

IN THE PUBLIC INTEREST: PROTECTING STUDENTS THROUGH EFFECTIVE OVERSIGHT OF PRIVATE CAREER TRAINING INSTITUTIONS

Introduction

In the Public Interest: Protecting Students through Effective Oversight of Private Career Training Institutions is a 180-page report from the Office of the Ombudsperson that contains 36 recommendations to improve provincial legislation, regulation and policies for oversight of the private career training sector so that students are better protected.

In the Public Interest is the product of a systemic Ombudsperson investigation into the oversight of private career training institutions by both the Private Career Training Institution Agency (PCTIA) and the Ministry of Advanced Education. The title of the report reflects the fact that effective oversight of private career training institutions is important to all British Columbians – it is in the public interest.

In B.C., private career training institutions are regulated if they offer career training listed on the National Occupational Classification, cost more than \$1000 and last more than 40 hours. These institutions are currently identified as either registered (non-accredited), or accredited – two types of classification that result in different standards of provincial oversight and student protection.

The Office of the Ombudsperson began its investigation after receiving complaints from individual students about PCTIA. In 2013, the Ombudsperson raised administrative fairness concerns it identified from these complaints with the Ministry of Advanced Education. The systemic investigation commenced in February 2014. (See page 12 of the report for more information).

BY THE NUMBERS

Private career training institutions are a large component of B.C.'s post-secondary education system.

PRIVATE CAREER TRAINING INSTITUTIONS: 320

STUDENT ENROLLMENT: 48,015

**ENROLLMENT AT REGISTERED
NON-ACCREDITED INSTITUTIONS: 10,665**

ENROLLMENT AT ACCREDITED INSTITUTIONS: 37,250

INTERNATIONAL STUDENTS: 10,005

The focus of our investigation

Equal protection for students at private career training institutions was the guiding principle of the Office of the Ombudsperson investigation. This means that a student who attends one of the more than 300 private career training institutions in B.C. should not be at a “fairness disadvantage” – that is, receive less protection, or have fewer recourses when compared to students at public institutions. All students enrolling in post-secondary education in the province should be able to expect and receive a quality education that adequately prepares them for their chosen path.

The Office of the Ombudsperson considered whether the oversight of private career training institutions did, in fact, result in equal, fair and reasonable protection for students. This question of equal protection, and administrative fairness more generally, was broken down into three parts:

- Students need access to accurate and useful information about the regulation of private career training institutions and about the protections the oversight body provides them. An effective way to do this is to provide students with a student bill of rights.
- Students at private career training institutions need access to a fair and expanded complaints process that can respond to a range of concerns. This complaint process also needs to provide students with the right to be heard by impartial decision makers.
- The oversight body needs to have an active program for monitoring consistent and appropriate standards, and use progressive enforcement tools when there is non-compliance.

Recommendations

The Ombudsperson found that gaps in the oversight of private career training institutions leave students vulnerable in a number of ways. They may, for example, have a complaint about how they were treated by an institution or the quality of their education, but have no way to address this with the oversight body. To address this and other fairness gaps identified in 31 specific findings, the Ombudsperson report contains 36 recommendations to the Ministry of Advanced Education. These recommendations include:

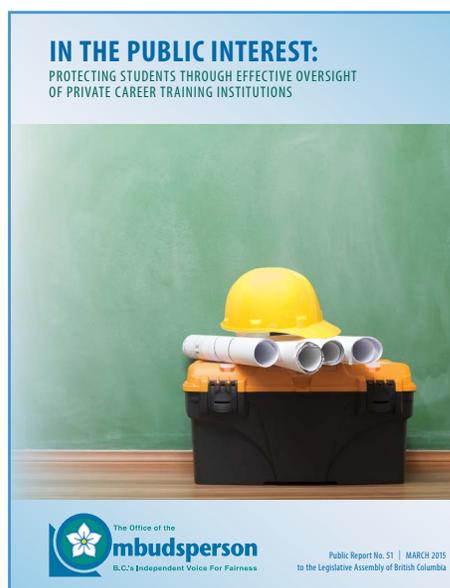
- A governance structure that ensures input from all stakeholders (R1).
- Clear and accessible information for students (R2-R5).
- Adequate monitoring that uses consistent and appropriate standards and regularly hears from students (R6-R20).
- A system of progressive enforcement that uses administrative penalties and publishes enforcement decisions (R21-R23).
- An expanded and fairer complaints process for students, at the institution level and at the oversight level (R24-R36).

What's next?

Students are best protected when they are fully informed and understand both their rights and the oversight body's role and responsibility. The province and its oversight body must respond adequately to a wide range of complaints, ensure institutions comply with quality standards and establish what institutions are required to do to meet these standards.

The Office of the Ombudsperson will monitor the implementation of the recommendations made to the Ministry of Advanced Education. The office will report publicly on progress made in order to ensure important changes are made to improve fairness and in doing so, improve the quality of education, protect students, and strengthen the post-secondary education sector in B.C.

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Case Summary

EXCERPT FROM REPORT

The complainant attended an institution specializing in traditional Chinese medicine (TCM), graduating in May 2010. In the fall of 2010, the complainant learned through the media that her program was not recognized by the College of Traditional Chinese Medicine Practitioners and Acupuncturists of British Columbia (which regulates the practice of TCM in the province). As a result, she could not practice TCM as she had intended.

The complainant explained she had been told by the operator of the institution that she did not need to register with the college to practice in British Columbia. The operator encouraged her to instead register with a federal body, which, the complainant later learned, was established by the operator. The federal body had no authority to license TCM practitioners.

In November 2010, the complainant submitted a request for a tuition refund to PCTIA on the basis she had been misled by the institution. PCTIA's initial response was that it would not consider the complaint because the complainant had not filed it within the six-month time limit. PCTIA's board confirmed this decision. The board decided that the complainant should reasonably have known that she was being misled in September 2009, when the College of Traditional Chinese Medicine Practitioners and Acupuncturists of British Columbia obtained an injunction against the purported federal regulatory body. The complainant had provided an affidavit in support of the federal regulatory body and the institution for the court hearing. The contents of the affidavit indicated that the student did not know at that time she was being misled [...]

See page 134 for the outcome

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Ombudsperson
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