

MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES



Private Career Colleges Act, 2005

ADVERTISING GUIDELINES

February 7, 2007

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LEGISLATIVE REFERENCE

Part V – Advertisement of O.Reg. 415/06 made under the *Private Career Colleges Act, 2005* prescribes the requirements with respect to the content and record keeping of ads that every private career college (PCC) must follow.

Section 15 of the regulation states that advertisement means an advertisement in any language, whether written or oral, distributed or transmitted by any means including by publication, radio, television or the internet.

GUIDELINES

1. Definition

An ad is any communication in the promotion of PCCs and their programs between PCCs and prospective students, including:

- publication and promotional item which may be seen or encountered by prospective students, including catalogue and other college publication which contains college policies or disclosures;
- marketing materials;
- item included in mailings, such as bulletin, brochure or flyer;
- classified ad;
- news release;
- poster;
- signage;
- electronic notice;
- business card;
- stationary; or
- any other form of notice related to the college's recruiting and promotional efforts, e.g., promotional/recruitment kiosk.

2. Content of Ads (O.Reg. 415/06 Section 16)

2.1 Name of PCC

An ad of a PCC or program must contain the business name (i.e., operating name) of the college that is registered with the Ministry of Government Services (MGS) under the *Business Names Act*. If a PCC does not have a registered business name, it must include its legal name (e.g., corporation name) in the ad.

If any persons intend to use the term “college” or “institute” in the business or legal name of an institution, an approval from the Minister of Training, Colleges and Universities must first be obtained prior to registration with MGS by completing a Business Name Form.

2.2 Unapproved Programs

If a program requires the Superintendent’s approval under the *Private Career Colleges Act, 2005*, a PCC must not advertise the program, including the planned delivery of the program, before receiving approval from the Superintendent.

2.3 Misleading Statement

An ad must not contain any inaccurate or deceptive claims, statements, illustrations or representations, either direct or implied, that mislead or are likely to mislead the public.

Accuracy and clarity:

- An ad must not omit relevant information in a manner that, in the result, is deceptive.
- All pertinent details of an advertised offer must be clearly and understandably stated.

- Disclaimers and asterisked or footnoted information must not contradict more prominent aspects of the message and should be located and presented in such a manner as to be clearly visible and or audible.
- An ad must not include any graphics that may misrepresent the nature of a PCC or program.

Disguised advertising techniques:

- An ad must not be presented in a format or style, which conceals its commercial intent.

Example: Represent an ad for a program as a job ad.

Note: This does not restrict a PCC from putting an ad in the classified section of a publication as long as the ad complies with the advertising requirements.

Bait and switch:

- An ad must not misrepresent the consumer's opportunity to purchase the training at the terms presented in the ad.

Examples:

Advertise a program that is no longer offered or is full and then entice students to enrol in a more expensive program.

Advertise partial information about a program such as hiding the fact that students have to enrol in more classes than advertised to complete a program.

Comparative advertising:

- An ad must not, unfairly, discredit, disparage or attack other programs or PCCs or exaggerate the nature or importance of competitive differences.

Example: Make a claim that your PCC is better than the others or only your graduates are hired without having statistics that support the claim.

Note: This does not restrict a PCC from including its graduation and employment rates that are published on the OSAP website alongside with the rates of other PCCs in an ad.

Superstitions and fears:

- An ad must not exploit superstitions or play upon fears to mislead the consumer.

Example: Tell students that if they do not enrol in a particular program, they will not be employed.

Price claims:

- Advertised fees must not be higher than what are published on the ServiceOntario website or contain fees that have not been published.
- Advertised discounts, bursaries or scholarships must be real and verifiable.

PCCs are not permitted to offer discounts to **any** student who enrolls in a program that is approved for Ontario Student Assistance Program (OSAP) purposes regardless if the student is receiving OSAP or not.

A PCC may inform prospective students of upcoming fee increases but when students are ready to sign a contract, the PCC must not charge or collect fees that are higher than the published amounts or that have not been published.

2.4 Facilities, Personnel and Time in Business

The information about facilities (e.g. size, location, equipment and pictures of facilities), qualifications of instructors and the date a PCC was established must be truthfully stated in an ad.

2.5 Guarantee

An ad must not:

- guarantee admission to or successful completion of a vocational program at a PCC;
- imply that employment is guaranteed for any students who successfully completes a program offered at a PCC;
- imply that the admission of a prospective international student to a PCC will guarantee the student the right to enter Canada or to receive a study permit under the *Immigration and Refugee Protection Act*.

The availability of scholarship, bursaries and any other financial assistance provided by a PCC must be factual and substantiated by documentation. The information about practicum/offsite placements must be consistent with what was approved for a program by the Superintendent.

2.6 Referral to the Government

It is not mandatory for PCCs to make reference to the college's registration status or a program's approval status under the *Private Career Colleges Act, 2005* in their ads.

However, if a PCC chooses to refer to its registration status under the Act or the approval of a program by the Superintendent in an ad, it must use the following wording:

**Registered as a private career college under
the *Private Career Colleges Act, 2005***

**Approved as a vocational program under
the *Private Career Colleges Act, 2005***

If an ad includes a mix of vocational and non-vocational programs, or only promotes non-vocational programs but refers to the registration status of the PCC under *Private Career Colleges Act, 2005*, it must clearly identify non-vocational programs by using this wording:

**This program does not require approval under
the *Private Career Colleges Act, 2005***

The government's visual identity policy states that the stylised trillium that is used as the Ontario logo and any other official identifiers of the Government of Ontario are protected under the *Trade-marks Act*. PCCs are prohibited from using these identifiers or any imitations of these identifiers in their ads or logos.

2.7 Testimonial, Endorsement and Recognition

If an ad contains a testimonial, endorsement or representation of opinion, a PCC must obtain a statement of the testimonial, endorsement or representation of opinion, signed and dated by the person making the statement. A statement sent by email, which clearly identifies the sender, is also acceptable. The testimonial, endorsement or representation of opinion must provide current factual information (i.e., within the last five years) about a PCC, a program or job opportunities. If a PCC wants to use a testimonial that is older than five years, it must indicate the year the testimonial was made in the ad.

If an ad refers to any approval, recognition or accreditation of a program or PCC by a regulatory body or professional association with respect to eligibility for membership or entry-to-practice, a PCC must obtain a statement to that effect, signed by the regulatory body or professional association. The ad must clearly identify the regulatory body or professional association and the specific program or campus location that has received the approval, recognition or accreditation.

If an ad refers to the eligibility of the graduates of a program or PCC to write a professional or an entry-to-practice exam, a PCC must obtain a statement to that effect, signed by the party administering the exam.

If the ad refers to any recognition of a government body for a specific purpose, a PCC must obtain a statement to that effect, signed by a representative of the government. This includes recognition from foreign governments.

If an ad refers to recognition by another postsecondary institution in terms of granting PCC graduates credits at that institution, the PCC must keep a copy of the signed articulation agreement that describes the transferability of credits.

2.8 Foreign-language Ad

An ad must indicate the language of instruction of a program if it will not be taught in either English or French.

If an ad will be published or broadcast in a language other than English or French, a PCC must obtain a translation of the text, prepared by a person whose primary employment is translation or who has been trained as a translator.

Even if an ad runs outside of Ontario, if it promotes a PCC operating in Ontario or a vocational program being offered in Ontario, it must comply with the advertising requirements of O.Reg. 415/06.

2.9 Statistics

Statistics about a PCC or program, e.g., job opportunity, salary level, opportunity for enrolment in another postsecondary institution, must be substantiated by documentation.

Please note that with respect to graduation and graduate employment rates, for programs that are approved for OSAP purposes, PCCs can only advertise the most recent rates that are published on the OSAP website.

Note: This does not restrict PCCs from advertising other verifiable rates such as the passing rate of a professional examination of their graduates.

3. Ad Record Keeping (O.Reg. 415/06 Section 17)

A PCC must keep a record of ads, including materials posted on the Internet, onsite for one year from the date of the last publication or broadcast. The PCC may request approval from the Superintendent

to keep the advertising record at its head office in Ontario or at a location where the college's agent, manager or administrator works. The record can be kept in either hard copy or electronic format.

The record must include the following for each ad:

- the text of the ad, written or oral;
- information about the period during which the ad was published or broadcast;
- if the ad is in a language other than English or French, a translation of the text as well as background information of the translation company or descriptions of qualifications of the independent translator; and
- if applicable (see section 2.7 for details),
 - a signed statement of a testimonial, endorsement or representation of opinion of the PCC or program,
 - a signed statement recognizing the PCC or program by:
 - a regulatory body or professional association,
 - an examination body,
 - a government body, or
 - another postsecondary institution,
 - documentation that substantiates statistics about the PCC or program, or
 - documentation that substantiates the availability of scholarship, bursaries and any other financial assistance provided by the PCC.

4. Enforcement of Advertising Requirements

4.1 Misleading Statements

Pursuant to section 18 of O.Reg. 415/06, students have the discretion to void a contract and request a full refund if a PCC or its representative makes certain types of untrue statements for the purposes of influencing students to enrol in a program and the

statements constitute a fundamental breach of the contract. The categories of inappropriate statements include:

- a false or misleading statement;
- an ad that is misleading or likely to mislead; or
- an ad that contains a statement that guarantees:
 - admission to or successful completion of the program,
 - employment after graduation, or
 - the right to enter Canada or receive a study permit.

If there is any dispute between a PCC and a student about the legitimacy of the student's request for a full refund, the student must first go through the college's student complaint procedure before filing a complaint with the Superintendent of Private Career Colleges.

4.2 New PCCs

When a person applies for registration to operate a PCC, a copy of all ads that will be used in the promotion of the college or its programs, including those that will be published or broadcast in foreign markets, must be submitted with the application. The application will not be approved if the ads do not conform to the requirements as prescribed in O.Reg. 415/06.

4.3 Existing PCCs

After a PCC is registered, its compliance with the advertising requirements will be verified during routine or annual inspections. Whether the advertising records are in hard copy or electronic format, they must be readily available for ministry staff's review during inspections.

4.4 Non-compliance

If a PCC is found to be in non-compliance with the advertising requirements, it must immediately stop the publication or broadcast of the ad in question. The Superintendent may also ask the PCC to publish a correction. Furthermore, the Superintendent may ask the PCC to submit ads for pre-approval on a go forward basis. If the PCC fails to follow any of the Superintendent's directions, it may be subject to further enforcement action.

When in doubt, ask your Program Consultant to clarify the advertising requirements or confirm whether your ad complies with the requirements.

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?

If you have questions about the *Private Career Colleges Act, 2005*, call the Ministry of Training, Colleges and Universities' Private Institutions Branch at:

Private Institutions Branch
Ministry of Training, Colleges and Universities
10th Floor Mowat Block
900 Bay Street
Toronto, ON M7A1L2

Telephone: (416) 314-0500 or 1-866-330-3395
Fax: (416) 314-0499

OR

Visit our website at: www.edu.gov.on.ca/eng/general/private.html

The full text of the act and regulations can also be downloaded from the Ontario government E-Laws website at:
www.e-laws.gov.on.ca