



Federation of
Post-Secondary Educators
of BC

December 6, 2012

Kevin Evans
Industrial Training Authority
800 – 8100 Granville Avenue
Richmond, BC V6Y 3T6

BY EMAIL: kevans@itabc.ca

Dear Kevin,

Recently I was advised that the Industry Training Authority (ITA) has made a determination on the program standards for a Heavy Mechanical Trades program offered at Vancouver Community College (VCC). I am writing you because the decision to make the program changes was made by you after the ITA Standards Review Committee referred the matter to you for a final determination.

Your decision in the case of the VCC program was to reduce the number of funded weeks from 36 to 30. The implication of this change is that course content and program pedagogy will have to be substantially altered to incorporate the new funding directive from ITA.

In making your decision, it is clear that you did not consider the legal obligations that require an institution's Education Council, in the case of a community college, to be involved in the re-design of programs delivered by those institutions. The relevant section of the *College and Institute Act* is Part 4, Section 23 (1) (e). For your convenience I have cited the wording from the Act below.

23 (1) *An education council must advise the board, and the board must seek advice from the education council, on the development of educational policy for the following matters:*

(e) cancellation of programs or courses offered by the institution or changes in the length of or hours for courses or programs offered by the institution;

This is a significant section of the Act because a 2005 BC Supreme Court decision found that a similar program change made at VCC was done in contravention of the Act. Here is the link to that decision:

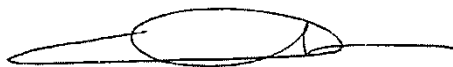
<http://www.mbwlaw.ca/Cases/Allan%20J%20VCCFA%20v%20VCC.pdf>

Education Councils were established to ensure that public post-secondary institutions maintained inclusive, transparent, but most of all, high quality oversight of programs delivered by these institutions. The Council provides a forum for faculty, staff, students and administrators to consider pedagogical as well as content and delivery consideration when new programs are established or existing programs are altered. There is no distinction made between academic programs or those involved in certificate or diploma programs similar to the credential provided by the Heavy Mechanical Trades program. Furthermore, Section 19(2) of the *College and Institute Act* provides that the College Board's power to determine courses or programs to be offered takes precedence over any agreement entered into by the Board after July 1983, well before the ITA was created, such that the College Board retains ultimate authority over programs delivered by the institution.

Whatever review process is followed internally by ITA is no substitute for the oversight that must be provided by an Education Council and the institution's board. Your decision ignores the required internal governance review that VCC must provide.

I would prefer that FPSE not be drawn into a protracted legal argument before the court on this point. My initial view is that it would be prudent for ITA to stand down from your decision to cut the funded number of weeks until we have greater clarity on both the legal issues involved and the required input and oversight that VCC's Board "must seek" from the Education Council before a program change of the magnitude that you are proposing is implemented. Given the urgent nature of this issue, I look forward to a timely response.

Yours truly,

A handwritten signature in black ink, appearing to read "Cindy Oliver". The signature is written in a cursive style with a long horizontal line extending to the left.

Cindy Oliver
President

cc: Honorable John Yap, Minister of Advanced Education
Honorable Pat Bell, Minister of Jobs, Tourism and Skills Training