



**ESL
CAUCUS
REPORT**

MAKING SENSE:

Reforms and renewal
needed within BC's
English language
training network



Federation of
Post-Secondary Educators
of BC

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Acronyms

ABE	Adult Basic Education
AGM	Annual General Meeting
BCCAT	British Columbia Council on Admissions and Transfers
BC FED	BC Federation of Labour
CAP	Capilano University
CAUT	Canadian Association of University Teachers
CILE	Center for International Language Education
CLB	Canadian Language Benchmarks
CUASA	Carleton University Academic Staff Association
CW	Culture Works
DC	Douglas College
EAL	English as an Additional Language
EAP	English for Academic Purposes
ELSA	English Language Services for Adults
ESL	English as a Second Language
ETEA	Education and Training Employees Association
FA	Faculty Association
FIC	Fraser International College
FPSE	Federation of Post-Secondary Educators
ICM	International College of Manitoba
Int. Ed.	International Education

LINC	Language Instruction for Newcomers to Canada
MOOC	Massive Online Open Courses
NIC	North Island College
OER	Open Educational Resource University
PLAR	Prior Learning Assessment Recognition
RGU	Revenue Generating Unit
SFU	Simon Fraser University
TTG	Training Group
TRU	Thompson Rivers University
UBC	University of British Columbia
VCC	Vancouver Community College

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1.0 Introduction

At the 2012 Federation of Post-Secondary Educators FPSE Annual General Meeting, delegates discussed the urgent need for reform and renewal within BC's network of English as a Second Language (ESL) programs delivered at public and private post-secondary institutions. The delegates recommended that an ESL Caucus, comprised of representatives from concerned locals and allies, be tasked with recommending strategies and an action plan for securing the future of ESL education as an integral part of post-secondary education in BC. This report provides an overview of the current state of ESL in BC and proposes recommendations for both FPSE and its Locals.

2.0 The Complex Nature of ESL Programming

2.1 International Education: Drive for Revenue

Since the Liberal Party came to power in BC, there has been a steady erosion of public funding for post-secondary education in this province. In fact, there has been a 13% drop in real per student operating grants to universities, colleges and institutes over the last 12 years. BC's 2013 budget called for additional funding reductions over the next two years, a change that will see government transfers to post-secondary institutions tumble by 20% by 2015.

Forced to find other sources to make up this funding shortfall, many institutions have focused on increasing the amount of international education programming, including significant increases in international student recruitment. In BC, we have seen a significant increase in such recruiting efforts as a means of funding capital projects and other institutional needs. Because international students pay significantly higher tuition fees and because they often study year round and live in university residences, the provincial government developed a strategy to facilitate international student recruitment. In fact, in the Fall of 2011, BC Premier Christie Clark announced her government's intention to spur the growth of international student in BC by 50% within four years.

Since that time, enrolments have been on an upward trend, including in more rural districts. North Island College, for example, has seen a 57% increase in international students over the last twelve months. Thompson Rivers University has close to 2100 International students on campus (See Figure 1 for growth figures). Similar increases have been recorded at other institutions as well, but his rapid increase has not just been limited to BC; Citizenship,

Immigration and Multiculturalism Minister Jason Kenney announced that Canada welcomed over 100,000 new international students in 2012, a record number and an increase of 60% from 2004.

Institutions that have successfully recruited foreign students and developed solid international education programs have used the steady stream of “differential tuition fees” to offset shortfalls in government funding. Both Douglas College and Thompson Rivers University are examples of BC schools that have pursued differential tuition fee revenues and developed their International programs.

In 2007, TRU had more offshore student enrollments (1400) than any other Canadian university (See Figure 2). It also has seen a staggering increase in on-campus international enrollment—from 200 students in 1991 to more than ten times that number (2100) in 2012.

As government funding declined over the last twelve years the revenue generated through international programming has been a significant offset. In fact, in 2013, for the first time ever, international tuition revenue at TRU is projected to surpass overall domestic tuition revenue.

Case Study: Thompson Rivers University

Figure 1: International Student Enrolment Thompson Rivers University

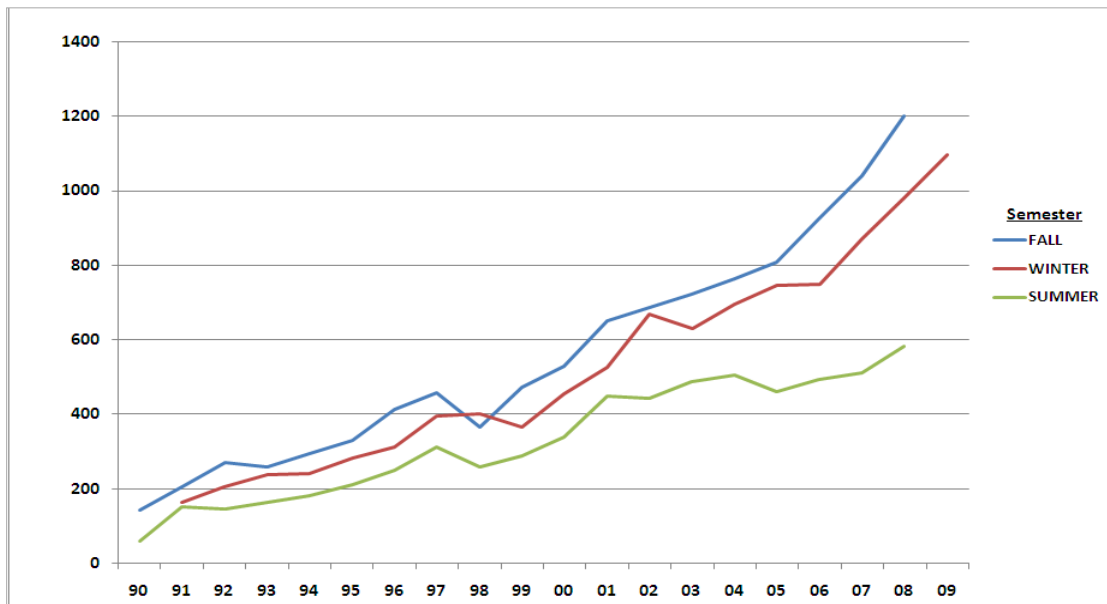
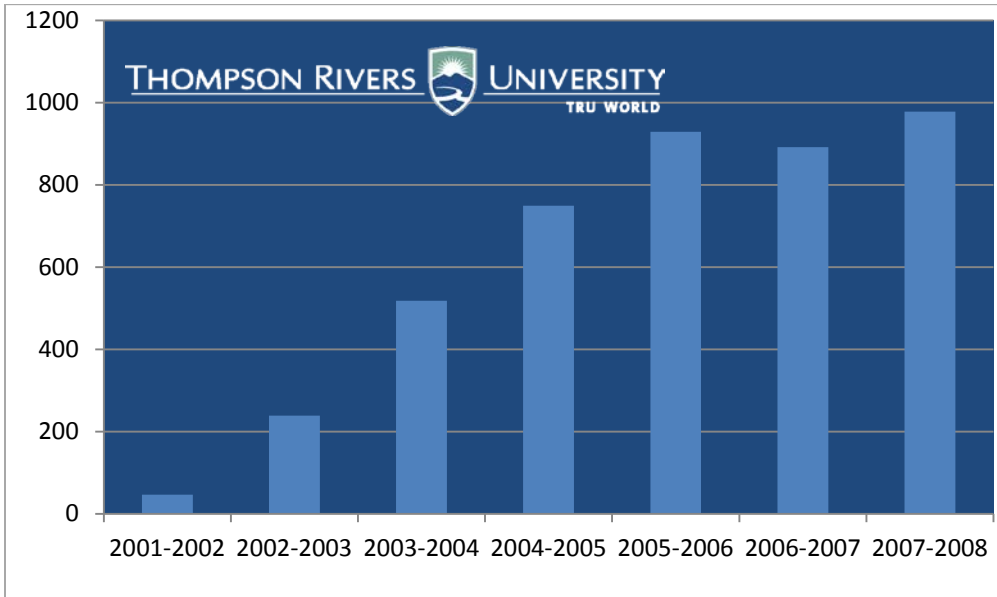


Figure 1 source -- official TRU Marketing/Senate Publication

Figure 2: Growth in Total Offshore Student Enrollment 2001-2008



Figures 2 and 3: source -- official TRU Marketing and Senate Publications

Figure 3: International Tuition Revenue Thompson Rivers University



At more than \$26,000,000 dollars annually as of 2013, international tuition revenue represents just over 19% of the total yearly revenue for the institution.

The changes at TRU have meant a shift in the institution's overall budget. Provincial operating grants have decreased from 77.5% of total revenues in 1998 to just 51% in 2013. International tuition revenues have steadily climbed to make up the shortfall (See Figure 4 for the most recent 5 years).

Figure 4: Shrinking Grants vs. Soaring Int. Ed. Tuition 2007 to 2012

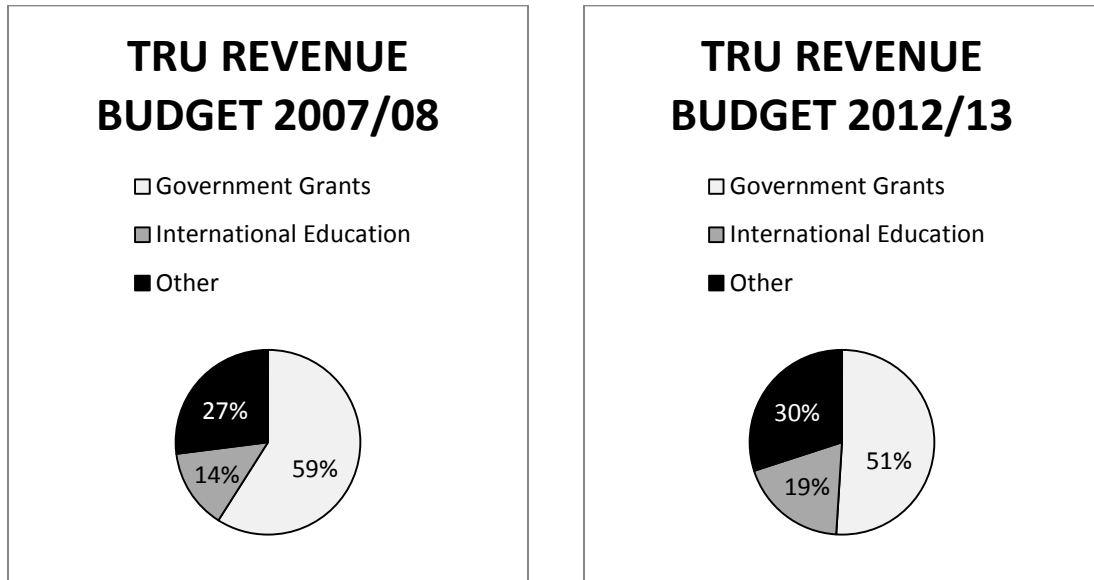


Figure 4: Source Official TRU Senate Report Documents

Aside from straight tuition revenue for TRU, it is estimated that overall international student purchasing power contributes \$88 million to the local Kamloops economy and \$1.8 billion province-wide. International education is now seen as one of BC's leading exports. For many institutions and their surrounding communities international education is a key source of revenue during a period when broader tax policy changes have shifted BC's tax system from having a progressive structure to a more regressive.

Encouraged by these changes, the provincial government has actively promoted all BC colleges and universities to expand their international student recruitment efforts. Figure 5 shows the huge increase in percentage of international enrolments in comparison to domestic enrolments at TRU, and as we will see, there has been a trend in BC for public institutions to move away from offering programming for immigrant students in general.

Figure 5: Comparison of international and domestic enrolment gains

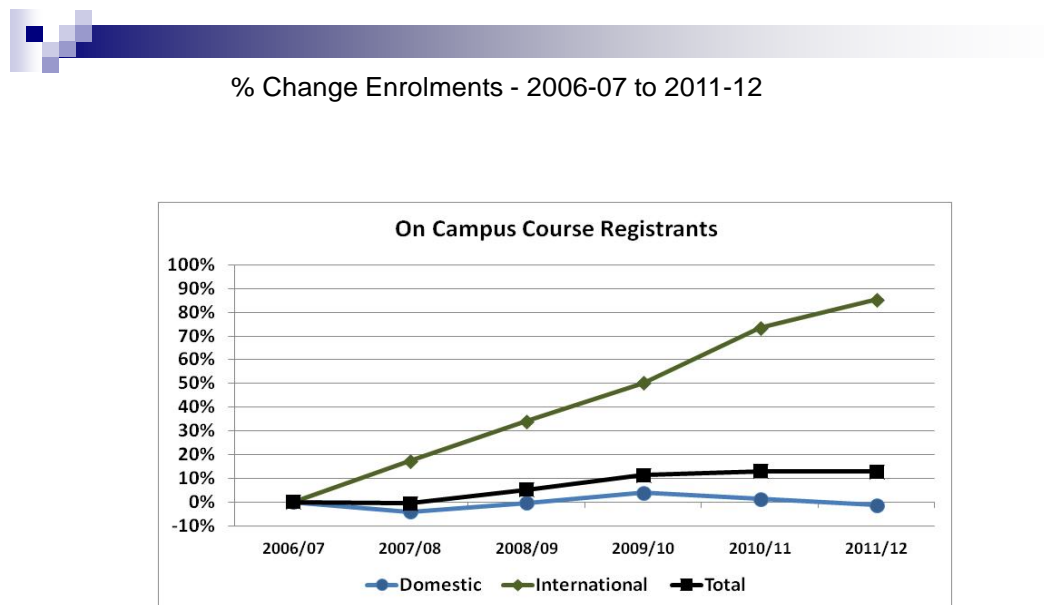


Figure 2 source: official TRU Senate document

2.2 Language Training for New Canadians: A Casualty of Deregulation

When BC community colleges were founded in the 1960's and 70's, teaching English to immigrants was one of the integral parts of their mandate. Often termed "comprehensive" community colleges, the priority was for these institutions to provide equitable access for all adult learners. However, over the decades since, as post-secondary education policy and structure lurched from one initiative to another (usually without any visible signs of foresight), somehow "comprehensiveness" became a downgraded value. More recently, some post-secondary administrators have even publicly begun to wonder why "non post-secondary" programs such as English as an Additional Language (EAL) and ESL for immigrants would be priorities.

The great majority of students enrolled in this type of programming cannot bear large increases in tuition. It seems no coincidence that when the provincial government embraced the policy of tuition fee de-regulation in 2002, vulnerable programs like EAL/ESL started to disappear from enrollment plans.

There have been other complicating factors that have further threatened the delivery of EAL/ESL programs within public institutions. Federal-provincial relations are one of these factors. With the federal government responsible for immigration and settlement, any changes in funding support at that level have immediate impacts on our public institutions where federally sponsored students are in language training programs. With the provincial government responsible for post-secondary institutions, changes in the support for developmental education, a term that includes ABE and EAL, have also had adverse impacts. Another complicating factor is the rise of immigrant-services non-profit societies which vie for federal grants for programming that includes English language services. And finally, there is the 'mandate creep' of public school boards who vie for the same grants to include such programming in their outreach/extension programs for adults. All these competing factors have made it easier for those college and university administrators who wanted to stop doing EAL for adults to in fact stop their programming without services being completely lost to immigrants.

In 2011, EAL¹ programming for immigrants joined ABE in becoming 'tuition-free.' Those few colleges that still have sizable programs targeting immigrants, with Camosun and VCC being the leaders, now have the added concern that government promises to 'back-fill' lost tuition revenue will not actually keep up with inflation and rising costs. This became abundantly clear at Douglas College earlier this year:

During a review of their finances last year, Douglas College discovered they had 40 per cent more developmental education students (adult basic education, or ABE, English language learners, and adult special education) than the Ministry of Advanced Education funds them for. At the same time, they were in dire need of cutting costs in light of the provincial government's 2012 decision to offer English Language Learning programs tuition-free at the post-secondary level. College administration made the difficult decision to cut their ABE programming by 10.5 per cent.*

(Hyslop, TheTye.ca, March, 2013)

The abandonment of EAL programming for immigrants by our not-as-comprehensive-as-they-used-to-be institutions is almost complete. It is especially ironic when one witnesses the very same institutions rushing to provide EAP programming for high tuition international students in an effort to maximize profits. This rush to prioritize profitable programming is just one aspect of an overall strategy to commodify education as institutions are making efforts to cut costs on delivery of these programs through quasi-privatization schemes.

¹ EAL, English as an Additional Language is a functional equivalent of the acronym ESL. However, EAL is more respectful of many students who come to English with already commanding two or more languages.

2.3 Privatization within Public Institutions

Faced with steadily declining real dollar transfer payments, the pressure on college and university administrators to cut costs, find efficiencies and generate surpluses has increased. Since close to half of their revenues now come from private, non-public sources, some administrators have adopted a more corporate or for-profit view of their mandate. International education fits that new corporate approach. Administrators have been focusing not only on generating tuition revenues from international education, but also on ways to drive down the cost of program delivery within their institution through contracting out, contracting in, establishing pathways programs and assigning other forms of pre-arrival credit. For example, by giving international students a head start through PLAR², 'credit-banking' from open source MOOCs³ and/or other non-traditional partners such as Open Educational Resource Universities (OERUs)⁴, colleges and universities can make themselves more appealing to those who hope to fast-track their education. Those universities that are first to open the door to accepting these types of credit transfer arrangements will gain an advantage over competing institutions in attracting international students. The end result is that students are given "advanced credit" for study completed prior to joining the public institution and more often than not, this study is completed in the private sector. A February 2010 article in MacLeans, *Sneaky way Universities are privatizing their instruction*, documented how these new partnership arrangements helped institutions attract more international students. These varied and complex approaches to programming will be explored in greater depth in section 4.0 of this report, but one thing is clear, the impetus for these new approaches has been the decline in government funding to the public post-secondary education sector.

² PLAR, or prior learning assessment recognition, is credit given to students for past study, work and or life experiences. It potentially helps students expedite their graduation by receiving course-credits.

³ MOOCs, also known as massive open online courses, are often offered fee-free to students. Some universities are accepting registration in these courses as PLAR.

⁴ Open Educational Resource Universities are institutions that offer on-line courses such as MOOCs and may also act as 'credit-banks' for students various forms of study, facilitating credit transfer between participating institutions.

3.0 The Complex Nature of ESL Funding in the Public Sector

3.1 Federal: Direct Bids by Institutions

The federal government through the settlement part of its immigration and settlement mandate has been involved in a series of programs since the late 1960s that call for interested parties to bid for direct federal training contracts. The latest version of this in BC is called English Language Services for Adults (ELSA). Many BC public post-secondary institutions used to bid successfully for ELSA contracts. Increasingly, this has become more and more difficult as they must now compete with non-profits, immigrant services societies, and school-board extension departments, most of whom are non-union. This has allowed the federal government to award contracts to service providers making bottom-line bids that public institutions simply cannot match. It's no surprise that most institutions have stopped bidding for ELSA contracts. One exception, Vancouver Community College (VCC), is only able to continue to be successful because of its large size and because of its enhanced capacity to provide ancillary services such as research and the development of testing and curriculum.

In 2011, the federal government announced that it will no longer allow any part of its funding to flow through BC Ministry of Advanced Education. This has caused great concern in those parts of the public system which still provide non-ELSA, publicly-funded EAL programming. If the government demands the same type of bidding that it now expects for ELSA, will public institutions still be able to compete? Will the added value that public institutions can bring be recognized?

3.2 Provincial: Mandated with Annual Funding Grants

Since the beginning of community colleges in BC, the Ministry of Advanced Education and its predecessors has recognized that ELSA programming (see 3.1) doesn't always take students far enough in English to allow them to be as successful as their backgrounds, ambition, and education would indicate. It has always addressed this by directly funding EAP in similar ways that it funds other academic and non-academic programming. Students were always charged fees in the same manner and under similar funding formulae as other students. It has always appeared to faculty and students to be provincially-funded "base" programming.

What hasn't been transparent is whether any part of that EAP programming has actually been provincially-funded or whether BC's Ministry of Advanced Education has been taking a large

portion of the federal transfer payment received for settlement services and filtering it to EAL and/or other programming.

In 2011, the federal government announced that it will no longer allow any part of its funding to flow through BC Ministry of Advanced Education and it has been long-standing policy that its services must be tuition fee-free. This has caused great concern in those parts of public system, which still provide EAP programming. The BC Liberals have gone mute on the subject; it is not clear whether they will fund any programming of their own. For the first time in about half a century, there's a real question about the future. What will be BC's continuing role?

3.3 English for Academic Purposes (EAP): A Bridge to Trades, Vocational and University

Upgrading programs in BC's colleges have played a critical role in ensuring that students who did not complete high school, are mature students, aboriginal or new Canadians, all have the opportunity to further their education and training. For immigrant students whose English requires improvement ⁵ the upgrading track is called 'English for Academic Purposes,' or EAP. EAP comprises four levels, which culminate in high school equivalency English 12.⁶

In addition to improving their English, EAP learners develop the cultural knowledge necessary to be informed citizens and the basic academic skills required to be successful in academic, vocational, and trades disciplines. EAP graduates may use their completion of the program for admission into post-secondary programs in BC or may proceed to occupation specific job training, or they may go directly to jobs related to the profession they practised in their home country.

Learners improve their reading, writing, listening and speaking while at the same time developing the analytical and socio-cultural skills necessary to succeed in a variety of contexts. For those whose education in their first language is strong, the learning is primarily the development of language skills and the gaining of cultural knowledge. However, for those whose education has been interrupted or of low quality, the embedded critical skills are essential. We also know that past education is a clear predictor of how quickly students progress. EAP learners with more years of education will sometimes skip levels while those without the benefit of a strong educational background will often need remediation, and thus more time to complete.

⁵ EAP programming is also a big draw for international students, who often study in EAP programs before proceeding to university or applied programs at the colleges and universities across the province.

⁶ At five of BC's colleges completion of EAP IV also earns a student four credits of English 12 as part of the 20 credit BC Adult Graduation Diploma, or "Adult Dogwood."

BC's EAP programs have been articulated with one another and are transferable within the BC college system, thus facilitating easy movement between institutions and reducing unnecessary testing and duplication of programming. And because EAP programs are situated in public colleges, graduates develop comfort in negotiating the college system and develop the confidence to proceed to certificate, diploma and baccalaureate offerings.

Moreover, labour market forecasting has made clear that increased education and training is required to secure employment in the future economy and that participation rates of immigrants need to increase. If labour forecasting needs are to be met, immigrant participation in EAL and EAP language training needs to increase. The sad reality for many immigrants, however, is that the lack of access to such language training is often the primary obstacle separating them from employment in their fields.

To have barriers in place that prevent immigrants from accessing language training while at the same time governments are claiming temporary foreign workers are needed to fill skills shortages, is absurd. Considering that the number of new immigrants is lower than the number of new temporary foreign workers across Canada this year (supposedly due to a shortage of trained workers), one would think programs that combine ESL with career training for immigrants would be on the rise, not on the decline. A report from Statistics Canada reads, "Three quarters of foreign-educated professionals such as doctors, engineers and lawyers aren't working in the career they trained for after arriving to Canada" (2010, February). One of the most significant factors for this underemployment is lack of language skills. It is clear that there is no shortage of highly qualified immigrants who have recognized credentials but who require further EAL/EAP in order to enter the workforce. There are also those immigrants who may need EAL/EAP in order to enter their chosen career programs. Many from both groups would be more mature students. Access to language upgrading would allow these types of mature students to contribute to their full potential. Thus, there is a clear need for EAL and EAP programs for immigrants.

For these reasons, English for Academic Purposes programs can and must meet both demands as they provide immigrants with an education that ladders into BC's excellent university, vocational and trades programs.

3.4 EAP Students and International Student Fees

There are already comments above about the attraction of international EAP students. We know the tuition they bring is used to create surpluses for capital and other projects. Is it used to support/augment programming for immigrants or citizens as well? It appears so, as some administrators have referred to international students as RGUs (revenue generating units) and often speak of the need to find revenue streams to fund other programs at the institutions.

4.0 Privatized Programming in Public Sector Institutions

...the debate over the future of post-secondary education is no longer between the mutually exclusive scenarios of a state-run public institution or a privately-run corporate one because privatization itself no longer means that the state simply cedes control of the university to corporations. Instead, it means that the state works to make the university a more effective corporation and thus a more effective part of its own strategies to privatize and submit both urban space and the production of knowledge to the production of profit.

(Brophy and Tucker-Abramson, 2011)

Across Canada, and here in BC, the shift in economic policy has created pressures for private approaches within what are normally regarded as public universities and colleges. These pressures have led to an increasingly complex variety of approaches to programming in these institutions in the public sector. In this section we examine how some of those pressures have evolved at various public institutions. Our concern is that as the funding pressures have grown throughout our system, the pressure on ESL programs in particular to either be contracted out of established faculty bargaining units or operate as stand-alone programs on the margins of public institutions has increased. Addressing those problems will require not only system wide reforms but also a serious re-thinking of how unionization and collective bargaining can be used to support higher standards and better outcomes for both students and the language training programs they want.

4.1 Privatization of Continuing Education

Some institutions have ESL in their Continuing Education sections. Unfortunately, in many of these institutions, continuing studies operates outside the established faculty bargaining unit, effectively making this part of the institution a non-union workplace. This non-union status has significant cost implications for the institution because the institution is able to charge students in these programs high tuition rates yet pay faculty delivering the program much less; often part-time wages with no benefits despite the fact that many of these faculty have training and experience commensurate with that of their unionized colleagues. This approach typically allows institutions to save at least 11-12% in benefit premiums and more on wages. Many have described the situation as creating a real "upstairs/downstairs" dynamic where the benefits of the continuing studies program revenues don't improve the conditions of those who deliver these programs.

4.2 Contracting-in: TRU World Example

As international education programming has grown and diversified at TRU, a new division within the institution has emerged; TRU World. Generating significant revenue streams (over \$26,000,000 in 2012/13), TRU World blurs the lines between public and private education. For example, the marketing branch of TRU World has signed pathways contracts with a number of private ESL schools (outside the BCCAT⁷ process) that allow students to have direct entry to TRU academic programs without taking a standardized language proficiency test. Furthermore, TRU World has hired recent TESL graduates to teach in its ever-expanding list of non-credit, non-unionized ESL programs and courses. This internal contracting to deliver courses with non-unionized faculty is known as contracting in. Ironically, most of the TESL graduates teaching in the non-credit areas received their training through TRU's unionized, for-credit, TESL Certificate program. Unlike the non-credit programming, unionized, for-credit ESL programming has seen significant declines despite overall increases in International enrolments at TRU (see Figure 7). Furthermore, TRU administration, as of 2013, has informed the ESL and ABE Departments at TRU that both areas would follow the pre-university college-style vocational non-trades, non-semesterized workloads, a change that will mean an increase in teaching loads from eight three-credit courses to more than twelve courses annually. This change has also resulted in lay-offs of sessional instructors as tenured instructors are now being required to pick up more than four additional courses per person per year. The formerly unionized sessional instructors who want

⁷ British Columbia Council on Admissions and Transfer is the formal Provincial body that oversees accreditation of college and university programs to facilitate transfer between institutions.

to continue working must re-apply for work through the expanding non-credit, non-unionized TRU World ESL course-offerings. There is no guarantee they will be hired, and even if they are, the new positions are part-time with no benefits, job security, academic freedom or pension. Moreover, Their salary is significantly reduced.

Figure 7: Recent Dramatic Decrease in TRU ESL Enrollments

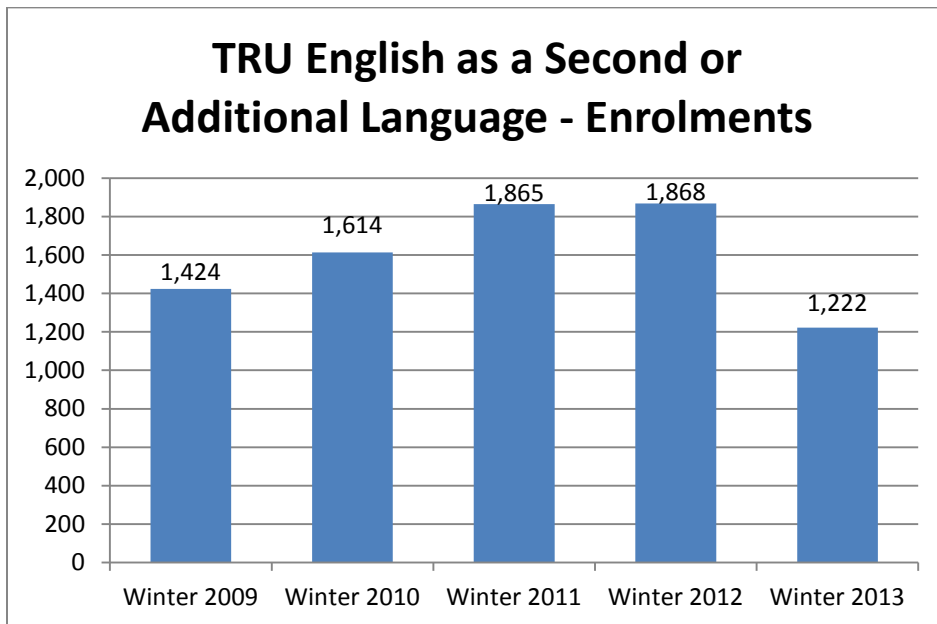


Figure 7: Data taken from official TRU Senate documents

4.3 Privatization: Contracting-out in BC and Across Canada

For many BC post-secondary institutes that had developed significant in-house international education programs, harmonizing with the BC government's new strategy to generate substantial revenue by recruiting more international students is nothing more than business as usual. However, for those institutes that had yet to make considerable inroads in the international education market, another option was available – contracting out. There are a number of multi-national corporations that specialize in international student recruitment and support. Corporations like Navitas, Study Group, and Culture Works recruit foreign students, bring them to Campuses in Canada, and help institutions set up complete one-stop on campus-parallel delivery of ESL and first year academic courses taught by non-unionized instructors.

4.3.1 *Navitas at Simon Fraser University, University of Manitoba, University of Windsor, Dalhousie and Carlton University*

Navitas is an Australian corporation that has been able to establish two private schools on Canadian campuses -- the Fraser International College at SFU and the International College of Manitoba at the U of M. Navitas also made efforts to contract with Windsor, Dalhousie and Carlton, but those attempts were unsuccessful. A recent article by Brophy and Tucker-Abramson succinctly summarizes the case of contracting-out to Navitas at SFU:

“At SFU, where international tuition fees are over three times those paid by domestic students, this increasing reliance on international tuition fees has created a problem, however. Many students have little command of English, and due to increased austerity measures SFU has no money to invest in support structures such as ESL tutoring. The university’s solution to this problem has been to enter into an agreement with Navitas (formerly IBT Education Ltd.), a publicly listed corporation headquartered near Perth, Australia, in order to establish the Fraser International College (FIC). The pattern should be familiar by now: beset by economic difficulties, the public institution cannot provide the services necessary, creating room for a private institution to step in and fill the void. FIC is entirely owned by Navitas, which leases buildings and infrastructure on campus, but the college is managed locally. The venture caters to an international (mostly Asian) clientele, and students attending FIC are told that if they pass one year at the college with a B average they will receive a guaranteed spot into second year at Simon Fraser. SFU lends its brand, its curriculum and its precariously-employed labour force to Navitas, and in return it receives 30% of FIC’s gross revenue and, theoretically, increased numbers of proficient international students and international student fees.

For university administrators, this emergent public/private hybrid institution is the end result of a rather straightforward process of the commodification of education, one in which rational student subjects plunk down hard cash for a shot at investing in their human capital and picking up some door-opening credentials.

A closer look at the underbelly of such hybrid institutions reveals a cynical reality however, one which is rather different from the “win, win, win” relationship trumpeted above. The burden for public education in Canada is being transferred from the state to international students, who often do not receive the ESL training they require.”

4.3.2 *Study Group International at Royal Roads and the University of Windsor*

In 2010, Royal Roads University in Victoria decided it wanted to start generating more international tuition revenues. The institution contracted with Study Group International. Operating in much the same way as Navitas, Study Group International recruits the overseas students, charges fees, and provides them with instruction of preparatory language as well as 1st year courses on the campus at Royal Roads. Students who pass are guaranteed access to second-year university courses. Royal Roads receives additional benefit by contracting-out first year programming as well as enrolling large numbers of new international students, many of whom remain on campus paying differential fees for several more years.

4.3.3 *Culture Works at Carlton, Brescia, Western, Kings, Durham and UOIT*

Culture Works is a Canadian company that, like Navitas and Study Group International, has set up a series of private schools on campuses of post-secondary institutions listed above. CW provides international student recruits who study first year academic courses and language upgrading before gaining access to second year at the Canadian public institutes.

Carlton University entered into a relationship with Culture Works in 2012. Prior to that, Carlton had commissioned a Senate report on international recruitment which had recommended that Carlton not proceed with Navitas. After all, Carlton had had its own in-house ESL program housed in the Centre for Intensive Language Education (CILE). Many were shocked to learn that nineteen Carlton University Academic Staff Association members from CILE were laid off, yet “these members had been providing the same instruction in non-credit English as a Second Language that would now be outsourced to Culture Works,” (CUASA Website, 2012).

4.3.4 *Douglas College Training Group*

Like TRU World, Douglas College has created its own in-house language training system that sits outside the existing faculty bargaining unit. Called the Training Group, it is used not only as a vehicle for “contracting in” of ESL instruction, but also “contracts out” with other for-profit training firms and immigrant-service societies.

The college uses the moniker of "workplace training" to continue to contract out ESL instruction. This approach ignores the reality that teaching content in an ESL setting is a completely integral part of the ESL profession.

Despite Collective Agreement provisions designed to ensure that all English language instruction belongs to the ESL Department, there are currently four breaches of these provisions:

1. 75% of Instruction for ELSA for the Workplace at the Surrey Training Centre and David Lam Campus is contracted in. (Only 25% is done by faculty)
2. ELSA courses are contracted out to other businesses at the Surrey Learning Centre
3. ELSA courses are offered through a consortium of businesses in Burnaby
4. ESL courses are offered to Korean international students under the name "Employment Training"

This programming is being done apart from the faculty association collective agreement, at pay rates below the Common Scale and without full benefits.

For 2013/14, the college is planning further cuts to what has been "base" faculty association work and will provide a total of ten fewer sections of EAP each year to new Canadians and immigrants and withdraw all twenty-four sections of "lower intermediate" ESL, moving the remaining fourteen sections into the higher levels.

For more than thirty years, this level has been the earliest point for new Canadians and immigrants to enter English language studies at Douglas College. It seems likely that the smaller but effective class sizes in these courses and their tuition-free status may be the reasons management wants them gone.

Lower-intermediate ESL will be gone from new Canadians and immigrants but still available to newly-recruited internationals, many of whom come to Douglas un-assessed and are discovered to need lower-intermediate courses. To avoid public embarrassment over the inequity of offering courses to high-paying internationals while withdrawing them from domestic students, the college has forbidden any mention of the lower-intermediate level ESL on its web site. These courses will likely be renamed and renumbered.

5.0 Addressing Unionization within ESL

5.1 Lack of Respect for Union Jurisdiction

ESL programs are usually identified as developmental as opposed to post-secondary or academic, and this appears to justify treating ESL faculty differently, even when they are regularized. ESL faculty too often hesitate to press for full parity with their academic counterparts as they are well aware that ESL programs could be contracted-out to private providers or housed within non-regular areas such as Continuing Studies.⁸

Faculty at smaller institutions are often asked to teach in pedagogically unsound circumstances (e.g. extremely multi-level classes even in demanding EAP programs). Some administrators claim this is necessary to meet the needs of a continually changing student body, and faculty are frequently told that “we need to do this in order to compete.”

Despite existing college academic policies, ESL faculty are often asked to alter intake and final exam processes to accommodate International students as the institution doesn’t want to risk losing the tuition dollars if students go elsewhere. Faculty are also reminded that without this “flexibility,” fewer students will be attracted to the college, which could result in less work for faculty. This type of “market-awareness” pressure being placed on faculty can be experienced as threatening or harassing. Students are seen less as learners and more as customers. Faculty expertise is frequently undermined in this context.

In one extreme case at North Island College, Regular faculty are “sessionalized” or “de-regularized” when semesters are even one day less than 4 months. Administration sees the work (as opposed to the faculty member) as being regular or non-regular. This results in a high level of job uncertainty for regular faculty who cannot count on regular work from term to term; it also prevents non-regular faculty from being regularized. At larger institutes, like TRU, they are also moving away from ‘regularization’ with the last continuing full-time member hired in to the ESL Department way back in 2002.

⁸ Two years ago at North Island College, the ESL Department was moved from the Developmental Programs Division (under a Dean) to a sort of sub-program of International Education, under a “supervisor” who is Associate Director of International Ed. The program did not have a Chair. There have been numerous issues as a result of this new relationship. Several issues have arisen and two have ended up as formal grievances, adding even more work and stress to already overworked faculty.

5.2 ESL Faculty Short Changed

Given the various configurations of ESL programming and moves towards privatization mentioned in sections 3.0 and 4.0 of this report, it is clear that more often than faculty in other fields, ESL faculty experience barriers to full academic participation similar to those identified for non-regular faculty within FPSE. Depending on the institution within FPSE, these barriers may include:

- Higher teaching loads than colleagues in other disciplines.
- Lower rates of pay, and less (or no) paid vacation time or benefits such as sick leave
- Reduced access to professional development opportunities and funds, including scholarly leaves and research funding
- Year-round teaching duties with no paid break
- Requests to take (unpaid) vacation could be perceived as refusal to return to work
- Just-in-time scheduling resulting in no lead-in time
- Claims of “uncertain” funding as a reason to not regularize faculty, even when there is clear evidence of work year to year
- Contracts being chipped away/reduced in length by a few days to avoid having to pay benefits
- Increased non-teaching duties (ex. Pre-intake language assessment, reporting to/for scholarship funders, etc.)
- Reduced institutional representation on committees and institutional initiatives (often a result of higher teaching loads—those in classrooms most of the week or year do not have the time for committee work or involvement in initiatives)
- General erosion of Department morale as faculty are overloaded and under-acknowledged
- Sessional (non-reg) faculty not speaking out at departmental or administrative meetings as they feel more at risk
- Academic freedom at risk as institutions move towards privatization

All or some of these barriers exist even if ESL instructors are regularized faculty within their institutions.

6.0 Institutional Governance within the Public Sector

6.1 Transfer/Affiliation Agreements

An Affiliation Agreement is a legal contract between institutions setting out the terms and conditions of their relationship. When institutions enter into an Affiliation Agreement, the result is that students receive course or program equivalency between the institutions and this is the driver for creating the relationship. Each side benefits from increased enrolment.

Institutional statutes state that governance senates and councils have joint approval with institutional boards when determining there is course or program equivalency. The College and Institute Act (s. 25(1)(a)(i) states that Education Council has joint approval with the College Board when determining which institutions have course or program equivalency. The first step in ensuring as much as possible that the home institution's standards, policies and Collective Agreements are adhered to is to create a standard affiliation agreement template. This would include basic legal clauses such as definitions, start and end dates, insurance requirements, and responsibilities of the institutions with respect to entrance requirements, learning outcomes and deliverables, among many others. Legal counsel should be involved in creating this basic document.

Governance senates and councils then have the right to review each individual proposed Affiliation Agreement and to either agree or not to participate. If the proposed affiliation is not approved, it cannot proceed without risking litigation.

Too often in recent years, administrators have simply ignored these legal requirements and moved ahead with affiliations without the appropriate governance oversight or process. FPSE helped create some of the best shared governance legislation that exists anywhere. It is a continuing challenge for FPSE and for its locals to strengthen faculty's capacity and role within the governance process.

6.2 Languages Canada and Accreditation

Many institutions are moving towards accreditation through Languages Canada, which is the 2008 merger of the Canada Language Council (CLC) and the Canadian Association of Private Language Schools (CAPLS). Languages Canada “accredits” schools and participates in marketing them.

Because they use Orion Assessment Services, the Canadian partner for American-based Orion Registrar Inc., this raises concerns over personal information being subject to the *Patriot Act* as part of the accreditation process does include instructors submitting their credential information and curriculum vitas.

Finally, concerns over accreditation include the fear that the external body might one day require prescriptive learning outcomes and require monitoring to ensure that the outcomes are achieved to a certain satisfaction in order to maintain accreditation – this type of prescriptive, top-down system could have far-reaching effects on academic freedom of instructors who currently have flexibility to adjust curriculum to fit the needs of their students.

7.0 BC’s Private Post-Secondary Sector

Private, for-profit colleges and institutes have been a feature of BC’s post-secondary education system for many decades. It has only been in the last twelve years that the size, scope and oversight of these institutions have changed. As those changes have moved ahead, so too has the demand and need of faculty who work and teach in these institutions for better pay, better working conditions and better employment security protections.

It has been against that backdrop that FPSE has worked to support private sector faculty members by addressing the need for change on two fronts. The first has been to support unionization efforts at these private institutions. Through its support of the Education Training Employees Association (ETEA), Local 21, Organizing Committee, FPSE has been able to broaden the capacity of Local 21 to organize and win unionization drives in various institutions. These drives have been particularly difficult because of the regressive changes made to the BC Labour Code in 2002. To date, the unionization effort has succeeded despite the challenging and regressive labour laws environment in BC.

The second way of advancing change in this sector has been to press the case with government for better regulation and oversight of private institutions. Starting in late 2002 and continuing through the next ten years the regulatory framework for BC’s private post-secondary institutions has been dominated by a system of “self-regulation” in which owners of the private institutions presided over the governance of the private post-secondary education system. This framework had a number of obvious

flaws, not the least of which was that those in charge of governance were also the ones being governed. Moreover, this self-regulatory model had effectively no independent representation from students or faculty, a gap that only ensured that owner interests were being heard through the regulatory system.

The self-regulation approach also had major exemptions. Language schools, which are the dominant player in the private post-secondary education system, are excluded from the regulations established in 2002-03. This exemption has encouraged the proliferation of new entrants into the sector, a development that has brought with it many questions as to the viability and standards of these new schools.

The issue of standards within the private sector has implications for both private and public post-secondary institutions in BC. When problems have emerged—sudden closure of schools, suspect grade inflation, questionable program viability—those problems have a reputational impact on the entire system, not just the institution at the center of the controversy. While the BC government has tried to respond to these controversies, their overall system of regulation has not changed an outcome that raises serious questions about the government’s overall approach to system quality and viability.

8.0 Recommendations

Where appropriate, FPSE can also be read as FPSE and its locals. Some recommendations repeat or build upon current FPSE policy. Where that occurs, a reference to that policy is included.

8.1.1 Governance

1. FPSE should lobby both federally and provincially to reverse adult immigrant programming losses
2. FPSE should make attempts to raise the profile of ESL programming so that its value and importance can be understood throughout the system.
3. FPSE should help locals investigate whether institutional pathways and other transfer agreements are in compliance with the College and Institute Act, or the University Act or the TRU Act and pursue legal options for those agreements that are not in compliance.
4. FPSE should provide the BCCAT Provincial ESL Articulation Steering Committee a complete list of institutional pathways and transfer agreements that have not passed through the provincial articulation process with the recommendation that the Committee demand that institutions use the officially agreed upon provincial articulation process for all pathways and transfer agreements.

5. FPSE should assist member locals to develop a terms of reference for a standing sub-committee on Language Competency and Admissions Standards and work to ensure that each institutional Education Council/Senate form such a committee.
6. FPSE should, pursuant to its policies and positions on Shared Governance continue to work to improve the knowledge, capacity and skills of faculty involved in shared governance.

8.1.2 Activism

FPSE and its locals must develop co-ordinated strategies and workplans to actively:

7. Work to prevent quasi-privatization and non-unionized instruction of ESL within public institutions across the Province.
8. Work with CAUT to develop a “Local Activist’s Guide to Fighting Privatization” (modelled on a similar guide developed in the UK).
9. Take on a key pillar of “Charting a New Course 2013” agenda, the political challenge of lobbying government to support vibrant public sector language training for immigrants, refugees and international students.
10. Encourage, enable, and achieve the organization of currently non-union employees at public sector institutions.

8.1. Funding and Support Services

FPSE and its locals should lobby appropriate government bodies to achieve the following goals:

11. All immigrant students, permanent residents and citizens throughout the province placed anywhere in the CLBs 1-9 range should have access to tuition-free programming
12. Counseling and affordable student support services such as childcare, transportation, and study materials need to be readily accessible to all students.
13. Governments need to fully support International students’ transition to Canadian society from visa student status through to immigrant status.

14. Match skills training initiatives with targeted supports for qualified technical and or professional immigration and language training.
15. The Federal Government needs to maintain LINC/ELSA funding at current levels,
16. Funding should not be a competitive process, but based on equitable distribution according to need.
17. Program delivery must be via public sector institutions or delivered at the community level.

8.1.4 Bargaining

18. Pursuant to FPSE policy goals and the campaigns supported by Presidents' Council and the Non-Regular Standing Committee, FPSE locals should develop bargaining agendas and strategies that will result in resumed progress on non-regular issues.

Private Sector Organizing

8.2.1 Activism

1. FPSE continue to support organizing of faculty in private post-secondary institutions

8.2.2 Regulatory Changes

FPSE should lobby for legislative changes that result in:

2. All private post-secondary institutions being registered/bonded/licensed and inspected regularly by a publicly accountable organization. Teachers must be represented in the same proportion as employer, government or other interested parties
3. All agents being required to have funds paid by students in other countries in accounts in Canada. Agents must have proper refund policy and be registered, bonded, licensed and audited.
4. Regulation of private post-secondary institutions that include English language schools.

5. Ownership of private institutions and full financial transparency of both public and private institutions involved in delivering English language training being clear and publicly available.

8.2.3 *Labour Law Changes*

FPSE should lobby for legislative changes that result in:

6. A card signing provision of instant certification for a 50% plus one threshold.
7. A strengthening of the provisions against unfair labour practices by the employer during the implementation of a certifying drive.