

Ministry of Training,
Colleges and Universities
Private Career Colleges Branch
9th Floor, Mowat Block
900 Bay Street
Toronto ON M7A 1L2

Ministère de la Formation
et des Collèges et Universités
Direction des collèges
privés d'enseignement professionnel
9^e étage, édifice Mowat
900, rue Bay
Toronto ON M7A 1L2



Notice of Contravention #79

Served by e-mail to TorontoESL@archereducation.com, fax to 416-512-8520, and courier

June 15, 2010

Archer Education Group Inc.
o/a Archer College Language School Toronto Campus
known as Archer College
1440 Don Mills Road - Suite 101
Toronto, Ontario
Canada M3B 3M1

And

c/o Borden Ladner Gervais LLP
400 3rd Avenue S W
Calgary, Alberta
Canada T2P 4H2

Attention: Paul Santos, Director of Operations, Language Division and Michael Lobsinger, Director

NOTICE OF CONTRAVENTION

This letter is to inform you, Paul Santos, as the Director of Operations, Language Division, and Michael Lobsinger, Director of Archer Education Group Inc. o/a Archer College Language School Toronto Campus known as Archer College (Archer College) that on June 14, 2010 it was determined that Archer College contravened the following section(s) of the *Private Career Colleges Act, 2005* and/or regulations made under the Act:

- Act, s. 11 — Restrictions on advertising and soliciting (\$1,000)
- Act, s. 9 — Prohibition against charging fee (\$1,000)

For a Summary of each contravention see attached Schedule A.

As per section 51 of *Ontario Regulation 415/06* made under the *Private Career Colleges Act, 2005*, Archer College is subject to a penalty in the total amount of \$2,000 per day. It

is important to note that the penalty is levied daily. The total penalty amount is calculated by multiplying the penalty amount indicated above by the number of successive days that the contravention continues.

For example: following 5 successive days that the contravention continues the penalty amount due will be \$10,000.

following 15 successive days that the contravention continues the penalty amount due will be \$30,000..

At this time you are required to provide the ministry with written confirmation of compliance with the *Private Career Colleges Act, 2005* and its regulations. Please supply the ministry with the following documents confirming that you have come into compliance with the Act.

Written confirmation that Archer College:

- has stopped advertising an unregistered Private Career College and unapproved vocational programs that require approval, including the removal of all references to said programs on the website <http://www.archereducation.com/index.html>; and
- has stopped charging fees for unapproved vocational programs that require approval.

Once you have confirmed compliance with the Act, the penalties will cease to accumulate and you will receive an invoice that sets out the total penalty outstanding. Payment of the full amount is due within **30 days** of the date of your notification.

If payment is not received within **30 days** after the date the notice of contravention was received, the amount will be subject to interest at the current postjudgment interest rate beginning on the 31st day following the date of notice. The current rate can be found at the following address:

www.attorneygeneral.jus.gov.on.ca/english/courts/interestrates.asp.

Review

If you believe that the decision made above is inaccurate you may request a review of this decision by submitting a Request for a Review of a Notice of Contravention form to the Minister of Training, Colleges and Universities within **15 days** of receipt of the Notice of Contravention.

ORIGINAL SIGNED BY

Allan Scott
Superintendent of Private Career Colleges

Schedule A

Act, s. 11 — Restrictions on advertising and soliciting (\$1,000)

On May 22, 2010, Ministry staff received information from a member of the public that Archer Education Group is offering a Teaching English to Speakers of Other Languages (TESOL) program, and provided an e-mail sent by Paul Santos of Archer Education Group. In the e-mail, Paul Santos, Director of Operations for Archer College Toronto, advises that the TESOL program is 100 hours in duration and costs of \$1200.

On May 31, 2010, the website belonging to Archer Education Group, <http://www.archereducation.com/index.html>, was reviewed by Ministry staff who found it promoting a Teaching English as a Second Language (TESL) program that is described as being 300 hours in duration and consisting of a classroom instruction component, a practicum, and observation classes. The cost was not listed on the website however it does provide the school's name, address (1440 Don Mills Road - Suite 101, Toronto, Ontario), phone number, fax number, and e-mail address.

The screenshot shows a web browser window with the URL <http://www.archereducation.com/teach.html>. The page content includes a navigation menu on the left with items like ESL Programs, ESL Teacher Training, High School, College Courses, Fees, Brochures, Homestay, Register, and Oztime. The main content area features a section for 'Full-time Daytime program upcoming dates' with a list of dates from Jan 5 to Dec 24. Below this is a 'Part-time evening program upcoming dates' section with dates from Feb 3 to Aug 27. A note states 'TEFL OFFERED IN VANCOUVER ONLY!'. There is also a section for 'TESL Certificate Programs' with links to 'Classroom instruction', 'Practicum classes', and 'Observation classes'. A large text box on the right contains a quote: 'and international students (TESL) for almost a decade. All of our full-time teacher-training programs contain classroom instruction, peer teaching, a supervised practicum and observation classes. Based on the Communicative Approach to ESL training, these courses include how to plan lessons and manage time in the classroom. You will study and use different teaching techniques and methodologies, covering language skills and systems, communication skills and more. You will learn classroom games, activities, tasks, ice-breakers and practical classroom management skills.' At the bottom, there is a section for 'TEFL' with the text 'Our on-site programs are delivered at our campus in downtown Vancouver. They consist of four main components: Classroom' and a small image of a classroom.

On June 1, 2010, Ministry staff attended Archer Education group at 1440 Don Mills Road. During the investigation, Ministry staff searched the school's computer network and found an advertisement for a four week Foreign Teacher Program that costs \$1,625. It lists start dates are July 12, 2010, August 9, 2010, and November 2, 2010. The document describes the program as containing the following components:

First and second language acquisition/ESL methodologies and approaches

- *Lesson planning and procedures*
- *Developing teaching skills and professional classroom management techniques*
- *Teaching: reading, writing, listening, speaking, vocabulary and pronunciation*
- *Understanding and teaching English grammar, language functions and discourse analysis*
- *Learning activities for the student-centered classroom*
- *Evaluation of resources and adaptation of published and non-published materials*
- *Curriculum development and course design*
- *Needs analysis, testing and evaluation of students*
- *Teaching children and English for special purposes*
- *The job-search process and work environment*
- *Foreign cultures, culture shock and - what to expect.*
- *Observation and Practicum*

Based on the information provided about the cost and length of the TESL/TESOL program, it fits the definition of vocational programs according to the PCCA, 2005 and corresponds to National Occupational Classification (NOC) code 4131 College and Other Vocational Instructors and is thus a vocational program within the meaning of the Private Career Colleges Act, 2005 and is required to be approved by the Superintendent pursuant to section 23 of the Act. Since this college is not registered, and these programs are not approved, advertising either of them is prohibited in accordance with section 11 as noted above.

Act, s. 9 — Prohibition against charging fee (\$1,000)

On June 1, 2010, Ministry staff attended Archer College at 1440 Don Mills Road. During the investigation, Ministry staff spoke with Paul Santos about the programs being offering by Archer College. Paul confirmed that a TESOL program was going to be delivered in the near future. He stated that this program would only be offered to International students, and confirmed that one student had already been admitted into the program, and had paid a deposit of \$100. Upon request, Paul provided Ministry staff with a file for the above mentioned student. The file contained a letter of acceptance for an ESL/TESOL program, as well as two invoices, one for \$7,960, and the other for a discounted rate of \$7,050. Both invoices confirmed that a \$100.00 registration fee had been paid. As Archer College has not received approval for a TESOL program, charging fees for it is prohibited by section 9 of the *Private Career Colleges Act, 2005*.