

## Private Vocational Training Designation Directive

### 1. Rationale

The Department of Education, Culture and Employment (ECE) recognizes that private training institutions are a component of the postsecondary education system in the Northwest Territories (NWT). At the same time, private training institutions that are in receipt of public funding issued to students by the Government of the Northwest Territories (GNWT) should be monitored to provide a measure of consumer protection to student assistance recipients and to promote educational standards. The Private Vocational Training Designation Directive will ensure that only training programs that are vocational in nature and meet and maintain the Minister's requirements for designation will be eligible for support from the NWT Student Financial Assistance (SFA) Program.

### 2. Principles

ECE will adhere to the following principles when implementing this Directive:

- (1) **Comprehensive** - the designation of private training programs should apply to designation for NWT SFA and provision of funds for Employment Insurance-eligible clients;
- (2) **Accessibility** - NWT students should have increased choices among postsecondary learning opportunities;
- (3) **Accountability** - private postsecondary institutions should be accountable for receipt of public funds that are provided as tuition in the form of student financial support, and for the relevance of vocational training programs;
- (4) **Clarity** - the provisions of this directive should be clear and understandable for private post-secondary institutions;
- (5) **Responsive** - the designation of private training institutions should provide for consideration of the needs of students, taxpayers and industries of the NWT; the directive should encourage the establishment of vocational training programs that are specifically designed to meet the training needs of students in the NWT and lead to broadly-recognized credentials;
- (6) **Recognition of the Environment for Private Postsecondary Institutions** - the designation of private training institutions should take into account the fact that private post-secondary institutions are independent business entities that choose to offer vocational programs on the basis of their own market research and business planning; and - implementation of the directive should be carried out in a manner that takes into consideration the position of private post-secondary institutions that currently are operating in the NWT and whose programs are now considered eligible for student financial support.

**3. Scope**

This Directive applies to designation of Private Vocational Training Institution programs by ECE.

**4. Definitions**

The following terms apply to this Directive:

Appeal Board means the Private Vocational Training Designation Appeal Board, consisting of one or more individuals external to ECE, appointed by the Deputy Minister to review appeals and make recommendations to the Deputy Minister.

Career Programs include certificate and diploma programs requiring one or two years of study.

Committee is the Private Vocational Training Designation Committee.

Designation is the selection or denotation of educational institutions, programs, or courses of study according to set criteria of eligibility; approval of a program for the purpose of providing student financial assistance.

Grandfather Clause is a provision allowing a period of time to comply with requirements of a statute or other requirements or permitting persons or situations to continue under new legislation or policies although not technically qualified.

Minister means the Minister of Education, Culture and Employment, Government of the Northwest Territories.

Northwest Territories Student Financial Assistance (SFA) Program is a program designed to provide full-time assistance to NWT postsecondary students to attend accredited postsecondary institutions through a combination of loans, grants and scholarships.

Postsecondary Education is career education at the certificate or diploma level or vocational skill training for high school graduates or persons 17 years of age or older who are no longer in school.

Program is an integrated group of courses or learning activities in a particular field of study, completion of which leads to an academic credential.

Vocational Programs are training programs that provide individuals with the skills and knowledge required for employment in a vocation and provide the means to earn a livelihood.

**5. Authority and Accountability**

**(1) General**

This directive is issued under the authority of the Minister of Education, Culture and Employment. The authority to approve revisions to this Directive rests with the Minister. Authority and accountability is further defined as follows:

**(a) Deputy Minister**

The Deputy Minister of Education, Culture and Employment (the Deputy Minister) is accountable to the Minister for the implementation of this Directive.

**(b) Assistant Deputy Minister**

The Assistant Deputy Minister of Advanced Education and Careers, responsible for Income Support and College and Career Development programs (the Assistant Deputy Minister) is accountable to the Deputy Minister and responsible for the administration of this Directive.

**(c) The Private Vocational Training Designation Committee**

The Private Vocational Training Designation Committee (the Committee) is accountable to the Assistant Deputy Minister and responsible to the Assistant Deputy Minister for the administration of this Directive.

**(2) Specific**

**(a) The Private Vocational Training Designation Committee**

The Private Vocational Training Designation Committee, on behalf of the Minister, is responsible for implementation and evaluation of the Directive. This includes:

- i. assessment, investigation and designation of Private Vocational Training programs;
- ii. audit, monitoring of performance outcomes, and reassessment;
- iii. review of application documents, annual reports, audits, and other forms;
- iv. completion of Memorandum of Understanding with the private training institution;
- v. identification and resolution of emerging issues; and
- vi. Development of policy recommendations.

**6. Provisions**

**(1) General**

- (a) The purpose of this directive is to:
  - i. provide consumer protection for SFA recipients registered in vocational training programs at private training institutions designated for the provision of SFA;
  - ii. provide a means whereby these institutions are required to demonstrate acceptable performance outcomes;
  - iii. ensure that vocational training offered by private institutions meets the needs of industry through provision of training using curricula that is viewed by industry as relevant in vocational fields where there is demonstrated labour market demand; and
  - iv. safeguard the public interest by controlling public expenditures.
- (b) These provisions will provide an impartial process (see Appendix A) for assessing private training programs and granting or denying them support from the SFA Program, and will establish the administrative procedures for managing the relationship between the private vocational training institutions and ECE.
- (c) These provisions will apply to all private vocational training institutions seeking SFA for career and vocational training programs offered to adult students. Vocational training programs offered by private postsecondary institutions will be considered for designation for SFA, upon request. Designation will be on a program, not on an institutional, basis and may be made for restricted periods of time.
- (d) On-going designation is contingent upon acceptable performance outcomes and effective delivery of programs. Private institutions accept this responsibility by submitting application packages and then, upon approval of the Committee, entering into a Memorandum of Understanding with ECE.
- (e) Designation will be approved and continue when specific requirements are satisfactorily met.

**(2) Requirements for Initial Designation**

- (a) the curriculum for the program is viewed by industry as relevant to the vocation, and is appropriate in terms of the program admission requirements;

- (b) from industry's perspective there are reasonable prospects of employment for graduates of the program;
- (c) in situations where a professional body or regulatory authority governs the delivery of a vocational training program, provision of satisfactory evidence that all aspects of the program that fall under the jurisdiction of that authority have been approved by that authority; and
- (d) evidence that the premises meet all fire, health, insurance, and student repayment rate requirements established by law and this Directive.

(3) Requirements for Designation to Continue

On-going designation will be contingent upon the capacity of the SFA Program to support student costs, the demonstration of acceptable graduation rates, employment rates, and repayment default rates for graduates of the program, as prescribed by the Memorandum of Understanding. The private institution will commit through a Memorandum of Understanding to:

- (a) continue to meet all requirements above;
- (b) report graduation rates and job placement rates for each designated program to the department annually;
- (c) ensure effective delivery of the program through:
  - i. application of appropriate attendance policies and admission requirements;
  - ii. retention of an adequate number of appropriately qualified instructors; and
  - iii. ensuring that the necessary academic resources (e.g. texts) are provided to students, and that necessary equipment (in good working order) is accessible to students.

(4) Exceptions

The following are not eligible for designation under this Policy:

- (a) programs provided by private training institutions offering recreational, fitness, or non-credit courses (e.g., martial arts, aerobics, music, hobby courses) on a tuition basis;
- (b) ad hoc courses, rather than entire training programs;
- (c) professional development courses that update an individual's existing skills; and

- (d) training programs that do not qualify for financial support under the SFA Program as provided for in the *Student Financial Assistance Regulations*.

(5) Grandfather Clause

Based on recognition of the Pentecostal Sub-Arctic Leadership Training College's long-standing operation in the NWT and to prevent unnecessary hardship for this institution, the institution's current programs will be designated under this Directive, upon the date of implementation of the Directive, for a period of three years.

Those institutions/programs that are already in receipt of SFA (see Appendix B) will be eligible for designation upon the date of implementation of the Directive (for a period of one year) and may sign a Memorandum of Understanding. Continued designation will be subject to satisfactory performance of the requirements of this Directive.

(6) Designation subject to Departmental Budget

Approval for designation is always subject to the financial ability of the GNWT, and may be restricted by the annual budget allotted to ECE, or by fiscal restraint.

(7) Advertising

Private Vocational Training Institutions shall not use any reference to the Minister, the GNWT, or any department or program of the Government, other than the words "program approved under the ECE Private Vocational Training Designation Directive."

No person representing a private training institution shall make any false or misleading statement regarding any approved program for the purpose of inducing students to enroll. The Committee will make the determination of whether a statement is false or misleading and, if a statement is determined to be false or misleading, the institution shall return any tuition paid upon request by the student.

(8) Implementation

- (a) ECE will provide copies of the policy guidelines and application information to private training institutions requesting SFA support for students taking programs offered at the institution.
- (b) Private training institutions will submit an application package to the Private Vocational Training Designation Committee, ECE.
- (c) Upon approval of a program by the Committee, private training institutions will enter into a Memorandum of Understanding with ECE.

(9) Annual Report to the Committee

Private training institutions offering designated programs will be required to file annual reports within 61 days after the end of each annual reporting period for each of the institution's designated programs for the previous year, including:

- (a) students (receiving SFA funding) by full name and address in each program;
- (b) the enrolment, completion date, or discontinuance date for each program or course offered; and
- (c) the academic or equivalent enrolment qualifications of the students referred to in (a), at the time of enrolment and the credential earned at completion of the program.

(10) Conditional Renewal/Suspension/Restriction or Cancellation of Designation

- (a) The Committee may conditionally renew, suspend, restrict or cancel the designation of programs offered by a private training institution where, on application for renewal of designation or on auditing, evidence is found of:
  - i. failure to comply with the terms of designation;
  - ii. lack of financial viability;
  - iii. wrongdoing on the part of an operator or owner; or
  - iv. practices of the institution are not in the best interests of students.
- (b) Where a suspension is ordered, SFA funding will not be available for the program until the institution takes the prescribed corrective action.
- (c) Action to conditionally approve, suspend, cancel or restrict a program's designation will be subject to appeal.
- (d) Reinstatement of designation of a program offered by a private training institution may be either conditional or unconditional.

(11) Program Audits

- (a) The Deputy Minister of ECE may designate one or more ECE employees or independent auditors to:
  - i. enter a private training institution during its hours of operation for the purpose of conducting an audit of a program;

- ii. examine any record of the institution relating to its operation and administration and make copies or remove them temporarily for the purpose of making copies;
  - iii. observe the achievement of students and audit student files;
  - iv. observe and assess instructors and matters relating to instructional programs;
  - v. review the operations and administration of the program.
- (b) The designated personnel/auditor will report the results of the audit to the Committee.
- (c) The private training institution will be informed in writing of the outcome of the audit. Any changes in the institution's operations found to be necessary will be communicated to the institution in the form of a directive. Conditional renewal, suspension, restriction or cancellation of the program designation could be imposed.
- (d) Any private vocational institution that obstructs designated personnel/auditor, or who refuses or neglects to give any information or produce any records on demand, or destroys or conceals any object, material, or information requested, will be subject to suspension or cancellation of their designation.

(12) Appeals

Decisions against designation of a private training institution are subject to appeal in accordance with due process. The Private Vocational Training Designation Appeal Board will hear the appeal of a private training institution to the conditional renewal, suspension, restriction or cancellation of the designation of a program offered by the institution or nominate a person or panel of individuals to do so.

The Appeal Board will recommend to the Deputy Minister to:

- (a) uphold, modify, or revoke a cancellation, conditional renewal, restriction or suspension;
- (b) reinstate the program's designation with or without conditions or restrictions; or
- (c) stay the decision being appealed or allow the decision to stand pending the outcome of the hearing.

The Deputy Minister has the authority to make a final decision regarding an appeal.



(13) Closure of an Institution/Transfer of Ownership

- (a) The closure of a private training institution must be reported to ECE at least fourteen days prior to the closure; and
- (b) The institution must immediately send to ECE:
  - i. all transcripts and records relating to present and former students enrolled in the designated program(s),
  - ii. any credentials that have been earned, but not awarded to students in these programs, and
  - iii. any other information the Minister, Deputy Minister or Committee may request.
- (c) The transfer of ownership of a private training institution must be reported to ECE within fourteen days of a change of ownership where the institution:
  - i. is a corporation and a transfer of controlling interest will occur, or
  - ii. is a proprietorship, the name of the person to whom the transfer will be made, and
  - iii. information about any other planned changes.
- (d) On receipt of this notification, the information provided will be reviewed to ensure that the institution continues to meet the requirements of this Directive and any applicable legislation.

*Charles Dent*

Charles Dent  
Minister of Education, Culture and Employment

23 July 2004  
Date

## **APPENDIX A The Designation Process**

Determination that the training program offered by the private training institution falls under the Private Vocational Training Designation Directive.

### **STAGE ONE**

Applicant submits Application Package to the Chair, Private Vocational Training Designation Committee, Department of Education, Culture and Employment:

- Information about the Institution:
  - ▶ Certificate of Ownership
  - ▶ Institution Profile
  - ▶ Evidence that the training premises meet all fire, health and insurance requirements
- Program information:
  - ▶ Evidence of a Labour Market Needs Assessment
  - ▶ Evidence that the curriculum is industry relevant
  - ▶ Evidence that there is no duplication with other similar programs in the NWT
  - ▶ Where applicable, evidence that a professional body or regulatory authority has been consulted regarding approval as required

### **STAGE TWO**

Review Process by the Private Vocational Training Designation Committee:

- Review application
- Recommendation to the Assistant Deputy Minister regarding approval or rejection

If Approval is not granted, the Applicant receives:

- Letter notification regarding reasons for rejection [note: if information provided is inadequate for designation purposes, the Institution may have one chance to resubmit the application with adequate information.]
- Information on the appeal process

**STAGE THREE**

**If Approval Granted**

- Program approved for designation
- Memorandum of Understanding signed and submitted

**STAGE FOUR**

**Reassessment after one year**

- In addition to the information submitted in the application process, there needs to be evidence of the following for reassessment:
  - ▶ Program meets all requirements set out in MOU
  - ▶ Set graduate, employment and repayment rates achieved
  - ▶ Annual reports submitted each year
  - ▶ Satisfactory program audit results
  - ▶ No other outstanding matter(s) exists that, in the opinion of the Minister, would negatively impact student assistance recipients or the department.

**APPENDIX B**  
**Grandfathered Private Training Programs**

Private Training Institutions with programs in which students are currently funded by SFA are as follows. The currently funded programs at these institutions will be designated upon the coming into force of the Private Training Designation Directive, for a period of one year.\* At that time, these institutions and programs will be required to meet the requirements for Reassessment.

*Ophthalmic  
Medical  
Assisting  
Technology*

|   |                                    |
|---|------------------------------------|
| Academy of Learning   | (Private corporation, Yellowknife) |
| Big River Air   | (Flight Training, Fort Smith)      |
| Buffalo School of Aviation  | (Training School, Yellowknife)     |
| Stanton <del>Eye Clinic</del> <i>Territorial Health Authority</i> | (Stanton Hospital, Yellowknife)    |
| Pentecostal Sub-Arctic Leadership Training                        | (Pentecostal Church, Fort Smith)*  |

\*The Pentecostal Sub-Arctic Leadership Training, in recognition of the program's long-standing operation in the NWT and to prevent unnecessary hardship for this institution, will be designated for three years.