

Final Report on the Implementation
of Recommendations from

IN THE PUBLIC INTEREST:

*Protecting Students through
Effective Oversight of Private
Career Training Institutions*



OMBUDSPERSON
BRITISH COLUMBIA

Systemic Investigation Update
August 2021

INTRODUCTION

One of the key ways in which the Office of the Ombudsperson can effect change in the fair administration of government programs is by making recommendations.

Our recommendations result from investigative findings of unfairness. In other words, when our investigation highlights a problem in fair administration, our recommendations aim to fix that problem. Our recommendations may involve individual remedies or systemic change, and often contain timelines by which we expect an authority to have made the change.

We monitor whether authorities are implementing the recommendations made in our public reports. As part of this monitoring commitment, we issue periodic updates on specific reports and their recommendations.

We begin monitoring implementation once a report is released publicly. We collect information from the authority about the steps they have taken to implement the recommendations. We expect the authority to provide us with specific, relevant and verifiable information about its implementation steps – a general commitment to act is not sufficient. We then assess this information to determine whether, in our view, the recommendation is fully implemented.

IN THE PUBLIC INTEREST REPORT AND RECOMMENDATIONS

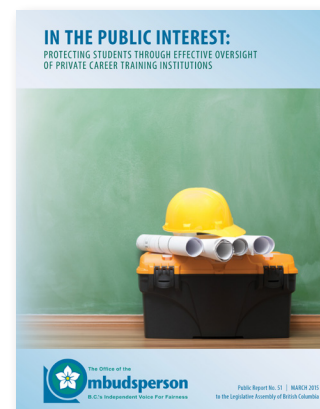
Our office released *In the Public Interest: Protecting Students through Effective Oversight of Private Career Training Institutions* in March 2015.¹ Individual complaints led to a systemic investigation into whether the Private Career Training Institutions Agency (PCTIA) and Ministry of Advanced Education were providing adequate and effective oversight of private post-secondary training institutions in British Columbia.

When our report was released in 2015, there were 320 institutions of various sizes enrolling 48,015 students, about 20 percent of whom were international students. Currently, more than 55,000 students attend approximately 300 certified institutions.² These institutions offer training programs for diverse careers, including health care assistant, licensed practical nurse, audio technician, pipefitter, commercial pilot, and heavy equipment operator. Tuition can cost thousands of dollars; the average tuition for domestic students is approximately \$13,700. Students at some institutions are able to access the provincial student loan program to assist them in paying the costs of their education.

Our investigation centred on the expectation that students enrolling in programs at these

institutions should be able to expect and receive a quality education that adequately prepares them for their chosen career. Our report highlighted the importance of timely, active provincial oversight in ensuring students receive the education to which they are entitled and the protections they deserve. We identified significant gaps in the government's oversight mechanisms for the sector that left students vulnerable and resulted in issues of systemic unfairness.

As a result of our investigation, we made 31 findings and 36 recommendations directed to the Ministry of Advanced Education, now known as the Ministry of Advanced Education and Skills Training.³ Our recommendations focused on strengthening public oversight of private training institutions.



¹ Our original 2015 report, *In the Public Interest: Protecting Students through Effective Oversight of Private Career Training Institutions*, is available on our website at: https://bcombudsperson.ca/investigative_report/in-the-public-interest-protecting-students-through-effective-oversight-of-private-career-training-institutions/.

² Ministry of Advanced Education and Skills Training, "Protecting students at private training institutions," 10 May 2021, <https://news.gov.bc.ca/releases/2021AEST0036-000809>; Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, "Private Training Institution Directory," <https://www.privatetraininginstitutions.gov.bc.ca/students/pti-directory>.

³ We refer to the Ministry of Advanced Education and Skills Training as "the ministry" throughout this report.

We made recommendations in three key areas:

- student access to accurate and useful information about the regulation of private training institutions
- active oversight and, where necessary, enforcement by government to ensure that private training institutions are complying with the regulatory requirements
- student access to a fair complaints process that can respond to a range of concerns

The ministry accepted all but one of the recommendations in our report.

We have been monitoring and reporting publicly on the steps taken by the ministry to implement the recommendations since our report's release in 2015. We issued a monitoring report on *In the Public Interest* in September 2018. At that time, the ministry had implemented 19 of our 36 recommendations.⁴

This monitoring report contains our analysis of the 17 recommendations that remained either partially or entirely outstanding in September 2018.

On May 10, 2021, the ministry provided public notice of amendments to the *Private Training Regulation* that are planned to take

effect on September 1, 2021.⁵ The regulatory changes address several of these remaining recommendations.

As a result of this and other work, the ministry has now implemented 34 of the 36 recommendations from *In the Public Interest*. This report describes steps the ministry has taken to implement our recommendations, and discusses the two recommendations that remain outstanding.

This report concludes our monitoring of the implementation of the recommendations from *In the Public Interest*.

We are encouraged by the fact that major improvements have been made to the government's regulation and oversight of private training institutions since *In the Public Interest* was issued. We are pleased that the ministry has successfully implemented nearly all of our recommendations, and encourage the ministry to further consider how it can implement the two recommendations that remain outstanding.

⁴ Office of the Ombudsperson, *Systemic Investigation Update: In the Public Interest: Protecting Students through Effective Oversight of Private Career Training Institutions*, September 2018, https://bcombudsperson.ca/investigative_report/in-the-public-interest-protecting-students-through-effective-oversight-of-private-career-training-institutions/.

⁵ Ministry of Advanced Education and Skills Training, "Protecting students at private training institutions," May 10, 2021, <https://news.gov.bc.ca/releases/2021AEST0036-000809>; Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, "Regulatory Amendments 2021," <https://www.privatetraininginstitutions.gov.bc.ca/institutions/regulatory-amendments-2021>; Ministerial Order M184/2021; Order in Council No. 278, May 3, 2021.

LEGISLATIVE CHANGE

The private training institution sector was formerly regulated under the *Private Career Training Institutions Act*, the *Private Career Training Institutions Regulation*, and PCTIA bylaws.⁶

The *Private Training Act* and associated regulations, the *Private Training Regulation* and *Fees and Student Tuition Protection Fund Regulation*, replaced the former Act, regulation and bylaws in September 2016.⁷ At this time, PCTIA was formally dissolved and the Ministry of Advanced Education and Skills Training (as it is now known) became

responsible for administering the new Act and regulations through the Private Training Institutions Branch (PTIB).⁸

Private training institutions must now be certified by PTIB if they provide or offer to provide at least one career-related program with at least 40 hours instructional time and tuition of \$4,000 or more.⁹

⁶ PCTIA was a provincial Crown corporation with its own governance structure and board consisting mostly of representatives of private training institutions: *Private Career Training Institutions Act*, S.B.C. 2003, c. 79; *Private Career Training Institutions Regulation*, B.C. Reg 466/2004; Private Career Training Institutions Agency, revised bylaws, June 19, 2014.

⁷ The *Private Training Act* renamed several terms we referred to in our original report. A “registered” institution is now a “certified” institution, meaning the institution is certified under the Act. An “accredited” institution is now a “designated” institution, meaning the institution holds a designation certificate. The Act also renamed the “Student Training Completion Fund” the “Student Tuition Protection Fund.” Aside from the “Recommendations Summary” section, we have updated our language throughout this report to reflect current terminology in the *Private Training Act*, S.B.C. 2015, c. 5, s. 1, 20, 73-73 and 76-77; *Private Training Regulation*, B.C. Reg. 153/2016; *Fees and Student Tuition Protection Fund Regulation*, B.C. Reg. 140/2016.

⁸ Throughout this update report, all references to the “oversight body” means any body responsible for the oversight of private training institutions, including a body operating within or as part of the responsible ministry – currently PTIB. PTIB’s head office is in Vancouver with some staff working in Victoria. PTIB has a staff of approximately 33 employees. See Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, “About,” <https://www.privatetraininginstitutions.gov.bc.ca/about/us>.

⁹ The *Private Training Regulation* prescribes three classes of programs that require approval by PTIB: 1) Class A, career training programs defined as having 40 hours or more of instructional time and tuition of at least \$4,000; 2) Class B, career-related programs at interim designated and designated institutions for which tuition is at least \$1,000; and 3) Class C, language programs at designated/interim designated institutions that are longer than six months or for which tuition is at least \$4,000. If an institution offers a Class A program that requires it to be certified, then all of the institution’s career-related programs fall under PTIB’s oversight mandate and must meet basic standards regardless of whether they exceed the cost or time threshold. Programs offered or provided by registered institutions that fall below the Class A cost or time threshold do not require approval by PTIB. A language program is defined as a program that has as its learning objective that students gain or improve proficiency in a language: *Private Training Act*, S.B.C. 2015, c. 5, s. 2; *Private Training Regulation*, B.C. Reg. 153/2016, s. 1, 4 and 10; *Fees and Student Tuition Protection Fund Regulation*, B.C. Reg. 140/2016, s. 1.

RECOMMENDATIONS IMPLEMENTED SINCE 2018

In the three years since our previous update report was released, the ministry has implemented a further 15 recommendations for a total of 34 implemented recommendations. In some cases, the ministry has taken steps which, while not entirely consistent with the precise wording of our recommendation, nonetheless achieve the outcome we sought in making it. In such cases, we have considered the recommendation to be “implemented by other means.”

Information for students

Providing students with accurate, adequate, and useful information about their rights and responsibilities in attending private training institutions is an important part of ensuring students are protected before and during their training.

We made four recommendations aimed at improving the accuracy and accessibility of information available to students. When we reported in 2018, three of these recommendations had been implemented. Planned regulatory changes will fully implement the final outstanding recommendation, as discussed in the next section.

Student rights

A decision to pursue post-secondary education brings with it a significant commitment of both time and money. Students need access

to information about the protections they are entitled to, as set out in the oversight body’s legislation and regulations. Students are better protected when they are informed of, and understand, their rights and the student protections that exist.

A key recommendation in our report was that the ministry ensure students’ rights are set out in a clear and simple document provided to every student and displayed in every certified institution, and that the ministry translate this document into key languages and publish it and the translations on its website. We further recommended that private training institutions be required to provide the document to students as an attachment to their student enrolment contract in English and any other applicable translations, and to keep a copy of it in a visible location on each campus (**Recommendation 2**).

An amendment to the *Private Training Regulation* that will come into effect on September 1, 2021, will require all certified institutions to establish a statement of rights that advises students of their rights in relation to the institution.¹⁰ This includes the right to:

- receive a written student enrolment contract
- receive information about tuition and fees and the institution's tuition refund policy
- file a claim against the Student Tuition Protection Fund
- receive information about participation requirements for any work experience component¹¹

The statement of rights can serve as a core document for students to learn about some of their basic rights as students of private training institutions.

The regulatory amendment will further require a certified institution to make the statement of rights available to students in every language in which an approved program is provided at a location, and to prominently display, at each location, the statement of rights in those languages.¹²

Finally, the amendment will require a certified institution to provide the student with a copy of the statement of rights in every language in which an approved program will be provided under the student enrolment contract.¹³

PTIB has posted on its website a sample statement of student rights and told us that it is committed to translating this statement into at least five languages that represent the top source countries for international students. The sample statement is intended to ensure that certified institutions comply with the regulatory requirements while also leaving some flexibility for institutions to further tailor statements to their specific contexts. PTIB has also told us that it intends to monitor compliance with the new statement of rights requirements as part of its regular oversight activities, including inspections.

PTIB's website provides a substantial amount of information for students, including about student complaints and PTIB's consumer protection and quality assurance role in regulating the private training institution sector.¹⁴ The sample statement of rights includes a link to this information on PTIB's website, which will help students access these resources.

We look forward to the amendment coming into force and to PTIB completing its development of the sample statement and translations. The statement of rights amendment to the *Private Training Regulation* and PTIB's supporting policy work, when completed as described above, will fully implement our recommendation.

¹⁰ Ministerial Order M184/2021.

¹¹ A student in an approval not required program cannot file a claim against the fund in respect of the program, and Class C language programs are not subject to work experience component compliance standards; *Private Training Regulation*, B.C. Reg. 153/2016, s. 25(3)(b) and 41.

¹² PTIB told our office that an institution may demonstrate the statement's posting in a prominent place in different ways. In the case of an institution that only offers a program online, this could be a website, an internal Moodle, or online support system, for example.

¹³ Another amendment to the *Private Training Regulation* requires that each certified institution include a statement in its student enrolment contracts for approved programs that the institution is certified by PTIB, that the institution must comply with regulatory requirements related to, among other things, student enrolment contracts, tuition refunds and instructor qualifications. The statement must also provide students with contact information for PTIB; *Private Training Regulation*, B.C. Reg. 153/2016, s. 24(6) as amended by Ministerial Order M184/2021.

¹⁴ Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, "Information for Students," <https://www.privatetraininginstitutions.gov.bc.ca/students>; Private Training Institutions Branch, Ministry of Advanced Education, Skills and Training, "Private Training Act Policy Manual – 2021 Regulatory Amendments – Annotated Version," May 2021, <https://www.privatetraininginstitutions.gov.bc.ca/sites/www.privatetraininginstitutions.gov.bc.ca/files/files/Private%20Training%20Act%20Policy%20Manual%20-%20Annotated%20Amendments.pdf>.

Effective monitoring and enforcement tools

All students, regardless of which post-secondary institution they choose to attend, should be confident that they will have adequate and appropriate equipment, that the institution and programs have received all the necessary approvals, and that courses will be taught by qualified instructors.

Although PTIB encourages students to be informed about the institution they are attending or considering to attend, questions about institutional compliance, industry recognition, instructor qualifications, and proper facilities and equipment should not be left solely to students to answer.¹⁵ An effective oversight system would require an institution to answer these questions before students ask. It is the responsibility of PTIB to confirm, through an active and effective monitoring process that includes site inspections as a primary monitoring tool, that private training institutions meet required standards.

Under the current legislation, PTIB is responsible for ensuring that only certified institutions provide career training programs, that these programs are only offered when approved, and that certified institutions are meeting basic education standards.¹⁶ Regular and effective monitoring of all institutions benefits students and protects the reputation of well-run private training institutions by identifying poorly-run institutions and requiring them to address concerns before students are negatively impacted.

In our investigation, we found that students benefited from government's oversight of private training institutions' activities. We

made recommendations to address the gaps in oversight that we found and to improve the ability of the oversight body to act when it identified problems with an institution's operations.

At the time of our previous update report, the ministry had implemented nine of the 18 recommendations we made related to monitoring and enforcement. The ministry has now implemented eight more of these recommendations, as described in the following sections.

Adequate staffing

In our 2015 report, we found that PCTIA did not have enough staff to adequately monitor private training institutions and ensure that they complied with all requirements and standards. We recommended that the ministry ensure that the oversight body demonstrate it has adequate staff to fulfil its oversight responsibilities (**Recommendation 15**).

Following the transition from PCTIA to PTIB, the ministry completed a staffing review and made a request for additional staff, which was approved. PTIB added several positions in 2019 to boost staffing across its team of compliance and enforcement officers, regulation administrators, and program application and review officers. The additional staffing fully implements our recommendation.

Non-certified institutions

In 2015, we made three recommendations to the ministry regarding oversight of what are now called non-certified institutions. All three of these recommendations have now been implemented.

¹⁵ Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, "Be an Informed Student," <https://www.privatetraininginstitutions.gov.bc.ca/students/be-an-informed-student>.

¹⁶ PTIB also decides whether an institution is eligible for designation and monitors existing designated institutions.

The *Private Training Act* prohibits a non-certified institution from providing, offering to provide, or granting a career training credential for a career training program.¹⁷

Despite this, there are still institutions that operate knowingly or unknowingly in contravention of the Act by not being certified. From a student protection perspective, certification with the oversight body is an essential first step. Student protection concerns arise when institutions operate without being certified because they are not required to meet basic education standards and are not subject to any oversight. Non-certified institutions pose further risks to students because students attending these institutions cannot file a claim for a tuition refund from the Student Tuition Protection Fund.¹⁸

A non-compliant, non-certified institution may be identified by a variety of stakeholders, including students, certified institutions, other regulatory bodies, or the federal or provincial governments.¹⁹ Having policies and procedures for dealing with non-certified institutions operating in potential contravention of the Act in a timely fashion promotes consistency and better protection for students.

We recommended that the ministry require that the oversight body have processes, with clear timelines, for identifying, tracking, and monitoring potentially non-compliant, non-certified institutions (**Recommendation 6**). We further recommended that the oversight body require a non-compliant, non-certified institution to become certified, take enforcement action and publish notice of the institution's status on

its website if it fails to comply within a certain deadline (**Recommendation 7**). Finally, we recommended the oversight body be required to directly notify students when a non-certified institution is contravening the Act and instruct students that they should not pay further fees until it is certified (**Recommendations 8**).

To accompany the progressive enforcement options in the *Private Training Act*, in April 2019 PTIB finalized policy and procedures for identifying, tracking, and monitoring non-compliant, non-certified institutions. The procedures guide staff on how to investigate and address potentially non-compliant institutions, including clearly defined timelines for tracking, monitoring, and enforcing non-compliance. These policies and procedures fully implement Recommendation 6.

Should PTIB find evidence to suggest an institution is non-compliant, PTIB will first seek voluntary compliance from the institution to begin the certification process. PTIB sends standard compliance letters to potentially non-compliant, non-certified institutions that include one-week deadlines for responding. The letters require an institution to begin the certification process and to immediately cease offering any program that requires approval until certified, or else to demonstrate that it does not require certification. PTIB can inspect the institution at any time, and can also issue and enforce compliance orders and administrative penalties according to defined timelines when it deems an institution non-compliant. PTIB may ultimately apply for a court injunction.²⁰

¹⁷ *Private Training Act*, S.B.C. 2015, c. 5, s. 2, 39 and 41-43; *Private Training Regulation*, B.C. Reg. 153/2016, s. 4; *Fees and Student Tuition Protection Fund Regulation*, B.C. Reg. 140/2016, s. 27 as amended by Order in Council No. 278, May 3, 2021. Institutions are required to re-certify annually, at which time PTIB determines whether the institution meets requirements for a certificate. There are two pathways to certification: registration and designation. PTIB monitors the compliance of all certified institutions.

¹⁸ *Private Training Act*, S.B.C. 2015, c. 5, s. 23.

¹⁹ We use the terms “non-compliance” and “non-compliant” in this section to refer to a non-certified institution that provides or offers to provide at least one Class A private career training program without being certified by the PTIB in accordance with the *Private Training Act*.

²⁰ *Private Training Act*, S.B.C. 2015, c. 5, s. 45.

As required by the *Private Training Act*, information about enforcement actions including compliance orders, administrative penalties, and injunctions is posted in the online, publicly accessible Private Training Institution Directory.²¹ PTIB may also post a notice on the homepage of its website if deemed in the public interest.²² The combination of short timelines for an institution to come into compliance and progressive enforcement measures available under the Act has satisfied us that PTIB can provide effective oversight and enforcement when necessary. We therefore consider Recommendation 7 implemented by other means.

PTIB requires any non-compliant institution to provide it with a contact list of all enrolled students. Upon receiving this information, PTIB contacts the students to notify them that the institution is contravening the Act. PTIB then considers whether, in the interest of protecting students, it should direct them to not pay any further fees until the institution is certified. PTIB explained to us that there may be circumstances, such as when an institution is working to become certified, where directing students to stop paying fees would not be appropriate. Although there is no regulatory requirement to contact students, we consider PTIB's approach to assessing whether contacting students in the circumstances is reasonable and have concluded that Recommendation 8 is implemented by other means.

Site inspections

To adequately protect students, any problem with an institution's facilities, equipment or

teaching resources should be addressed before students are in attendance. The best way for an oversight body to ensure this happens is by conducting a site inspection as part of an institution's first-time certification and program approval process. The site inspection allows the oversight body to provide in-person information about its role to the operator and staff, as well as to determine whether there are any deficiencies and to require the institution to address them before operations begin.

We made six recommendations in 2015 about how the ministry could improve its oversight of private training institutions through site inspections.²³ Three of those recommendations had been implemented at the time of our last monitoring report. All recommendations in this area have now been implemented.

We recommended that the oversight body conduct pre-certification site inspections before approving a certification application; use an effective evaluation tool during pre-certification site inspections to assess facilities, equipment and resources; and develop a reliable process to track pre-certification site inspections and their results (**Recommendation 9**).

Although PTIB conducts pre-certification inspections of all locations from which programs will be offered, it is not currently required by regulation to do so.²⁴ However, an amendment to the *Private Training Regulation* that will come into effect on September 1, 2021, requires PTIB to inspect the equipment

²¹ *Private Training Act*, S.B.C. 2015, c. 5, s. 17; Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, "Private Training Institution Directory," <https://www.privateinstitutions.gov.bc.ca/students/pti-directory>.

²² See the "Notices" column on PTIB's homepage: Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, "Private Training Institutions Branch," <https://www.privateinstitutions.gov.bc.ca/>.

²³ PTIB uses the term "site inspection" rather than "site visit" as we used in our original report.

²⁴ Inspections of all program locations are also performed with respect to PTIB's responsibilities under section 7(3) of the *Private Training Act*; *Private Training Act*, S.B.C. 2015, c. 5, s. 7(3); Private Training Institutions Branch, Ministry of Advanced Education, Skills and Training, "When to Conduct Inspections Policy," December 28, 2018, 2.

²⁵ *Private Training Regulation*, B.C. Reg. 153/2016, s. 14 as amended by Ministerial Order M184/2021.

and facilities the institution plans to use to provide a program that requires approval.²⁵

In addition, PTIB uses pre-inspection procedures, tracking lists, an inspection schedule spreadsheet, and a pre-certification inspection report template to inspect institutions at the pre-certification stage.²⁶ We have reviewed the procedures and tools and are satisfied that they allow PTIB to identify and address any significant issues that may arise.

The planned regulatory amendment and accompanying procedures and tools PTIB uses to manage pre-certification site inspections fully implement Recommendation 9. We also note that PTIB has been conducting all site inspections virtually since Spring 2020 as part of its COVID-19 pandemic response; this temporary shift does not affect our assessment of the recommendation as fully implemented.

We further recommended in 2015 that the oversight body make information about recent and upcoming post-certification site inspections readily available to the public on its website (**Recommendation 18**). Such information provides transparency and public confidence in oversight.

In addition, public information regarding past and future inspections by the oversight body can raise awareness amongst students and other stakeholders about monitoring activities so that they can more meaningfully engage in such activities.

PTIB maintains an online list of recent and upcoming site inspections on its website with links to information about PTIB's complaints process and enforcement actions against institutions.²⁷

Although PTIB does not publish the results of its site inspections online, it does publish any enforcement action that results from an inspection or any of its other compliance processes. PTIB told us that often an inspection is merely the first step in a compliance process and that, in its view, publishing inspection reports would not be fair to the institutions (which may be addressing the compliance matter identified) and may mislead the public. This is a reasonable approach and we consider that PTIB's publication of a list of inspections implements our recommendation by other means.

Finally, we recommended in 2015 that the oversight body ensure that a process is in place to notify students of site inspections and encourage them to participate (**Recommendation 20**). In making this recommendation, we recognized that meeting with students during site inspections is a valuable part of the monitoring process as it provides the oversight body an opportunity to hear and respond to students directly.

Since our report was released, PTIB has relied on institutions to inform their students of upcoming site inspections and the opportunity to provide feedback. PTIB does this because

²⁶ Private Training Institutions Branch, Ministry of Advanced Education, Skills and Training, "PTIB Procedures – Pre-Inspection Preparation," 12 September 2017; Private Training Institutions Branch, Ministry of Advanced Education, Skills and Training, "Institution Report (Pre-Certification)"; Private Training Institutions Branch, Ministry of Advanced Education, Skills and Training, "Application for Registration or Designation (new institution)," January 8, 2018.

²⁷ PTIB's Private Training Institutions Directory provides the certificate expiry date for each institution under the institution's contact details. PTIB posts compliance and enforcement action "Notices" arising from inspections and deemed to be in the public interest and crucial to student protection online, and has recently added an "Enforcement Actions" section to its homepage as well; Private Training Institutions Branch, Ministry of Advanced Education, Skills and Training, "Recent and Upcoming Inspections," <https://www.privatetraininginstitutions.gov.bc.ca/inspections>; Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, "Private Training Institution Directory," <https://www.privatetraininginstitutions.gov.bc.ca/students/pti-directory>; Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, "Private Training Institutions Branch," <https://www.privatetraininginstitutions.gov.bc.ca/>.

it does not have real-time access to student contact information.

However, an amendment to the *Private Training Regulation* which is planned to come into effect on September 1, 2021, will better facilitate PTIB meeting with students by requiring certified institutions to notify students of a scheduled site inspection.²⁸ The notice must be posted in a prominent place at the location where the inspection is to be conducted within 24 hours of the institution receiving notification from PTIB of the inspection. The notice must also contain the date, time and location of the inspection and PTIB's website address.

PTIB plans to check institutions' compliance with the new regulatory requirements through student interviews and site inspections, as well as by requiring institutions to provide copies of the notification emails they send to students. PTIB already provides inspection notices to institutions and instructs them to post those notices on-site.²⁹ The notice explains that PTIB inspector(s) will meet with students and instructors during the site inspection, and provides PTIB's contact details. PTIB's inspection checklist reminds inspectors to confirm whether institutions have posted the notice.

Although PTIB will not directly notify students of certified private training institutions of its scheduled site inspections, the steps taken as described above are sufficient to implement Recommendation 20 by other means.

Program approval

Some private training institutions offer programs leading to certification in occupations that are also regulated by a

federal regulator, health regulatory body, or other provincial statutory regulatory body. Such regulators require an individual to hold membership, accreditation, licensing or registration to be authorized to work in a career occupation they regulate. In carrying out this role, regulators may establish the minimum educational requirements that applicants must demonstrate before being licensed to practice, approve programs, and/or maintain a list of programs that satisfy their requirements.

It is essential that the programs offered by institutions obtain and maintain any required approval of the regulator when the program is advertised and designed to lead to qualification for employment in a regulated occupation or profession. Failure by the private training institutions oversight body to ensure that programs have this external approval at the outset, and on an ongoing basis, could jeopardize students' ability to work in their chosen fields after completing their education and training.

We recommended in 2015 that the ministry establish a regulatory requirement for the private training institutions oversight body to publish an accurate and up-to-date list of all programs regulated by a regulator and the institutions that offer those programs; communicate directly with any relevant regulator for the purpose of confirming the regulator's approval of the program before itself approving the program; annually review all programs requiring approval by a regulator to ensure institutions maintain regulator approvals and are providing students with accurate and up-to-date information on regulator requirements; and suspend program approval and immediately and directly notify

²⁸ *Private Training Regulation*, B.C. Reg. 153/2016, s. 17 as amended by Ministerial Order M184/2021.

²⁹ Private Training Institutions Branch, Ministry of Advanced Education, Skills and Training, "PTIB Procedures – Pre-Inspection Preparation," September 12, 2017; Private Training Institutions Branch, Ministry of Advanced Education, Skills and Training, "PTIB Procedures – Notifying Institutions of An Upcoming Compliance Inspection," December 20, 2018; Private Training Institutions Branch, Ministry of Advanced Education, Skills and Training, "Inspection Notice."

all students of this decision if an institution has not maintained program approval from a regulator as required (**Recommendation 14**).

In response to our recommendation, PTIB has made changes to its website, policies and practices.

PTIB has added information and links on its website for students regarding regulators of career occupations and other career governing bodies that may set requirements for working in specific occupations.³⁰ PTIB's website advises students to review the requirements set by the regulator to practice the career occupation in B.C. before enrolling in a program. A list of each certified institution's programs is provided by PTIB in the "Private Training Institution Directory."³¹

An institution applying to have certain programs approved by PTIB must indicate whether the program leads to employment in a career occupation regulated by a regulator and, if so, the name of the regulator.³² If the program is regulated, the institution must include documentary evidence to demonstrate the regulator's approval of the program.³³ PTIB has procedures, guidelines and checklists related to approval processes for such programs to confirm regulator approval.

We conducted a series of interviews with regulators of career occupations as part of our monitoring of the implementation of this recommendation. These interviews confirmed that PTIB cooperates closely with regulators during the program approval process. Regulators told us that they inform PTIB when they receive applications for program approval from private training institutions.

PTIB confirms regulator approval prior to issuing its final approval of a program by checking the regulator's online list of approved programs, contacting the regulator directly, or as part of a cooperative, streamlined program approval process with the regulator.

Certified institutions are required by regulation to maintain evidence that they meet the regulator's requirements in relation to programs leading to employment in a regulated career occupation.³⁴ PTIB told us that certified institutions are required to report to it if a program requiring approval by a regulator loses that approval.³⁵ PTIB monitors compliance with these requirements during annual re-certification desk audits, as well as during inspections and reviews.

The interviews we conducted also confirmed that regulators actively inform PTIB of program compliance issues that come to their attention

³⁰ Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, "Career Occupations and Other Regulators," <https://www.privatetraininginstitutions.gov.bc.ca/students/career-occupations-other-regulators>.

³¹ Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, "Private Training Institution Directory," <https://www.privatetraininginstitutions.gov.bc.ca/students/pti-directory>.

³² Private Training Regulation, B.C. Reg. 153/2016, s. 13(1)(n).

³³ Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, "PTA New Program Review Checklist," October 24, 2018; Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, "Institution Application Form," 3, 9 https://www.privatetraininginstitutions.gov.bc.ca/sites/www.privatetraininginstitutions.gov.bc.ca/files/files/Institution_application.pdf.

³⁴ *Private Training Regulation*, B.C. Reg. 153/2016, s. 18(2)(l).

³⁵ Certified institutions must inform PTIB of program changes that might adversely affect a student. For a change to a program requiring notice and consent, PTIB confirms whether the program is regulated and, if so, whether any applicable regulator approval has been provided with respect to the program change. Institutions must store and provide PTIB with a copy of any correspondence from the regulator that requires the institution to take any action that may reasonably be expected to have an adverse effect on students; *Private Training Regulation*, B.C. Reg. 153/2016, s. 55(1)(e).

and if they suspend or revoke a program's approval. PTIB may conduct a compliance inspection on any private training institution at any time, including if notice has been issued by a regulator related to compliance or program approval.³⁶

PTIB can issue a compliance order, administrative penalties or, in urgent cases, suspend or cancel the institution's certificate if a program loses the regulator's approval.³⁷ PTIB informed our office that suspensions are rare and are posted publicly on the PTIB website when they do occur. PTIB would advise students directly of a suspension if it concerns an issue that may impact the delivery or outcome of a program.

We are satisfied that PTIB's process, while not embedded in regulation, is sufficiently robust to address the concern that prompted our recommendation. As a result, we consider Recommendation 14 to be implemented by other means.

Complaints processes

General complaints

Safe, accessible, timely, and effective complaints processes offer both students and institutions the opportunity to resolve complaints about issues affecting the quality of students' education. Students should feel confident that they can make a complaint without it negatively affecting their education. Moreover, complaints to an oversight body may bring to light broader issues of non-compliance and can support students in

resolving issues they have not been able to address with their institution.

We made recommendations to improve oversight of institutions' complaints processes and the private training institution oversight body's own complaints processes. Of the 13 recommendations we made in this area, six had been implemented as of our last update report and two partially implemented. The ministry has now implemented six more recommendations in this area, including the two partially implemented recommendations.

We recommended that the oversight body be required to implement a concise, plain-language student claim form; take steps to assist students who may face challenges in making a complaint; provide accurate information online and in claims forms about the complaints process with information about the role of our office; and inform students that they will not be subject to any retaliation as a result of their complaint (**Recommendation 31**).

While we previously reported all other parts of Recommendation 31 as being fully implemented at the time of our previous update report, we remained concerned about the absence of a clear anti-retaliation requirement.

An amendment to the *Private Training Regulation* that will come into effect on September 1, 2021, requires certified institutions to inform students that they are protected against retaliation by the institution

³⁶ Private Training Institutions Branch, Ministry of Advanced Education, Skills and Training, "When to Conduct Inspections Policy," December 28, 2018, 3.

³⁷ While suspended, an institution must not advertise, contract with or enrol new students at any location for which a certificate is suspended. Current students may continue their studies. PTIB's compliance processes are student-centred, seeking to ensure that enforcement action such as suspension or cancellation has as little negative impact on students as possible; Private Training Institutions Branch, Ministry of Advanced Education, Skills and Training, "Private Training Act Policy Manual – 2021 Regulatory Amendments – Annotated Version," May 2021, 53, <https://www.privatetraininginstitutions.gov.bc.ca/sites/www.privatetraininginstitutions.gov.bc.ca/files/files/Private%20Training%20Act%20Policy%20Manual%20-%20Annotated%20Amendments.pdf>.

as a result of making or being involved in a complaint against the institution.³⁸ This protection against retaliation was not previously provided in regulation.

PTIB told our office that the intent of the amendment is to extend anti-retaliation protection to the full scope of a student's complaint, from dealing with an institution's dispute resolution process to making a complaint to PTIB. PTIB has revised the language in its sample dispute resolution policy to reflect that intent.³⁹

This regulatory amendment fully implements Recommendation 31.

We further recommended that the ministry allow for a student to make a general complaint to the oversight body when an institution is not following its own stated policies and procedures, or is not complying with quality standards or other requirements. Moreover, we recommended the oversight body develop and implement a process for receiving, investigating, and responding to such complaints (**Recommendation 27 and 28**).

PTIB has addressed our recommendations through updated policies and procedures, and online information.

PTIB confirms on its website that anyone can make a general complaint against a private training institution in B.C.⁴⁰ A complainant may be a student, an institution staff member, a third-party funder or any other stakeholder.

Complainants may report a non-certified institution that appears to be providing a program that requires approval, or concerns that a certified institution is not operating in compliance with the Act, regulations or other requirements. PTIB explains on its website that general complaints do not include any complaints leading to claims on the Student Tuition Protection Fund, and that it will not provide complainants an update on any resulting investigation. PTIB's website also provides contact information for the PTIB student claims officer who receives complaints, and the Office of the Ombudsperson.

PTIB follows defined procedures for receiving and handling general complaints, and tracks student complaints with the support of a student support case log.⁴¹

General complaints may lead to compliance and enforcement action by PTIB, but do not lead to claims on the Student Tuition Protection Fund. General complaints may also be referred to other relevant bodies if they fall outside PTIB's authority or mandate.

Based on the steps the ministry has taken to establish a process for students to make complaints about compliance, we are satisfied that Recommendations 27 and 28 are implemented by other means.

³⁸ Private Training Regulation, B.C. Reg. 153/2016, s. 62 as amended by Ministerial Order M184/2021.

³⁹ Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, "Dispute Resolution Policy – Sample," <https://www.privatetraininginstitutions.gov.bc.ca/sites/www.privatetraininginstitutions.gov.bc.ca/files/files/DisputeResolutionPolicy-Sample.docx>.

⁴⁰ PTIB provides information about quality standards and requirements for institutions on its website relevant to making a complaint; Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, "General Complaints and Tuition Refund Claims," <https://www.privatetraininginstitutions.gov.bc.ca/students/complaints-tuition-protection-claims>; Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, "Information for Students," <https://www.privatetraininginstitutions.gov.bc.ca/students>.

⁴¹ Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, "PTIB Procedures – General Complaints," 12 April 2019.

Tuition refund claims

Claims from students at unregistered institutions

Students who are misled by an institution can make a claim to have their tuition refunded from the Student Training Completion Fund. We found in our report that students who were currently attending or had attended unregistered institutions that subsequently registered with PCTIA could not make a claim against the fund.

We recommended in 2015 the ministry establish in legislation that students who attend unregistered institutions that are subsequently registered are eligible to apply for and receive a tuition refund on the same basis as students enrolled in registered institutions (**Recommendation 30**).

We last reported this recommendation as not implemented.⁴² We did so because we had understood from PTIB that students were only able to apply for a tuition refund if they attended a certified institution. It subsequently became apparent to us that PTIB's interpretation of our recommendation was different than what we intended.

We explained that our recommendation concerned the issue of ensuring that when a non-certified institution becomes certified, students of that institution have the right to file a claim on the fund in relation to being misled.

The concerns that led to our recommendation have been mitigated by PTIB's improved framework for approving programs and for bringing non-compliant, non-certified institutions into compliance. PTIB has also now confirmed that where a non-

certified institution becomes certified, the students enrolled in approved programs at that institution are covered by the Student Tuition Protection Fund on the same basis as students enrolled in institutions that continuously held a certificate. As long as a student's claim relates to their enrolment in an approved program of a certified institution, the trustee is authorized as adjudicator of the fund and based on the circumstances to exercise discretion in terms of receiving, handling and deciding the claim.⁴³

Based on this information, we have assessed this recommendation as implemented by other means.

Oral hearings

According to PCTIA bylaw, the student tuition refund process was a primarily written process between PCTIA, the student, and the institution to which the claim related.⁴⁴ The nature of the decision being made, in some cases a tuition refund request of tens of thousands of dollars, raised questions about whether this process afforded students an adequate opportunity to be heard.

Oral hearings can allow a student or institution to draw attention to particular issues and the decision-maker to ask questions to test and assess the credibility and reliability of the information being presented. For example, determining whether a verbal promise was made is one of a number of areas where the decision-maker may have to decide whether a student is truthful and credible. While not always required, an oral hearing is often an important part of determining a claim's credibility.⁴⁵

⁴² Office of the Ombudsperson, *Systemic Investigation Update: In the Public Interest: Protecting Students through Effective Oversight of Private Career Training Institutions*, September 26, 2018, 16, https://bcombudsperson.ca/investigative_report/in-the-public-interest-protecting-students-through-effective-oversight-of-private-career-training-institutions/.

⁴³ There is, however, a firm one-year deadline for filing a claim, discussed further below, in relation to which the trustee cannot grant an extension: *Private Training Act*, S.B.C. 2015, c. 5, s. 21 and 23-25.

⁴⁴ Private Career Training Institutions Agency, revised bylaw, June 19, 2014, Part I, s. 44.16.

⁴⁵ An oral hearing does not need to be in-person, and can instead occur via conference call or videoconference.

We recommended the ministry establish in regulation the situations in which a student or institution has a right to an oral hearing of a complaint to the oversight body; that a student or institution may request an oral hearing in relation to any complaint being dealt with by the oversight body; and that if a request for an oral hearing is denied, the oversight body provides written reasons (**Recommendation 33**).

Our assessment of this recommendation as “not implemented” in our previous update report was based on the fact that the right to an oral hearing had not been established in legislation or regulation.⁴⁶

Under the *Private Training Act*, claims on the fund are adjudicated by the trustee.⁴⁷ The tuition refund claims process continues to be primarily a written one. PTIB reviews student claims and related information and records as well as institutions’ responses to claims, and prepares factual briefings and decision recommendations for the trustee to consider. In adjudicating a claim against the fund, the trustee has discretion to hold an oral hearing.

Our further discussions with PTIB have confirmed our expectation that the trustee will fully exercise their discretion under the Act to hold an oral hearing where appropriate to properly decide claims. Although the former Act and bylaws afforded the PCTIA board similar discretionary authority to that of the trustee under the current Act, the board could not be considered impartial as the majority of its members were representatives of private training institutions.⁴⁸ The question of who is exercising this discretionary power is relevant to our assessment of our recommendation’s

implementation. Because the trustee is impartial with respect to receiving and deciding claims against the fund, has clear discretion to hold an oral hearing if appropriate, and can be expected to exercise that discretion reasonably, we consider our recommendation to be implemented by other means.

Deadlines for filing claims

The PCTIA board established a six-month limitation period for requesting a tuition refund in cases where a student was misled.⁴⁹ If the board determined a complainant knew or should have known that they had been misled more than six months before making a complaint to PCTIA, the complaint was dismissed. Students were not provided the opportunity to explain why, if the event had occurred more than six months ago, the student did not know at that time that they were being misled. This was the case even when the evidence clearly demonstrated the student had, in fact, been misled.

Our office received and investigated cases in which PCTIA dismissed, based on a strict time limit, otherwise valid complaints. In the cases we reviewed, PCTIA did not dispute that students had been misled by their institution. For various reasons, however, students did not file their complaints within the six-month time limit. We found that the six-month time limit, given the way it was applied, arbitrarily and unfairly restricted student access to the complaints process.

We recommended the ministry establish in regulation reasonable time limits for filing complaints with the oversight body

⁴⁶ Office of the Ombudsperson, *Systemic Investigation Update: In the Public Interest: Protecting Students through Effective Oversight of Private Career Training Institutions*, September 26, 2018, 17, https://bcombudsperson.ca/investigative_report/in-the-public-interest-protecting-students-through-effective-oversight-of-private-career-training-institutions/.

⁴⁷ As of May 2021, the trustee position is filled by the Executive Lead of Governance, Legislation and Corporate Planning Division of Ministry of Advanced Education and Skills Training.

⁴⁸ *Private Career Training Institutions Act*, S.B.C. 2003, c. 79, s. 13(3), 16(2)(b) and (c) a 16(3); *Private Career Training Institutions Regulation*, B.C. Reg. 466/2004, s. 8(2).

⁴⁹ Private Career Training Institutions Agency, revised bylaw, June 19, 2014, Part I, s. 44.7.

and for submitting supporting documents; that the oversight body may, in appropriate circumstances, accept complaints or supporting documents filed after any applicable time limits; and that students have the opportunity, where appropriate, to explain why their complaint and/or supporting documents should be accepted even if submitted outside the applicable time limits (**Recommendation 34**).

The *Private Training Act* gives a student one year from the time they completed a program, were dismissed or withdrew to file a claim against the fund on the basis of being misled.⁵⁰

At the time of our previous update report, we concluded that Recommendation 34 had been partially implemented. The limitation period in the *Private Training Act* can be connected to a reasonable, easily determinable, objective standard that provides certainty for students and institutions. Moreover, the trustee has discretion to extend deadlines for parts of the claims process at the request of the student or the institution or on the trustee's own initiative.⁵¹

We remained concerned, however, that the lack of discretion in the legislation to extend deadlines for submitting claims against the fund and supporting documentation beyond the one-year deadline, together with the requirement that a student must first exhaust

the institution's dispute resolution process before making a claim against the fund, could prevent some students from making an otherwise legitimate claim.⁵²

PTIB has also now provided information online for students to better explain its formal claims process with respect to a tuition refund claim on the basis of being misled and the requirement to first exhaust an institution's dispute resolution process. PTIB states that a student should contact it for guidance if the student is unable to exhaust the dispute resolution policy with an institution due to lack of response or delays, and explains that claims may be accepted without a student exhausting the dispute resolution process under certain circumstances.⁵³

Amendments to the *Private Training Regulation* planned to come into effect on September 1, 2021, will also shorten the timeframe within which an institution must provide a student with a written decision and potential reconsideration regarding their complaint from 45 to 30 days.⁵⁴ These amendments also require an institution to identify for students the individuals responsible in the dispute resolution process for handling any reconsideration of complaints. Together with the information PTIB provides online, these changes offer greater clarity and stronger timelines for determining when an institution's dispute resolution process is exhausted and therefore improve a student's

⁵⁰ The one-year deadline in relation to being misled is tied to the date the student completed, withdrew or was dismissed from the approved program; *Private Training Act*, S.B.C. 2015, c. 5, s. 23; *Private Training Regulation*, B.C. Reg. 153/2016, s. 25(3)(b); *Fees and Student Tuition Protection Fund Regulation*, B.C. Reg. 140/2016, s. 21 as amended by Order in Council No. 278, May 3, 2021;

⁵¹ *Fees and Student Tuition Protection Fund Regulation*, B.C. Reg. 140/2016, s. 22(3) and 23(6) as amended by Order in Council No. 278, May 3, 2021.

⁵² *Private Training Act*, S.B.C. 2015, c. 5, s. 23(4).

⁵³ Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, "General Complaints and Tuition Refund Claims," <https://www.privatetraininginstitutions.gov.bc.ca/students/complaints-tuition-protection-claims>.

⁵⁴ *Private Training Regulation*, B.C. Reg. 153/2016, s. 62 as amended by Ministerial Order M184/2021.

ability to file a claim on the fund in a timely way.

PTIB has also revised the language of its sample dispute resolution policy for institutions to clearly note the one-year deadline for filing a claim on the basis of being misled.⁵⁵ To inform future policy decisions, PTIB also told

us that it intends to start tracking the number of claims that might have gone to the trustee but for the one-year deadline on filing a claim.

Despite not all being established in regulation, these changes are reasonable and implement our recommendation by other means.

⁵⁵ Private Training Institutions Branch, Ministry of Advanced Education and Skills Training, "Dispute Resolution Policy – Sample," <https://www.privatetraininginstitutions.gov.bc.ca/sites/www.privatetraininginstitutions.gov.bc.ca/files/files/DisputeResolutionPolicy-Sample.docx>.

REMAINING IMPLEMENTATION WORK

The ministry's implementation of 34 of the 36 recommendations we made has improved the oversight of private training institutions in B.C.

The two outstanding recommendations concern public reporting about student outcomes and resolving outstanding issues related to past complaints.

Public reporting

Information about post-graduation student employment outcomes is an important indicator of all institutions' quality of education that can and should be used by the oversight body to ensure student protection and compliance with quality standards.

We recommended the ministry require the oversight body to track and report publicly on student employment outcomes post-graduation; student and graduate satisfaction surveys; third-party professional or licensing examination results; and industry or employer feedback from all private training institutions (**Recommendation 16**). We made this recommendation intending that students could use this information to inform their decision about which institution to attend.

Currently, PTIB uses reporting from institutions to monitor the quality of education provided by private training institutions and student employment outcomes.

All certified institutions must submit student data reports to PTIB for each student who was enrolled in or completed an approved program during the institution's previous fiscal year.⁵⁶ The information reported to PTIB includes the student's contact information, and

whether and when the student withdrew, was dismissed or granted a credential.

In addition, certain institutions are required to use their best efforts to report student-level employment outcomes to PTIB in relation to certain approved programs.⁵⁷ The fact that not all institutions are required to report this data means that PTIB has an incomplete view of these institutions' success in preparing students for future employment.

Moreover, PTIB has told our office that it does not intend to publish the student employment outcome data it does receive because it is self-reported by institutions and PTIB has no way of validating it.

We appreciate the challenges PTIB faces in terms of ensuring the quality of the student data it receives and the problem these challenges present to the question of publishing such data.

We encourage the ministry to further consider establishing a requirement for all certified institutions to report student outcomes, and PTIB to continue to look for opportunities to report such outcomes publicly. The ministry has told us that it also "recognizes the importance of public reporting on student employment outcomes" and is looking at options to collect information in a way that would meet the recommendation.

Ex gratia payments

We found that the six-month time limit the PCTIA board had established⁵⁸ for requesting a tuition refund in cases where a student was

⁵⁶ *Private Training Regulation*, B.C. Reg. 153/2016, s. 53 as amended by Ministerial Order M184/2021.

⁵⁷ *Private Training Regulation*, B.C. Reg. 153/2016, s. 54 as amended by Ministerial Order M184/2021; PTIB neither conducts, tracks, nor reports student and graduate satisfaction surveys.

⁵⁸ Private Career Training Institutions Agency, revised bylaw, June 19, 2014, Part I, s. 44.7.

misled arbitrarily and unfairly restricted student access to the complaints process.

We recommended the ministry review those tuition refund requests dismissed by PCTIA since the 2009/10 fiscal year because they were filed outside the six-month time limit and determine which of these students would be entitled to a tuition refund if not for the six-month time limit and issue a refund to these students (**Recommendation 35**).

The ministry did not accept our recommendation and has taken no steps towards implementing it since we issued our

original report. The ministry states that it is beyond its statutory authority to make *ex gratia* payments.

While we appreciate that the ministry may not have legal authority to retroactively change the time limit for making claims, in our view this does not prevent it from conducting a review of the relevant claims and considering whether *ex gratia* payments would be warranted. We are disappointed that the ministry has not taken steps to implement this recommendation and strongly encourage it to further consider how it might do so.

CONCLUSION

The ministry's successful implementation of the vast majority of our recommendations from *In the Public Interest* has helped establish an improved oversight framework for the regulation of private training institutions in B.C.

We have now ended our formal recommendations-monitoring process for this report.

However, we remain interested in the ministry's oversight of private training institutions and student protection mandate, and we encourage the ministry to fully implement our outstanding recommendations and resolve the persistent challenges we identified above. We will continue to receive and investigate individual complaints from the public regarding the ministry's oversight of private training institutions and, where appropriate, will endeavour to resolve those complaints with the ministry.

We wish once again to acknowledge the ongoing work by public servants in the

Private Training Institutions Branch of the ministry who, over the more than six years of monitoring by our office, have provided information and engaged in discussions with our office about implementation. The complexity of the legislative and regulatory environment for private training institutions makes it challenging to bring about systemic change in the sector. The changes that we have observed would not have occurred without the efforts of dedicated public servants.

Further details about our investigation and recommendations can be found [on our website](#).

RECOMMENDATIONS SUMMARY

R1	The Ministry of Advanced Education require in legislation that any governing or advisory body has balanced representation from institutions, students, other stakeholders and the public.	Implemented by other means
R2	<p>The Ministry of Advanced Education:</p> <ul style="list-style-type: none"> a. develop a student bill of rights that reflects in plain language the protections provided to students at private career training institutions including the student complaints process, tuition refunds and quality assurance standards b. translate the student bill of rights into those languages spoken by a significant number of international students attending private career training institutions c. require the private career training institutions oversight body to publish the bill of rights and all translated versions on its website d. require private career training institutions to provide to students, and attach as part of the enrolment contract, the student bill of rights in English and any other applicable language it has been translated into e. require private career training institutions to keep a copy of the student bill of rights in a visible location on each campus 	Fully implemented
R3	The Ministry of Advanced Education establish in regulation that private career training institutions are responsible for all representations made to current or prospective students by or on behalf of the institutions, including representations made outside Canada or in languages other than English.	Fully implemented
R4	The Ministry of Advanced Education require all private career training institutions to publish their current internal policies and tuition fee information on their websites.	Implemented by other means
R5	<p>The Ministry of Advanced Education:</p> <ul style="list-style-type: none"> a. develop a document for each program offered by private career training institutions, which provides relevant information about that program and any credential that will be obtained by students who enrol in that program b. translate each document into those languages spoken by a significant number of international students c. require private career training institutions to provide the document to students enrolling in a program in English and any other applicable language the document has been translated into d. require private career training institutions to attach the document as part of the enrolment contract 	Implemented by other means

R6	The Ministry of Advanced Education require that the private career training institutions oversight body develop and implement a clear, written policy and procedures for identifying, tracking and monitoring unregistered institutions that the body believes may be providing or offering to provide private career training or instruction contrary to the relevant legislation.	Fully implemented
R7	The Ministry of Advanced Education establish in regulation that: <ul style="list-style-type: none"> a. when the private career training institutions oversight body determines that an unregistered institution needs to be registered, it immediately require that institution to begin the registration process b. if an institution does not begin the registration process within 30 days of the oversight body determining that an unregistered institution needs to be registered: <ul style="list-style-type: none"> i. the oversight body must immediately seek an injunction to stop the institution from operating ii. the oversight body must publish a notice on its website identifying the institution and its unregistered status 	Implemented by other means
R8	The Ministry of Advanced Education establish in regulation that the private career training institution oversight body, once it determines that an unregistered institution needs to be registered, immediately and directly notifies students that the institution is unregistered and that students should pay no further fees until it is registered.	Implemented by other means
R9	The Ministry of Advanced Education establish in regulation that the private career training institutions oversight body: <ul style="list-style-type: none"> a. conducts a site visit to each institution applying for registration before that institution's application is approved b. uses an evaluation tool during pre-registration site visits that allows for an effective assessment of facilities, equipment and resources, and that assists in the evaluation of an institution's registration application c. develops a reliable process to track pre-registration site visits and their results and identify any that have not occurred 	Fully implemented
R10	The Ministry of Advanced Education establish in regulation that the private career training institutions oversight body conducts a site visit to all institutions within six months of registration for the purpose of completing a comprehensive review of operations.	Implemented by other means
R11	The Ministry of Advanced Education establish in regulation that the private career training institutions oversight body is responsible for determining whether an institution has complied with basic education standards and, where applicable, the accreditation standards, even where an institution has been assessed by an outside agency.	Implemented by other means

R12	<p>The Ministry of Advanced Education establish in regulation:</p> <ol style="list-style-type: none"> the circumstances in which a proposed program must be reviewed by an external subject matter expert before the private career training institutions oversight body can give its approval that the private career training institutions oversight body develop and implement policy directives that set out program approval criteria for program or vocation areas, including any requirements established by other governing bodies 	Implemented by other means
R13	<p>The Ministry of Advanced Education review, expand and establish in regulation the program changes requiring prior approval from the private career training institutions oversight body to establish clear, non-discretionary standards for institutions to report and obtain approval for all program changes that directly affect students.</p>	Fully implemented
R14	<p>The Ministry of Advanced Education establish in regulation that the private career training institutions oversight body:</p> <ol style="list-style-type: none"> develop and maintain an accurate and up-to-date list of all programs regulated by a governing body and the institutions that offer those programs, and make that list publicly available before approving a program, communicate directly with any relevant governing body for the purpose of confirming the governing body's approval of the program review all programs requiring approval by a governing body annually to ensure institutions maintain governing body approvals and are providing students with accurate and up-to- date information on governing body requirements suspend program approval and immediately and directly notify all students of this decision if an institution has not maintained program approval from a governing body 	Implemented by other means
R15	<p>The Ministry of Advanced Education ensure that the private career training institutions oversight body demonstrates it has adequate staff to fulfill its oversight responsibilities.</p>	Fully implemented
R16	<p>The Ministry of Advanced Education require the private career training institutions oversight body to track and report publicly on student employment outcomes post-graduation, student graduate satisfaction surveys, third-party professional or licensing examination results and industry or employer feedback from all private career training institutions.</p>	Ongoing
R17	<p>The Ministry of Advanced Education establish in regulation that the private career training institutions oversight body conduct a comprehensive site visit to each private career training institution at least once a year.</p>	Implemented by other means

R18	<p>The Ministry of Advanced Education require that the private career training institutions oversight body publish on its website:</p> <ol style="list-style-type: none"> the dates and a summary of the results of each of its site visits to each institution for the past five years the date of its next scheduled visit to each institution the date of its next scheduled accreditation review for each accredited institution 	Implemented by other means
R19	<p>The Ministry of Advanced Education:</p> <ol style="list-style-type: none"> establish in legislation that the private career training institution oversight body has the right to contact students at a private career training institution at any time, including as part of the oversight body's site visit to an institution require the private career training institutions oversight body to include a meeting with students as part of all site visits 	Implemented by other means
R20	<p>The Ministry of Advanced Education require the private career training institutions oversight body to develop and implement a process to directly notify students of upcoming site visits to an institution and encourage students to contact the oversight body during a site visit.</p>	Implemented by other means
R21	<p>The Ministry of Advanced Education expand in legislation and regulation the enforcement options available to the private career training institutions oversight body by creating a system of administrative penalties that can be progressively applied to persons and institutions, including unregistered institutions, which do not comply with applicable legislative, regulatory and policy requirements.</p>	Fully implemented
R22	<p>The Ministry of Advanced Education require the private career training institutions oversight body to:</p> <ol style="list-style-type: none"> publish all enforcement decisions on its website, including the reasons for the decision clearly describe any impact each enforcement decision may have on students and publish this on its website maintain enforcement decisions, reasons and descriptions of the decisions' impact on students on its website indefinitely 	Fully implemented
R23	<p>The Ministry of Advanced Education require the private career training institutions oversight body to immediately and directly notify all current students of any decision to suspend or cancel an institution's registration or accreditation and provide students with:</p> <ol style="list-style-type: none"> in the case of a decision to cancel registration, a written explanation of how students can seek a tuition refund and pursue any teach-out options in the case of a decision to suspend registration or to suspend or cancel accreditation, a written explanation of how this decision will affect students 	Fully implemented

R24	<p>The Ministry of Advanced Education establish in regulation that all private career training institutions develop and implement a student complaint resolution policy and that the institution policy includes, at a minimum:</p> <ul style="list-style-type: none"> a. reasonable time frames for responding to all complaints b. that institutions provide students an opportunity to be heard before a decision is made c. that institutions provide students with a written decision and reasons on the outcome of their complaint d. that students be informed in writing of their options if they are not satisfied with the institution's complaint resolution process or response to their complaint e. that students be provided written confirmation that they will not be subject to any retaliation as a result of their complaint f. that institutions maintain detailed records of each complaint and how it was handled 	Implemented by other means
R25	The Ministry of Advanced Education require all private career training institutions to notify, and obtain approval from, the private career training institutions oversight body before making any changes to student complaint resolution policies.	Implemented by other means
R26	The Ministry of Advanced Education require all private career training institutions to report annually to the private career training institutions oversight body on the number of student complaints received, the nature of the complaints and the outcome of the complaints.	Implemented by other means
R27	<p>The Ministry of Advanced Education establish in legislation that students can make a complaint to the private career training institutions oversight body if they have been unable to resolve complaints with a private career training institution about:</p> <ul style="list-style-type: none"> a. the quality of education or the way in which education is delivered b. an institution's compliance with the oversight body's legislation, regulations and other requirements c. an institution's application of its own internal policies and procedures 	Implemented by other means
R28	<p>The Ministry of Advanced Education require the private career training institutions oversight body to develop and implement a process for receiving, investigating and responding to student complaints about:</p> <ul style="list-style-type: none"> a. the quality of education or the way in which education is delivered b. an institution's compliance with the oversight body's legislation, regulations and other requirements c. an institution's application of its own internal policies and procedures 	Fully implemented

R29	The Ministry of Advanced Education establish in legislation that the private career training institutions oversight body may direct private career training institution to take measures the oversight body has determined are appropriate to resolve student complaints made to the oversight body.	Fully implemented
R30	The Ministry of Advanced Education establish in legislation that students who attend unregistered institutions that are subsequently registered are eligible to apply for and receive a tuition refund on the same basis as students enrolled in registered institutions.	Implemented by other means
R31	<p>The Ministry of Advanced Education require that the private career training institution oversight body:</p> <ul style="list-style-type: none"> a. develops and uses a student complaint form that is concise and is written in plain language b. takes reasonable steps to assist students who may face challenges in making a complaint, including linguistic and cultural differences c. provides accurate information about the complaints process on both its website and in the complaints form, including information about the role of the Office of the Ombudsperson d. informs students that they should not face any retaliation as a result of making a complaint 	Fully implemented
R32	The Ministry of Advanced Education establish in regulation that all student complaints are heard and decided by an independent and impartial decision-maker.	Fully implemented
R33	<p>The Ministry of Advanced Education establish in regulation:</p> <ul style="list-style-type: none"> a. the situations in which a student or institution has a right to an oral hearing of a complaint to the private career training institution oversight body b. that a student or institution may request an oral hearing in relation to any complaint being dealt with by the private career training institutions oversight body c. that if a request for an oral hearing is denied, the private career training institutions oversight body provides written reasons 	Implemented by other means

R34	<p>The Ministry of Advanced Education establish in regulation:</p> <ul style="list-style-type: none"> a. reasonable time limits for filing complaints with the private career training institutions oversight body and for submitting supporting documents b. that the private career training institutions oversight body may, in appropriate circumstances, accept complaints or supporting documents filed after any applicable time limits c. that students have the opportunity, where appropriate, to explain why their complaint should be accepted even though they submitted it outside the applicable time limits d. that students and institutions have the opportunity, where appropriate, to explain why their supporting documents should be accepted even though they are submitted outside the applicable time limits 	Implemented by other means
R35	<p>The Ministry of Advanced Education review those tuition refund requests dismissed by the Private Career Training Institutions Agency since the 2009/10 fiscal year because they were filed outside the six-month time limit. The Ministry of Advanced Education determine which of these students would be entitled to a tuition refund except for the six-month time limit and issue a refund to these students.</p>	Not accepted
R36	<p>The Ministry of Advanced Education establish in regulation that the private career training institutions oversight body:</p> <ul style="list-style-type: none"> a. must develop policy establishing what constitutes adequate and appropriate reasons b. must provide written reasons for its decisions on student complaints 	Implemented by other means



OMBUDSPERSON

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