) 895 7313

Or (800) 263-6734

## **Court / Legal Supports**

Victim / Witness Assistance Program (905) 868-8355

Newmarket Criminal Court (905) 853-4801

Family Law Information Centre / Family Court (905) 853-4809

Legal Aid Ontario (800) 668-8258

## **Interpreter Services**

Multilingual Community Interpreter Services (416) 422-5984

## **Women's Shelters**

Yellow Brick House	(800) 263-3247
Sandgate Women's Shelter	(800) 661-8294
E.T.A. Vaughan	(877) 382-1888
Blue Door Shelters	(905) 898-1015

## **Online Resources**

Family-Law Education for Women:	<a href="http://www.onefamilylaw.ca">www.onefamilylaw.ca</a>	Family
Law for Men	<a href="http://www.fathers-resources.com">www.fathers-resources.com</a>	
Neighbours, Friends and Families	<a href="http://www.neighboursfriendsandfamilies.ca">www.neighboursfriendsandfamilies.ca</a>	
Shelternet:	<a href="http://www.shelternet.ca">www.shelternet.ca</a>	
York Regional Police & Victim Services	<a href="http://www.safetybound.ca">www.safetybound.ca</a>	

## **Surrounding Areas**

### **Alliston, Barrie, Collingwood, Midland and Orillia**

#### **Huronian Transition Homes operates La Maison Rosewood Shelter (Midland) & Athena's Sexual Assault Counseling and Advocacy Centre**

24-Hour Crisis Line:

Barrie: 705-737-2008 or 1-800-987-0799

Midland: 705-526-4211 or 1-800-461-175

Office: 705-526-3221

[www.huroniatransitionhomes.ca](http://www.huroniatransitionhomes.ca)

### **Durham Region**

#### **Durham Rape Crisis Centre**

Crisis: 905-668-9200

Office: 905-444.9672

[info@drcc.ca](mailto:info@drcc.ca)

[www.drcc.ca](http://www.drcc.ca)

### **Guelph**

#### **Guelph-Wellington Women in Crisis**

Crisis: 519-836-5710

1-800-265-7233

Office: 519-823-5806

[www.gwwomenincrisis.org](http://www.gwwomenincrisis.org)

## **Kitchener-Waterloo**

### **Sexual Assault Support Centre of Waterloo Region**

Crisis: 519.741.8633

Office: 519.571.0121

info@sascwr.org

www.kwsasc.org

## **Peel Region**

Hope 24/7 (formerly the Sexual Assault/Rape Crisis Centre of Peel)

Crisis: 1-800-810-0180

Office: (905) 792-

0821

www.hope247.ca/

## **Oakville**

### **Sexual Assault & Violence Intervention Services of Halton**

Crisis: 905-875-1555 or 1-877-268-8416

Office: 905-825-3622

[www.savisofhalton.org](http://www.savisofhalton.org)

## **Orangeville**

### **Family Transition Place**

Crisis: 1-800-265-9178

Office: 519-942-4122

www.familytransitionplace.ca

## **Simcoe**

### **Haldimand & Norfolk Women's Service**

Crisis: 1-800-265-8076

TTY: 1-800-815-6419

Office: 519-426-8048

hnws@hnws.on.ca

www.hnws.on.ca

## **Toronto**

### **Oasis Centre des Femmes**

Téléphone : 416-591-6565

Courriel : [services@oasisfemmes.org](mailto:services@oasisfemmes.org)

<http://oasisfemmes.org/>

### **Toronto Rape Crisis Centre: Multicultural Women Against Rape**

Crisis: 416-597-8808

Office: 416-597-1171

[info@trccmwar.ca](mailto:info@trccmwar.ca)

[crisis@trccmwar.ca](mailto:crisis@trccmwar.ca)

[www.trccmwar.ca](http://www.trccmwar.ca)

## **References**

Private Career Colleges Act, 2005, Ontario Human Rights Code, RSO 1990

Wellsprings College Admissions & Academic Policies manual Ver- Aug 2018

## **Questions**

For any questions or concerns about this policy or anything outlined in the body of the policy, a written request can be sent to;

### **Dr. Sohrab Khoshbin, Ph.D.**

Director

13085 Yonge Street – Suite 205

Richmond Hill, ON L4E 3S8

Email: [drkhoshbin@gmail.com](mailto:drkhoshbin@gmail.com) or [registrar@wellspringscollege.com](mailto:registrar@wellspringscollege.com)

## 24.0 Anti-Bullying/Anti-Harassment/Anti-Discrimination Policy

### I. SCOPE OF POLICY

1. **Who is Bound:** WELLSPRINGS has adopted this Anti-Bullying and Anti-Harassment Policy (“Policy”) to ensure ethical and respectful employment practices and treatment for all Students of WELLSPRINGS, as well as Employees (as defined herein in paragraph 14). This Policy shall be visibly posted around the campus.
2. **Objective:** The objective of the Policy is to create a climate of understanding and mutual respect where each person feels a part of the WELLSPRINGS community.
3. **Zero Tolerance:** WELLSPRINGS will have a zero tolerance policy for harassment or bullying. WELLSPRINGS will not tolerate, ignore, or condone any form of discrimination or harassment and is committed to promoting appropriate standards of conduct at all times.
4. **May Result in Dismissal or Expulsion:** All Employees in the WELLSPRINGS family are responsible for respecting the dignity and rights of their co-workers and the Students whom they educate. Students are in turn are responsible for respecting the dignity and rights of their fellow Students. Bullying and harassment are serious forms of Employee and Student misconduct which may result in disciplinary action up to and including discharge of an Employee, and which may result in Suspension or Expulsion of a Student.
5. **Harassment Free Workplace:** WELLSPRINGS will take any and all reasonable steps available to ensure a harassment-free environment, including barring the harasser from its facilities, where appropriate, or discontinuing business with harassers, as the case may be.

### II. APPLICATION OF POLICIES

6. **Online Bullying, Harassment, and Social Media:** Harassment and bullying will not be tolerated *on or off campus* to the extent that such conduct compromises a respectful and harassment free environment at WELLSPRINGS. For example, online (social media, e-mail, or otherwise) harassment or bullying by a Student or Employee in our WELLSPRINGS family will not be tolerated and will be treated as if it occurred on campus.

7. **Enumerated Grounds:** *Without limitation*, the following prohibited grounds of discrimination and any combination of these grounds will specifically not be tolerated, apart and aside from any harassment or bullying issue:

- |                        |                               |
|------------------------|-------------------------------|
| 1. Race;               | 2. Citizenship;               |
| 3. Sexual Orientation; | 4. Ancestry;                  |
| 5. Creed;              | 6. Age                        |
| 7. Place of Origin;    | 8. Sex (including pregnancy); |
| 9. Marital Status;     | 10. Colour;                   |
| 11. Gender;            | 12. Family Status;            |
| 13. Ethnic Origin;     | 14. Disability.               |

8. **Right to Contract Equally:** Every person having legal capacity has a right to contract on equal terms without discrimination based on those items enumerated in paragraph 7 above.

9. **Equal Treatment in Employment:** Every person has a right to equal treatment with respect to employment without discrimination or harassment based on those items enumerated in paragraph 7 above.

10. **“Bullying” Standards may be Adopted:** WELLSPRINGS is mindful that at the time some provincial government’s have introduced new draft legislation in relation to anti-bullying. While such legislation will not apply to the post-secondary education stream, WELLSPRINGS applauds the draft legislation and may, on a case by case basis, be governed by some of its principles to determine whether instances of “bullying” (which may fall short of or be different from “harassment”) have occurred.

11. **Obligation to Report:** Staff and Students must report any alleged form of discrimination, harassment, or bullying to Dr. Sohrab Khoshbin as soon as they become aware of an issue.

12. **Discrimination:** Discrimination, as used in this Policy, is any practice or behaviour, whether intentional or not, which has a negative impact on an individual or group because of personal characteristics or circumstances unrelated to the person’s abilities or the employment or service issue in question (e.g., disability, sex, race, sexual orientation). Discrimination may arise as a result of direct differential treatment or it may result from the unequal effect of treating individuals and groups in the same way. Either way, if the effect of the behaviour on the individual is to withhold or limit full, equal and meaningful access to goods, services, facilities, employment, housing accommodation or contracts available to other members of society. It is discrimination.

13. **Duty to Accommodate:** This refers to the legal obligation of an organization to take steps to eliminate disadvantage caused by systemic, attitudinal, or physical barriers that unfairly exclude individuals or groups protected under the Ontario Human Rights Code. It also includes an obligation to meet the special needs of individuals and groups protected by the Code unless meeting such needs would create undue hardship.
14. **Definitions;**
- a. **“Bullying”:** means the severe or repeated use by one or more pupils of a written, verbal, electronic or other form of expression, a physical act or gesture or any combination of them if it is directed at another person if it has the effect of or is reasonably intended to have the effect of,
    - i. causing physical or emotional harm to another person or damage to the another person’s property,
    - ii. placing another person in reasonable fear of harm to himself or herself or damage to his or her property,
    - iii. creating a hostile environment at WELLSPRINGS for another person,
    - iv. infringing on the legal rights of another person at WELLSPRINGS, or
    - v. materially and substantially disrupting the education process or the orderly operation of WELLSPRINGS: ("intimidation")
  - b. **“Employee”:** *For the purpose of this policy,* the term employee includes: full- time, part-time, temporary, probationary and casual employees, co-op stu- dents, volunteers, job applicants, staff, contractors, and consultants working for WELLSPRINGS;
  - c. **“Student”:** means student or prospective student of WELLSPRINGS;
  - d. **“Equal Treatment”:** Equal treatment is treatment that brings about an equality of results and that may, in some instances, require different treatment. For example, to give all employees equal treatment in entering a building, it may be necessary to provide a ramp or an elevator for an employee who requires the use of a wheelchair

- e. **Harassment:** Means improper comment or conduct based on one or more of the prohibited grounds listed in the Ontario Human Rights Code, that a person knows or ought to know would be unwelcome, offensive, embarrassing or hurtful;
- 
- 15. **Discipline:** WELLSPRINGS will investigate any and all allegations for harassment promptly, in accordance with the law, and free from reprisal.
  
  - 16. **Where to Report:** See Dr. Sohrab Khoshbin Ph.D. immediately if there are any questions or concerns about this Policy.

## **25.0                    PRIVACY AND VIDEO SURVEILLANCE POLICY**

1.        WELLSPRINGS (hereinafter "College", "us", or "we") has created this privacy policy in order to demonstrate our commitment to privacy and the protection of your personal information, information pursuant to current privacy legislation. Please read this policy to understand how your personal information will be treated.

2.        The College collects information in several ways. Some personal information is gathered if you register with us. During registration, the College will ask for personal information such as your name, email address, gender, residential address, permanent address, cell phone number, occupation, industry and personal interests.

3.        We may ask you for personal information outside of the context of registration, including (but not limited to) when you download a file (such as a .PDF file) from the College; when you ask us to contact you; when you join our mailing list; and when you report a problem relating to the services we provided or the courses offered. If you contact us we may keep a record of that correspondence.

4.        When prospective students, i.e. candidates provide us with information such as their name, mailing address, telephone number, and e-mail address, we use this contact information to send these candidates additional information about the College. A candidate's contact information may also be used by us to contact him or her directly. Candidates may choose not to receive future mailings or other communications from the College at any time by notifying our Chief Privacy Officer at the address below.

5.        We will not sell or rent your personal information to third parties without obtaining your informed consent. Generally, the College does not sell or rent personal information in any event.

6.        The College's website provides much information spanning many topics. While the College attempts to provide accurate information to its site users, it provides no guarantees regarding the accuracy or reliability of this content. The College's website and/or any content on the internet relating to the College, does not constitute a contract or promise from the College to its site users, be they prospective students, students, or otherwise.

7. The College website has security measures and safeguards in place to protect against the loss, misuse, and alteration of the information that is under our control at any given time. However, since no data transmission over the Internet is completely secure we cannot ensure or warrant the security of any information you transmit to us or in relation to our online products or services, and you do so at your own risk. Once we receive your transmission, we make every attempt to ensure that it is kept secure with us. You must still be solely responsible for maintaining the secrecy of your passwords and/or any account information.
  
8. We may use "cookies" or similar tracking systems to store and sometimes track information about you. A cookie is a small amount of data that is sent to your browser from our web server and stored on your computer's hard drive. We may do this in order to further automate our website or online forms, or to help us understand who may be interested in our programs. By modifying your own browser preferences, you have the choice to accept all cookies, to be notified when a cookie is set, or to reject all cookies.
  
9. Subject to any legislated exemptions which would permit us to disclose your personal information as is necessary, we will not disclose any of your personal information except when we have your informed consent. "Personal Information" is defined broadly by governing legislation as any information about an identifiable individual except the name, title, and business address or office telephone number of an employee of an organization.
  
10. Pursuant to allowable exemptions under current legislation, we may disclose personal information when we have reason to believe that disclosing this information is necessary to identify, contact, or bring legal action against someone who may be violating the College's policy, violating any law of the province of Ontario or Canada, or may be causing injury to or interference with (either intentionally or unintentionally) the College's rights or property, other Students or faculty members, or anyone else who could be harmed by such activities. We may also disclose your personal information to a collection agency for the purposes of the lawful collection of a debt owed to us by you.
  
11. Our policy with respect to the use, collection, retention, and disclosure of all student records is governed by applicable privacy legislation as well as the relevant provisions of the *Private Career Colleges Act, 2005*, Ontario Regulation 415/06, and any policy directives by the Superintendent of Private Career Colleges.

12. We make every attempt to periodically update our Privacy and Video Surveillance

Policy such that it is in compliance with governing privacy legislation, legislation administered by the Ministry of Training, Colleges and Universities, and is in general conformity with best practices.

13. The College also abides by the Privacy Commissioner's guidelines released on March 6, 2008, regarding Video Surveillance Policy. To summarize, to the extent that it uses or will seek to use video surveillance, the College will

- a) ensure there is a justifiable business purpose for the surveillance;
- b) seek to avoid capturing the images of people not being targeted for some specific, legitimate purpose;
- c) to the extent possible, seek to not use cameras in areas where people have a heightened expectation;
- d) to the extent possible, seek to notify students and other individuals about the use of cameras before those individuals enter the premises;
- e) subject to some legal justification to withhold and unless the data is destroyed, provide access to Individuals whose images are captured on videotape;
- f) ensure that video surveillance equipment and videotapes are secured and used for authorized purposes only;
- g) ensure that to the extent that recorded images are stored, that they are stored in a secure location with limited access.

14. Should you have a question or concern about our Privacy and Video Surveillance Policy or our practices in this regard, please contact the counselor specifically assigned to you. Or contact Dr. Sohrab Khoshbin, ,Ph.D. Chief Privacy Officer, at:

Dr. Sohrab Khoshbin, Ph.D.  
Chief Privacy Officer  
13085 Yonge Street, Suite 205  
Richmond Hill, Ontario L4E 3S8

Tel: (289) 234-9141 Fax: (289) 234-5889

Email: registrar@wellspringscollege.com

## 26.0 Non-Disparagement Policy

1. **Consideration:** In consideration for delivery of the programs and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the all current WELLSPRINGS COLLEGE OF MASSAGE THERAPY ESTHETICS ("WELLSPRINGS" or the "College") students ("Students").
2. **"Disparagement"** for the purposes of this Agreement, shall generally refer to negative remarks about the College which are made maliciously *or* recklessly about WELLSPRINGS (including all of those persons covered under this policy) or without taking reasonable steps to verify the truth of such remarks prior to having made them.
3. **Who is bound:** Subject only to Canadian law held to be applicable in any province (including but without limitation the enabling legislation governing private career colleges and the *Canadian Charter of Rights and Freedoms* if/where held to applicable), the Students shall be bound by, and shall familiarize themselves with this non-disparagement policy, which policy shall be posted around the campus. Adhering to the policy is a condition of enrolment.
4. **Purpose of Policy:** WELLSPRINGS has a reputation for excellence. WELLSPRINGS is a *private* institution, and is committed to maintaining high standards in teaching and in ensuring that the value of a WELL- SPRINGS credential remains strong and is relatively uncompromised by Students who seek to disparage the College, its programs, its instructors, or its graduates.
5. **Social Media:** With the popularity of social media (Facebook, YouTube, Twitter, etc.) Students, and alumni of the College, can communicate in a way that they have never done so before. WELLSPRINGS applauds the fact that Students and alumni have new opportunities to network for employment in their chosen vocation, and can communicate with each other socially. WELLSPRINGS is confident that this will contribute to WELL-SPRINGS' long-standing reputation in the marketplace.
6. **Reputation is a two-way street:** Students derive significant benefit from being an alumnus of WELLSPRINGS. At the same time, WELLSPRINGS is ultimately "defined" by the "quality" of its graduates i.e. where they end up working, how they are putting their skills to the test in the workforce, and whether they are happy with their chosen vocation. WELLSPRINGS and its Students have a common interest in preserving and protecting the integrity and image of the College.

7. **Specific Undertakings of Student:** With the above in mind, Students shall undertake to do the following:
- a. Refrain from making any public statement or statements, through social media or otherwise, about WELLSPRINGS, which would be considered inaccurate, unduly critical or derogatory, or libelous, or which may tend to unfairly injure the reputation of WELLSPRINGS;
  - b. Refrain from making any public statement or statements, through social media or otherwise, that would be considered inaccurate, unduly critical or derogatory, or libelous, or which may tend to unfairly injure the reputation of another (and without limitation) existing or former Student, instructor, or staff member of WELLSPRINGS;
  - c. Report to WELLSPRINGS immediately, the publication of any unduly critical, derogatory, or libelous statement or statements, or statement/s which may tend to unfairly injure the reputation of WELLSPRINGS, through social media or otherwise. Such reporting shall include the author or authors of such publication, and all other specifics known to the reporting Student;
  - d. Report to WELLSPRINGS immediately, the publication of any inaccurate, unduly critical or derogatory, or libelous statement or statements tending to unfairly injure the reputation of another (and without limitation) existing or former Student, instructor, or staff member of WELL- SPRINGS. Such reporting shall include the author or authors of such publication, and all other specifics known to the reporting Student.
  - e. Refrain from disparagement of WELLSPRINGS in any other form that would reasonably be considered to bring WELLSPRINGS, and without limitation, its faculty, staff, or alumni, into disrepute;
  - f. Familiarize themselves with any other policies which bind them while Students, including but without limitation, WELLSPRINGS' anti- harassment and anti-bullying policies.
8. **Discipline for Non-Compliance:** Discipline, including expulsion or other sanctions as appropriate, may result from non-compliance with this Policy.

## **27.0 PROCESS FOR GRADUATES TO OBTAIN A COPY OF THEIR TRANSCRIPT (VIA a THIRD PARTY ISSUER)**

Only students who have completed or are no longer attending the Esthetics program must access their transcripts using the following instructions. Active students may request their current grades directly from their instructors. Every student will automatically receive one official transcript upon completion of the program, without having to make a formal request. The following process is intended only for students who need an additional copy of their transcript.

### **Instructions:**

1. Visit the S.T.E.P.S (Student Transcript Electronic Protection System) website:

<https://steps.oacc.on.ca/>

2. Click on the “Request Transcript” tab.

3. Complete and submit the resulting form. The transcript will be mailed to the address the student provides in the form. The student will be charged \$20 + GST per transcript requested, to be paid by Visa or MasterCard at the time of the request. The form includes a section requesting payment information

\* Note: only students who began their program on or after September 18, 2007 can access their transcript using the above instructions.

For more information about accessing a transcript visit:

<https://steps.oacc.on.ca/stepsPublic/fag/getFAQ.do>

## **28.o FEE REFUND POLICY AS PRESCRIBED UNDER S.25 TO 33 OF O.Reg. 415/06**

### **Fee Refund Policy as Prescribed under s. 25 to 33 of O.Reg. 415/06**

#### **Full refunds**

25. (1) A private career college shall refund all of the fees paid by a student under a contract for the provision of a vocational program in the following circumstances:

1. The contract is rescinded by a person within two days of receiving a copy of the contract in accordance with section 36 of the Act.
  2. The private career college discontinues the vocational program before the student completes the program, subject to subsection (2).
  3. The private career college charges or collects the fees,  
before the registration was issued for the college under the Act or before the vocational program was approved by the Superintendent, or
    - ii. before entering into a contract for the provision of the vocational program with the student, unless the fee is collected under subsection 44 (3).
  4. The private career college expels the student from the college in a manner or for reasons that are contrary to the college's expulsion policy.
  5. The private career college employs an instructor who is not qualified to teach all or part of the program under section 41.
  6. The contract is rendered void under subsection 18 (2) or under section 22.
  7. If a private career college fails to, or does not accurately, provide in the itemized list provided to the Superintendent under section 43 a fee item corresponding to a fee paid by a student for the provision of a vocational program, the college shall pay the student,
    - i. in the case of an item not provided by the college, the full amount of the fee for the item, and
    - ii. in the case of a fee in excess of the amount of the fee provided for the item, the difference between the amount of the fee for the item provided to the Superintendent and the fee collected.
- (2) A full refund is not payable in the circumstances described in paragraph 2 of subsection (1) if the discontinuance of the vocational program coincides with the private career college ceasing to operate.
- (3) A refund is not payable under paragraphs 1 to 6 of subsection (1) unless the student gives the private career college a written demand for the refund.
- (4) A refund under subsection (1) is payable by the private career college within 30 days of the day the student delivers to the college,
  - (a) in the case of a rescission under section 36 of the Act, notice of the rescission; or
  - (b) in the case of a refund under paragraphs 2 to 6 of subsection (1), a written demand for the refund.

#### **Partial refund where student does not commence program**

26. (1) If a student is admitted to a vocational program, pays fees to the private career college in respect of the program and subsequently does not commence the program, the college shall refund part of the fees paid by the student in the following circumstances:

1. The student gives the college notice that he or she is withdrawing from the program before the day the vocational program commences.
  2. In the case of a student who is admitted to a vocational program on the condition that the student meet specified admission requirements before the day the program commences, the student fails to meet the requirements before that day.
  3. The student does not attend the program during the first 14 days that follow the day the program commenced and the college gives written notice to the student that it is canceling the contract no later than 45 days after the day the program has commenced.
- (2) The amount of a refund under subsection (1) shall be an amount that is equal to the full amount paid by the student for the vocational program, less an amount equal to the lesser of 20 per cent of the full amount of the fee and \$500.
- (3) A refund under subsection (1) is payable,

- (a) in the case of a refund under paragraph 1 of subsection (1), within 30 days of the day the student gives notice of withdrawing from the program;
  - (b) in the case of a refund under paragraph 2 of subsection (1), within 30 days of the day the vocational program commences; and
  - (c) in the case of a refund under paragraph 3 of subsection (1), within 45 days of the day the vocational program commences.
- (4) For the purposes of paragraph 3 of subsection (1), it is a condition of a contract for the provision of a vocational program that the private career college may cancel the contract within 45 days of the day the vocational program commences if the person who entered the contract with the college fails to attend the program during the 14 days that follow the day the vocational program commences.
- (5) A private career college that wishes to cancel a contract in accordance with subsection (4) shall give written notice of the cancellation to the other party to the contract within 45 days of the day the vocational program commences.

**Partial refunds: withdrawals and expulsions after program commenced**

27. (1) A private career college shall give a student who commences a vocational program a refund of part of the fees paid in respect of the program if, at a time during the program determined under subsection (3),
- (a) the student withdraws from the program after the program has commenced; or
  - (b) the student is expelled from the program in circumstances where the expulsion is permitted under the private career college's expulsion policy.
- (2) This section does not apply to vocational programs described in sections 28 and 29.
- (3) A private career college shall pay a partial refund under this section only if the withdrawal or expulsion from the vocational program occurs at a time during the program determined in accordance with the following rules:
- 1. In the case of a vocational program that is less than 12 months in duration, the withdrawal or expulsion occurs during the first half of the program.
  - 2. In the case of a vocational program that is 12 months or more in duration,
    - i. for the first 12 months in the duration of the program and for every subsequent full 12 months in the program, the withdrawal or expulsion occurs during the first six months of that 12-month period, and
    - ii. for any period in the duration of the vocational program remaining after the last 12-month period referred to in subparagraph i has elapsed, the withdrawal or expulsion occurs in the first half of the period.
- (4) If the student withdraws or is expelled from a vocational program within the first half of a period referred to in subsection (3), the amount of the refund that the private career college shall pay the student shall be equal to the full amount of the fees paid in respect of the program less,
- (a) an amount that is equal to the lesser of 20 per cent of the full amount of the fees in respect of the program and \$500; and
  - (b) the portion of the fees in respect of the portion of the period that had elapsed at the time of the withdrawal or expulsion.
- (5) If the student withdraws or is expelled from a vocational program during the second half of a period referred to in subsection (3), the private career college is not required to pay the student any refund in respect of that period.
- (6) A private career college shall refund the full amount of fees paid in respect of a period that had not yet commenced at the time of the withdrawal or expulsion.

**Partial refunds: distance education programs**

28. (1) This section applies to a vocational program that is offered by mail, on the internet or by other similar means.
- (2) A private career college shall give a student who commences a vocational program referred to in subsection (1) a refund of part of the fees paid in respect of the program if,
- (a) the student withdraws from the program or the student is expelled from the program in circumstances where the expulsion is permitted under the private career college's expulsion policy; and
  - (b) at the time of the withdrawal or expulsion, the student has not submitted to the private career college all examinations that are required in order to complete the program.
- (3) The amount of the refund that a private career college shall give a student under subsection (1) shall be determined in accordance with the following rules:
- 1. Determine the total number of segments in the vocational program for which an evaluation is required.
  - 2. Of the total number of program segments determined under paragraph 1, determine the number of segments in respect of which an evaluation has been returned to the student.
  - 3. The amount of the refund that the private career college shall pay the student shall be equal to the full amount of the fees paid in respect of the program less,

- i. an amount that is equal to the lesser of 20 per cent of the full amount of the fees in respect of the program and \$500, and
  - ii. the portion of the fees in respect of the number of segments determined under paragraph 2.
- (4) A private career college is not required to give a student any refund if the student, at the time of withdrawal or expulsion, has been evaluated in respect of more than half of the total number of segments in the program.

**Partial refunds: non-continuous programs**

29. (1) This section applies to a vocational program approved by the Superintendent to be provided through a fixed number of hours of instruction over an indeterminate period of time.
- (2) A private career college shall give a student who commences a vocational program referred to in subsection (1) a refund of part of the fees paid in respect of the program if, before completing the required number of hours of instruction,
- (a) the student has given the college notice that he or she is withdrawing from the program; or
  - (b) the student is expelled from the program in circumstances where the expulsion is permitted under the private career college's expulsion policy.
- (3) The amount of the refund that a private career college shall give a student under subsection (1) shall be equal to the full amount of the fees paid in respect of the program less,
- (a) an amount that is equal to the lesser of 20 per cent of the full amount of the fees in respect of the program and \$500; and
  - (b) a portion of the fees in respect of the program that is proportional to the number of hours of instruction that have elapsed at the time of the withdrawal or expulsion.
- (4) A private career college is not required to give a student any refund if the student, at the time of withdrawal or expulsion, has completed more than half of the required number of hours of instruction in a program.

**No retention of refund**

30. A private career college shall not retain, by way of deduction or set-off, any refund of fees payable to a student under sections 25 to 29 in order to recover an amount owed by the student in respect of any service or program other than a vocational program offered by the private career college.

**Treatment of books and equipment**

31. In calculating a refund under sections 25 to 29, a private career college may retain the retail cost of books or equipment that the private career college supplied to the student if the student,
- (a) fails to return the books or equipment to the private career college within 10 days of the student's withdrawal or expulsion from the program, or
  - (b) returns the books or equipment to the private career college within the 10-day period referred to clause (a), but fails to return it unopened or in the same state it was in when supplied.

**Refund for international students**

32. A notice to a private career college that is provided by or on behalf of an international student or of a prospective international student and that states that the student has not been issued a temporary resident visa as a member of the student class under the Immigration and Refugee Protection Act (Canada) is deemed to be,
- (a) notice of a rescission of the contract for the purposes of section 36 of the Act if the notice is given within two days of receiving a copy of the contract; and
  - (b) notice that the student is withdrawing from the program for the purposes of paragraph 1 of subsection 26 (1) or clause 29 (2) (a) if the notice is received on or before half of the duration of the program has elapsed.

**Currency**

33. Any refund of fees that a private career college is required to pay under the Act shall be paid in Canadian dollars.

# NOTES:



