



EDUCATION QUALITY ASSURANCE

POLICY AND PROCEDURES MANUAL

Updated: November 22, 2016

This edition replaces any previous version.

Ministry of Advanced Education

1. Introduction

1.1 What is EQA?

Education Quality Assurance (“EQA”) is British Columbia’s brand for quality post-secondary education and is available to all eligible post-secondary institutions in British Columbia. EQA designation is administered by the Ministry of Advanced Education (the “Ministry”).

To receive and maintain EQA designation, an institution must meet or exceed certain quality assurance standards as set out in the:

- Corporate and Educational requirements for EQA Designation (section 6.2); and
- Suitability Considerations for EQA Designation (section 6.3).

1.2 The EQA Trade-mark

The EQA brand consists of provincial certification trade-marks. These trade-marks, and the terms of their use are set out in Appendix A: EQA Designation Mark Terms of Use.



All institutions applying for and maintaining EQA designation must agree to comply with the EQA Designation Mark Terms of Use.

1.3 Purpose of Policy and Procedures Manual

The purpose of this Policy and Procedures Manual (the “Manual”) is to set out the requirements for institutions to receive and maintain EQA designation.

An institution’s failure to meet and maintain the requirements, satisfy the suitability considerations, or comply with the obligations set out in this Manual can result in ineligibility for EQA designation or revocation of the designation.

1.4 Manual Updates

This Manual is subject to updates by the Ministry from time to time as required. EQA designated institutions and institutions considering seeking EQA designation are responsible for ensuring that they are using the current version of this document. The current version is located on the Ministry’s website http://www.aved.gov.bc.ca/education_quality_assurance/welcome.htm

1.5 Designated Learning Institutions List

Institutions are required to have EQA designation in order to be placed on the Designated Learning Institution (“DLI”) list maintained by Immigration, Refugees and Citizenship Canada. Institutions on the DLI list may host international students on study permits. A study permit allows an international student to participate in a program of study in Canada that is longer than six months.

The Government of Canada maintains discretion to grant or refuse a study permit in a particular case, even if an institution is on the DLI list.

1.6 Extra-provincial Branches or Campuses

Branches or campuses of an institution that are located outside of British Columbia are not eligible for EQA or use of the EQA brand.

2. Contact Information

Governance and Quality Assurance Branch
Ministry of Advanced Education
PO Box 9883 STN PROV GOVT
Victoria, BC V8W 9T6

Telephone: 250-356-9734
Facsimile: 250-387-3750
Email: EQA@gov.bc.ca

Website: www.aved.gov.bc.ca/education_quality_assurance/welcome.htm

3. Application Process

3.1 Eligibility

The following institutions are eligible to apply for the Education Quality Assurance Designation:

Public or private institutions regulated under the:

- *University Act*
- *College and Institute Act*
- *Royal Roads University Act*
- *Thompson Rivers University Act*
- *Private Training Act* (only institutions that hold a designation certificate)
- *Degree Authorization Act*

Institutions that offer the following programs only:

- Programs exempted under the *Private Training Act* with the National Occupation Codes 4154 (professional occupations in religion) or 4217 (other religious occupations);
- Driver training programs for Class 1-3 licences under the *Motor Vehicle Act*;
- Educational programs established under the *Chartered Professional Accountants Act*;
- International Baccalaureate programs where the institution is not regulated by the Ministry of Education.

3.2 Institution's Application

Institutions should ensure that they meet all of the requirements and satisfy the suitability considerations set out in the Manual prior to submitting an application for EQA designation. See section 6.2 for the list of Corporate and Educational Requirements and section 6.3 for the list of Suitability Considerations.

Each legal entity must apply separately for EQA designation and clearly identify the name(s) under which it does business. An electronic application is available through the EQA web portal and may be found at: <https://myeqa.bceqa.ca/apply/apply/Home>.

3.3 Application Assessment

Once an application is received by the Ministry, the institution is assessed. To conduct the assessment, the Ministry will consider whether an applicant institution meets the Corporate and Educational Requirements and Suitability Considerations for EQA designation.

The application will be assessed by the EQA Unit of the Ministry.

3.4 Additional Information Sources

By submitting an application, applicants acknowledge that the Ministry may contact third parties, including any applicable quality assurance or regulatory body, to inform its assessment.

3.5 No Concerns with Application – EQA Designation Granted

The institution will receive an electronic notification if the Ministry requires no further information and grants EQA designation.

3.6 Concerns with Application - Opportunity to Respond

If the EQA Unit has concerns about whether the institution meets the requirements for EQA designation or satisfies the suitability considerations for EQA designation, the Director responsible for the EQA Unit will write to the institution, setting out the nature of the concern(s) and setting out all information, either written or oral, on which the decision will be based.

The institution will be given an opportunity to reply, in writing, within a specified period of time. The institution may also submit additional information to respond to the concerns raised by the EQA Unit.

3.7 Determination by Executive Director

Where the EQA Unit has identified concerns in the institution's application for EQA designation, the EQA Unit will submit the full record for consideration by the Executive Director of the Governance and Quality Assurance Branch ("ED").

The ED is the original decision-maker where the EQA Unit raises concerns regarding an institution's application. The institution will receive a letter from the ED setting out the decision and reasons for the decision as to whether EQA designation was or was not granted.

In the event that the ED excuses themselves from determining a matter, for instance, because of a conflict of interest, another Executive Director in the Ministry may determine the matter.

3.8 Appeal to ADM

Upon the institution's receipt of original decision, the institution may request an appeal of a decision within 10 working days.¹ New information may be submitted and considered for an appeal. The Assistant Deputy Minister of the Governance, Legislation and Strategic Policy Division ("ADM-GLSPD") will determine the appeal.

The determination reached by the ADM-GLSPD on appeal is the final opportunity for appeal.

In the event that the ADM-GLSPD excuses themselves from determining a matter, for instance, because of a conflict of interest, another Assistant Deputy Minister or the Deputy Minister at the Ministry may determine the matter.

3.9 Freedom of Information and Protection of Privacy Act – Notice

The Ministry has authority to collect personal information under s. 26(c) of the *Freedom of Information and Protection of Privacy Act* ("FOIPPA") for the purpose of approving an institution to use the EQA designation.

The Ministry has authority to use any personal information collected under s. 26(c) for the purpose of adjudicating an EQA application under FOIPPA, s. 32(a).

4. Re-application

4.1 Re-application – Public, Private Degree Granting, Theological and Other Institutions

EQA designation is held for a one year term and most types of institutions are required to reapply by April 30 of each year. Institutions in this category include public, private degree granting, and degree granting theological institutions, and institutions that offer the following programs only:

- Programs exempted under the *Private Training Act* with the National Occupation Codes 4154 (professional occupations in religion) or 4217 (other religious occupations);
- Driver training programs for Class 1-3 licences under the *Motor Vehicle Act*;
- Educational programs established under the *Chartered Professional Accountants Act*;
- International Baccalaureate programs where the institution is not regulated by the Ministry of Education.

An institution's EQA designation will automatically terminate if an institution does not reapply. This is considered a voluntary termination. Upon termination, the Ministry will provide notice to the institution and require the institution to cease use of the EQA trade-mark. The Ministry will also inform Immigration, Refugees and Citizenship Canada to remove the institution from the DLI list.

¹ The first day is the first working day after the institution receives the decision.

4.2 Re-application - Private Training Institutions

One of the Ministry’s objectives under the new regulatory regime for private career training institutions (*Private Training Act*) is to streamline application processes for private career training and language institutions.

To this end, EQA application for these institutions will be aligned with the timing of the Private Training Institutions Branch certification process. Depending on the timing of an institution’s fiscal year end, the application for EQA will be due within 30 days of receiving their first or second *Private Training Act* certificate and annually thereafter. Some institutions will still be required to submit EQA applications on April 30, 2017. See further detail on the transition to this system in Appendix B.

While EQA designation is generally held for a one year term, for institutions regulated under the *Private Training Act*, EQA designation may be held for a shorter term during the transition.

An institution’s EQA designation will automatically terminate if an institution does not reapply. This is considered a voluntary termination. Upon termination, the Ministry will provide notice to the institution and require the institution cease use of the EQA trade-mark. The Ministry will also inform Immigration, Refugee and Citizenship Canada to remove the institution from the DLI list.

5. Fees

Type of Institution	Fee
Public or private institutions regulated under the: <ul style="list-style-type: none"> • <i>University Act</i> • <i>College and Institute Act</i> • <i>Royal Roads University Act</i> • <i>Thompson Rivers University Act</i> • <i>Private Training Act</i> • <i>Degree Authorization Act</i> 	\$0
<ul style="list-style-type: none"> • Institutions offering only career training programs exempted under the <i>Private Training Act</i> • Degree granting theological institutions • Schools that offer only the International Baccalaureate program and are not regulated by the Ministry of Education. • Educational programs established under the <i>Chartered Professional Accountants Act</i> 	Initial fee: \$300 Annual fee: \$1500

Fees are submitted when an institution applies for EQA or re-application. All fees are non-refundable, regardless of the outcome of the application.

6. EQA Designation Requirements

6.1 Introduction

To receive and maintain EQA designation, an institution must:

1. Demonstrate that it meets and maintains all the Corporate and Educational Requirements set out in section 6.2; and
2. Demonstrate that it satisfies all the Suitability Considerations set out in section 6.3.

6.2 Corporate and Educational Requirements for EQA designation

To be eligible for EQA designation on application and to maintain EQA designation, the following requirements must be met:

6.2.1 Legal Entity and Corporate Status Requirements

1. The institution must be a legal entity operating in British Columbia as one of the following:
 - a. an institution established under an Act of the Legislative Assembly of British Columbia;
 - b. a society operating under the British Columbia *Society Act*² or as a corporation under the *Canada Not-for-profit Corporations Act*; or
 - c. a corporation or an extra-provincial corporation operating under the *British Columbia Business Corporations Act* or the *Canada Business Corporations Act*;
2. If the institution is established under a statute, it must be in compliance with its enabling legislation;
3. If the institution is a corporation or a society, the institution must be in good standing with the corporate registry;
4. The institution must provide the Ministry with the following information:
 - a. legal and operating name;
 - b. owner(s) of the legal entity;
 - c. name of the institutional representative;
 - d. a physical and email address for service of documents; and
 - e. operation location(s).

6.2.2 Legal Compliance Requirements

5. The institution must act in compliance with all applicable federal, provincial and municipal statutes, regulations and bylaws, including the *Immigration and Refugee Protection Act*;

² After November 28, 2016, any reference to the *Society Act*, R.S.B.C. 1996, c. 433 in this manual should be read as a reference to the *Societies Act*, S.B.C. 2016, c. 18.

6. If applicable, the institution must comply with reporting requirements on enrolment of international students established by Immigration, Refugees and Citizenship Canada;
7. The institution must be in compliance with the Federal-Provincial/Territorial EduCanada brand eligibility framework;³
8. The institution must be in good standing with any relevant quality assurance or regulatory body;
9. Private institutions offering degree level programming must operate in accordance with the *Degree Authorization Act*;
10. Institutions regulated by the *Private Training Act* must hold a designation certificate under the *Private Training Act* that has not been suspended or cancelled;

6.2.3 Educational Program Requirements

11. The institution must be currently providing and delivering an educational program at the post-secondary level in British Columbia;
12. The institution must not offer an educational program in British Columbia in partnership with a non-EQA designated institution, unless the non-EQA designated institution offers less than 50% of the program;⁴

6.2.4 Representation Requirements

13. An institution must not engage in false, deceptive or misleading advertising or representations. Deceptive advertising includes, but is not limited to, an oral, written, electronic, internet, visual, descriptive or other representation that has the capability, tendency or effect of deceiving or misleading a student;
14. An institution must provide public and accurate information regarding its operations, regulatory authority, program offerings, tuition rates and refund policies affecting prospective and current students, including in print materials and on the institution's website;
15. Any person or entity engaged in advertising, admissions or recruitment activities on behalf of the institution must make available and communicate current and accurate information regarding the institution's quality assurance requirements, admissions policies, language proficiency requirements, credential assessment, programs of instruction and courses, services, tuition, refund policies, terms, grading and academic standing policies, and operating policies;

³ Accessible at: <http://www.educanada.ca/>.

⁴ Equivalent standard found in *Private Training Regulation*, s. 18(2)(j).

6.2.5 Ministry Quality Assurance and Good Standing Requirements

16. The institution must meet the recognized quality assurance standards specific to the type of institution and programming offered, as determined by the Ministry, and set out in the table below:

Type of Institution	Quality Assurance Standards
Public Institutions	<ul style="list-style-type: none"> • Operate in accordance with the academic governance framework set out in statute. • Participate in periodic Quality Assurance Process Audits.
Private Degree Granting Institutions and Extra-Provincial Public Institutions	<ul style="list-style-type: none"> • Meeting the required quality assessment criteria established under the <i>Degree Authorization Act</i> • Holds consent issued under the <i>Degree Authorization Act</i>
Private Career Training Institutions	<ul style="list-style-type: none"> • Meeting the standards set out under the <i>Private Training Act</i> and regulations for an institution holding a designation certificate
<p>Institutions offering only career training programs exempted under the <i>Private Training Act</i></p> <p>Degree granting theological institutions</p> <p>The Chartered Professional Accountants of British Columbia offering educational programs established under the <i>Chartered Professional Accountants Act</i>.</p> <p>Schools only offering the International Baccalaureate program and not regulated by the Ministry of Education</p>	<ul style="list-style-type: none"> • Meeting established quality assurance and financial protection standards established by the Ministry • Submit required financial protection with the Ministry or provide evidence that the required financial protection is met through other means, as outlined in the Institutional Self-Study

17. If applicable, the institution must be in good standing with respect to its use of the EQA brand. The following non-exhaustive list provides examples of circumstances in which an institution will not be in good standing with respect to use of the EQA brand:

- (i) the institution is using the EQA brand in relation to British Columbia campus locations or programs that are not included in the application or designation;
- (ii) the institution is using the EQA brand in relation to branches or campuses of the institution that are located outside of British Columbia;
- (ii) a non-EQA designated partner or affiliate of the institution is using the EQA brand.

18. The institution must be in good standing with the Ministry. An institution is considered “not in good standing” with the Ministry if any of the following circumstances apply:
- a. If an institution’s StudentAid BC repayment rate has been assessed by the Ministry and determined to be of high financial risk (“red”) and/or its StudentAid BC designation is terminated for any reason other than:
 - (i) voluntary termination;
 - (ii) no longer having programs meeting the required program length; or
 - (iii) no students from that institution having applied for loan funding in the last three years.
 - b. An institution operating under ministerial consent under the *Degree Authorization Act* acts in one or more of the following ways:
 - (i) the institution is in contravention of the legislative requirements of the *Degree Authorization Act*;
 - (ii) the institution is in contravention of one or more of the terms and conditions of its consent under the *Degree Authorization Act*.
 - c. One of the following types of institutions:
 - (i) institutions offering only career training programs exempted under the Private Training Act
 - (ii) degree granting theological institutions
 - (iii) schools only offering the International Baccalaureate program and not regulated by the Ministry of Education
 - (iv) the Chartered Professional Accountants of British Columbia offering educational programs established under the *Chartered Professional Accountants Act* does not maintain established quality assurance or financial protection standards as outlined in the Institutional Self-Study.

6.3 Suitability Considerations for EQA designation

In addition to the requirements for EQA designation set out in Section 6.2, the Ministry will determine whether:

- a. the institution, including the institution’s ownership, applying for designation (in this section, the “Applicant”); or
- b. the EQA designated institution

is considered suitable to hold EQA designation, based on the following considerations:

6.3.1 Leadership Considerations

1. A person or entity with a decision-making role at the institution is found to be involved in relevant criminal activities or activities that contravene a relevant statute;

6.3.2 Suspension, Compliance Orders or Penalty Considerations

2. Any suspensions, compliance orders or other penalties imposed by any of the following:
 - a. a quality assurance body;
 - b. a regulatory body, including the Ministry;
 - c. a government that has authority to review or make determinations about the institution, its programs or students attending its programs;
3. Previous termination of StudentAid BC designation of the institution;

6.3.3 Conduct Considerations

4. Student complaints made about the institution to any of the following entities:
 - a. a quality assurance body;
 - b. a regulatory body, including the Ministry;
 - c. the Human Rights Tribunal;
 - d. a court in any jurisdiction;

where the complaint was allowed or upheld by the body reviewing and deciding on the complaint.

5. Any outstanding civil judgments against the institution, its principals, or major shareholders;
6. Any relevant ongoing legal proceedings involving the institution, its principals, or major shareholders;
7. Any false or misleading statements made by the institution or its representatives during the EQA designation process;
8. Conduct by the institution, or its principals or major shareholders, that is likely to damage the interests or reputation of British Columbia's post-secondary education system or that is in conflict with the public good;
9. Current or past practices of the institution, including those assessed in previous EQA assessments, that show a lack of integrity or unethical conduct in relations with students and the general public;
10. Current or past conduct by the institution that demonstrates that the organizational culture is not conducive to operating a high-quality post-secondary institution.

6.3.4 Financial Considerations

11. The financial viability and stability of the institution, including its sources of funding.

7. Change Notification

It is the responsibility of the institution to maintain an up to date user profile in the EQA online system. The contact information in the user profile is used for the purposes of EQA and DLI notifications to the institution.

In addition to continuing to meet the education and corporate requirements in section 6.2 and the suitability considerations in section 6.3, institutions with EQA designation must inform the Ministry of any of the changes listed below within the timelines provided below.

Item	Type of Change	When
1	Change in the institution's address for service ⁵	14 days
2	Ownership or senior leadership changes ⁶	14 days
3	Change in the legal name or operating name of the institution ⁷	14 days
4	Change in the corporate structure of the institution's legal entity	14 days
5	Suspensions or other actions taken by a relevant quality assurance or regulatory body ⁸	5 days
6	Civil judgments or legal actions against the institution or owner(s)	14 days
7	Adding a location or removing a location where programs are offered ⁹	14 days

Institutions holding *Private Training Act* designation certificates are not required to separately notify the Ministry for EQA purposes of the changes in Items 1, 3, and 7.

8. Revocation of EQA Designation

8.1 Reviews and inspections

The Ministry may undertake reviews of an institution with EQA designation at any point during the designation year to ensure compliance in relation to the Corporate and Educational Requirements set out in section 6.2, the Suitability Considerations in section 6.3 and the change notifications required in section 7.

Further, for institutions with certificates under the *Private Training Act*, inspectors may be appointed under the authority of s. 29 of the *Private Training Act* to determine compliance with EQA.

8.2 Non-compliance

If an institution that holds EQA designation is found to no longer be compliant with the Corporate and Educational Requirements and/or Suitability Considerations for EQA designation set out this Manual, the Ministry has authority to revoke the institution's EQA designation. The ED will make the determination.

⁵ Equivalent to *Private Training Regulation*, s. 56(2)(f).

⁶ Similar to *Private Training Regulation*, s. 56(2)(g)

⁷ Equivalent to *Private Training Regulation*, s. 56(2)(h).

⁸ Similar to *Private Training Regulation*, s. 56(2)(j).

⁹ Equivalent to *Private Training Regulation*, s. 57(d). Note that no consent from EQA is required.

The process for revocation is as follows:

1. The institution is notified of non-compliance by the ED and provided with any evidence relevant to the Ministry's concerns. The institution is provided with an opportunity to respond within a specified length of time.
2. The institution may respond to the Ministry in writing by the required date and may provide additional evidence for the ED to consider.
3. The ED will review submissions and determine whether the institution's EQA designation should be revoked.

In the event that the ED excuses themselves from determining a matter, for instance, because of a conflict of interest, another Executive Director in the Ministry may determine the matter.

8.3 Appeal to ADM

Upon receipt of the decision of the ED, the institution may request an appeal of the decision within 10 working days.¹⁰ New information may be submitted and considered for an appeal.

If an appeal is requested, the appeal will be undertaken by the ADM-GSLPD. If the ADM-GSLPD excuses themselves from determining the matter, for instance, because of a conflict of interest, another Assistant Deputy Minister or the Deputy Minister at the Ministry may determine the matter.

¹⁰ The first day is the first working day after the institution receives the decision.

Appendix A

EQA CERTIFICATION MARK TERMS OF USE

The Province of British Columbia (the “Province”) will grant to an institution (“Institution”) that meets, and continues to meet, the Education Quality Assurance (“EQA”) eligibility requirements and standards published by the Province in its EQA Policy and Procedure Manual (the “Standards”), a fully prepaid, royalty free, worldwide, non-exclusive license (“License”) to use any or all of the Province’s certification marks set out in Section 25 below (the “Marks”) during the Term, in accordance with these Terms of Use:

1. Duration – The License will be effective commencing on the date of first authorized use of any of the Marks by the Institution and will continue in effect until terminated in accordance with Section 12 below (the “Term”).
2. General Use and Prohibition – The Institution will only use, display or reproduce the Marks in association with the provision of post-secondary education services (the “Services”) that have a character and quality that conforms with the Standards, and only in a way that is expressly permitted by these Terms of Use, the Standards or otherwise by the Province in writing, and not in any other manner.
3. Standards – The Standards may be updated or amended by the Province, in its sole discretion, from time to time and will be posted by the Province at the following URL: http://www.aved.gov.bc.ca/education_quality_assurance/ (the “Website”). The Institution must monitor and at all times remain in full compliance with the most current version of the Standards as found on the Website.
4. Reproduction – During the Term the Institution may, in accordance with the Standards, use the Marks on or in association with:
 - (a) signage, advertising and promotional materials that relate directly to the Institution’s provision of the Services or participation in the EQA program (the “Program”); and
 - (b) Internet websites that promote the business of the Institution, the Institution’s participation in the Program or its provision of the Services.
5. Internet and Telecommunication Designators – The Institution must not use, display or reproduce any of the Marks, or any words, designs, characters, or symbols that are confusing with or are derived from the Marks, as part of any Internet domain name, universal resource locator, telephone number, address, or any other designator (collectively, “Designators”) except as expressly permitted by the Province in advance in writing.
6. Ownership – The Province is the owner of the Marks and all goodwill associated with or appurtenant to the Marks. All the benefit and goodwill associated with use of the Marks will at all times ensure entirely to the Province and the Institution will absolutely and irrevocably assign to the Province all right, title and interest throughout the world that it may have or acquire in the Marks, including all related goodwill, other than the Institution’s rights to use the Marks under the License.

7. Cooperation – The Institution will, as reasonably requested by the Province from time to time, cooperate with Province for the purpose of:
 - (a) registering or recording the Marks in the Province’s name;
 - (b) registering or recording the License or notice of the License; and
 - (c) protecting, preserving and enhancing the Marks and the Province’s interest therein.

8. Verification – Promptly when requested by the Province to do so, the Institution will:
 - (a) provide the Province with samples of materials prepared by, for or with the permission of the Institution that bears or refers to any of the Marks; and
 - (b) comply with all further policies, specifications, regulations and standards authorized or stipulated by the Province from time to time forthwith upon being notified of same.

9. Notice of License – When the Marks are displayed or used by the Institution, the Institution will, whenever possible, indicate in association with the Services and all signage, advertising and promotional materials associated therewith, including Internet websites, that the Marks are being reproduced and used under license from the Province in association with the Program.

10. Good Faith Covenants – The Institution will not do anything or omit to do anything that might impair, jeopardize, violate, or infringe the Marks or the Province’s interest in the Marks, including but not limited to:
 - (a) opposing, contesting or in any other manner challenging the validity of the Marks or the Province’s interest in the Marks; and
 - (b) unless authorized in writing by the Province, claiming, using, displaying, reproducing or applying to register any trade-mark, trade name, Designator, copyright or design that is identical to or confusing with, or that is derived from or based on, any of the Marks.

The Institution will not assist, permit, or encourage any other person or entity to do any of the above.

11. Retained Rights – Nothing in these Terms of Use will prevent the Province from licensing others to use the Marks in any manner, as it sees fit, including in association with the Program or as part of a business name or a domain name, or registering any of the Marks as a trade-mark in association with wares. When requested by the Province to do so, the Institution will promptly execute and deliver to the Province any written consents or other instruments that the Province, acting reasonably, considers necessary or useful to exercise its retained rights in the Marks.

12. Termination – The License:
 - (a) will terminate immediately upon the Institution failing to comply with the administrative or Program requirements necessary to continue to be eligible to participate in the Program, including payment of the annual Program designation fees, if so required, or failing to continue to meet the Standards, as may be amended by the Province from time to time;

- (b) may be terminated by the Province if the Institution defaults in observing or performing any of its material obligations set out in the Standards or these Terms of Use and fails to correct the default within 10 calendar days after receiving a written demand from the Province to do so, by giving the Institution written notice of termination which will be effective upon delivery to the Institution;
- (c) may be terminated by the Institution for its own convenience, by giving the Province written notice of termination, which will be effective on receipt by the Province; and
- (d) will terminate immediately upon the Institution becoming insolvent, having a receiver or a receiver/manager appointed for any part of its property, being adjudicated Bankrupt or entering into any composition or arrangement with its creditors.

13. Effect of Termination – Forthwith upon termination of the License for any reason:

- (a) the Institution will cease all reproduction and use of the Marks including any trade-marks, trade names, designs and Designators that are confusing with any of the Marks or that are derived from or based on any of the Marks;
- (b) as directed by the Province, the Institution will permanently delete the Marks from all signs and other physical or electronic material in its possession or control that bears or refers to the Marks (including plates and other means for reproducing the Marks) but if the Institution cannot or prefers not to do that, the Institution will deliver all items bearing the Marks to the Province; and
- (c) as directed by the Province, the Institution will permanently erase or delete the Marks from all Internet websites, internal networks and Designators controlled by the Institution or by others on behalf of the Institution, including reproduction of Marks in meta-tags and key words that appear on, are displayed by, or are embedded in websites and networks.

14. Infringements – If, during the subsistence of the License, the Institution becomes aware that any other party (other than an affiliate or licensee of the Province) is using a trade name, Designator, trade-mark, get-up of goods, or mode of advertising or promotion that might reasonably amount to infringement, unfair competition, passing off or cybersquatting in respect of any of the Marks, the Institution will promptly report such activities to the Province.

15. Claims by Others – If the Institution learns that any person or entity is alleging that any of the Marks is invalid, infringes the rights of any party, or is open to any other form of attack, the Institution will not make any admissions in respect of the allegation and will promptly report the matter to the Province.

16. Proceedings – The Province will have the right, but not the obligation, to control and direct the conduct of all legal proceedings and negotiations with third parties relating to the Marks except:

- (a) if a third party carries on an activity that might constitute infringement, passing-off or unfair competition in respect of any of the Marks and the Province does not initiate proceedings against that third party within one month after the Institution requests the Province to do so, then;
 - (i) entirely at its own expense, the Institution may institute proceedings against that third party in respect of its own interests; and
 - (ii) the Institution will indemnify and save harmless the Province from and against all expenses, costs, damages, and liabilities that the Province incurs

in connection with any proceeding that the Institution initiates against any such third parties; and

- (b) subject to the provisions contained in Section 15, the Institution may defend itself at all times from actions brought by others.

The Province may, in its absolute discretion, choose not to defend or prosecute any actions or any other proceedings with third parties that relate to the Marks and it will have no liability to the Institution for failing to defend or prosecute any such actions or proceedings.

17. Assignment – The Institution will not assign, grant or give to a third party, including to any successor of the Institution, any type of interest in the License or the Marks, or authorize any third party to use, display or reproduce the Marks, without first obtaining the written consent of the Province, which may be withheld for any reason or without reason. If the Province’s consent is given on any particular occasion, further consent will be required for every subsequent occasion.
18. Disclaimer – The Province makes no representations or warranties to the Institution regarding the Marks, including those regarding ownership and whether or not the Marks infringe the rights of third parties. The Institution waives all claims against the Province regarding the Marks that it would have or might acquire but for the foregoing disclaimer.
19. Indemnity – The Institution will indemnify and save harmless the Province from and against any and all damages, injuries, liabilities, costs and expenses, including but not restricted to actual legal fees and costs, that may be incurred by the Province or claimed by any third parties against the Province in connection with any of the Services or business of the Institution or any negligent or wrongful conduct of the Institution, including misuse by it of the Marks.
20. Time/Waiver – The timely performance and observance of the parties’ obligations set out in these Terms of Use is an essential condition and:
- (a) if the Province waives a particular default of the Institution, that will not affect or impair the rights of the Province regarding any other default of the Institution;
 - (b) if the Province delays or fails to exercise any rights in connection with a default of the Institution, that will not affect or impair the rights of the Province regarding that event of any other default of the Institution; and
 - (c) in any event, the timely performance and observance by the Institution of its obligations will continue to be an essential condition without the need for specific reinstatement following particular waivers, extensions, or delays.
21. Law/Dispute Resolution – These Terms of Use and the relationship of the parties as contemplated herein will be governed by and interpreted in accordance with the laws prevailing in the Province of British Columbia and all disputes will be finally settled in the Supreme Court of British Columbia sitting in the City of Victoria, British Columbia.
22. Implementing Intent – The parties will execute and deliver to each other any additional instruments and take any additional steps that may be required to give full effect to the intent expressed in these Terms of Use.

23. Notice – All notices and other communication that the parties give each other in connection with these Terms of Use will be in writing and will be deemed given if delivered by hand, double registered mail, or fax to the recipient at its common business address or at such other address or telecommunication number of which the party gives the other notice. Proof of delivery in that manner will constitute proof of receipt.
24. Entire Agreement – These Terms of Use supersede all prior agreements and understandings of the parties regarding the Institution’s use of the Marks. This document and any documents specifically referred to herein contain the entire understanding between the parties and, except as expressly set out herein, may not be varied except by written instrument signed by both parties.
25. Marks – The Marks referred to and included under these Terms of Use are:
- (a) “EDUCATION QUALITY ASSURANCE”;
 - (b) “EQA”; and
 - (c) EDUCATION QUALITY ASSURANCE EQA & Design:



Appendix B

For institutions that hold EQA designation and a *Private Training Act* registration or designation certificate that expires **before November 1, 2017**, the institution's EQA designation will be due 30 days after the institution receives its first certificate under the *Private Training Act*.

For institutions that hold EQA designation and a *Private Training Act* registration or designation certificate that expires on or **after November 1, 2017**, the institution's EQA designation application will be due by April 30, 2017.

Institutions will be individually notified by electronic communication as to their transition process.

<i>Private Training Act</i> certificate expiry date (7 months after fiscal year end after September 1)	First EQA Re-application due	Second EQA Re-application due
April 30, 2017	30 days after first PTA certificate issued	30 days after second PTA certificate issued
May 31, 2017	30 days after first PTA certificate issued	30 days after second PTA certificate issued
June 30, 2017	30 days after first PTA certificate issued	30 days after second PTA certificate issued
July 31, 2017	30 days after first PTA certificate issued	30 days after second PTA certificate issued
August 31, 2017	30 days after first PTA certificate issued	30 days after second PTA certificate issued
September 30, 2017	30 days after first PTA certificate issued	30 days after second PTA certificate issued
October 31, 2017	30 days after first PTA certificate issued	30 days after second PTA certificate issued
November 30, 2017	April 30, 2017	30 days after first PTA certificate issued
December 31, 2017	April 30, 2017	30 days after first PTA certificate issued
January 31, 2018	April 30, 2017	30 days after first PTA certificate issued
February 28, 2018	April 30, 2017	30 days after first PTA certificate issued
March 30, 2018	April 30, 2017	30 days after first PTA certificate issued