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AL MACRURY

The Hamilton Spectator

(Jul 16, 2009)

So, the Ontario ministry responsible for supervising private colleges had its knuckles rapped.

What now?

The Ombudsman has released a report which sharply criticizes the Ministry of Training, Colleges and Universities for its negligence in the Bestech Academy affair.

There are many harsh words included in Andre Marin's indictment, released on Tuesday. Marin and his investigators found the ministry asleep at its regulatory wheel. Instead of doing its duty and protecting Ontario college students, the ministry cost them dearly.

And it won't ante up.

While it has accepted 10 of Marin's 11 recommendations, it rejected the one that matters most to those students who paid thousands of dollars to this illegal private trades college.

That recommendation called for some form of compensation to students who firmly believed that an Ontario college couldn't operate without their government's approval. For two years, Bestech Academy kept accepting fees, until closing its Stoney Creek and St. Catharines offices last October.

But the ministry was not simply lethargic. While continuing to give Bestech Academy president June Ballegeer more leeway and more time, it also helped fund some of the students that were enrolled in the college's programs. And finally, it even went out and hired Ballegeer. She was dismissed on Jan. 12.

During this time, Action Line made repeated attempts to find Ballegeer and get her side of the story. We left a message at her Queen's Park office and on an anonymous cellphone. We called the Ballegeers in the phone book and checked out assorted rumoured addresses.

A communications spokesperson for the ministry wouldn't even confirm she was an employee of the government, citing privacy legislation. We actually warned him this was not going to look good on his ministry.

"We found that the ministry's handling of Bestech Academy was abjectly inept," said Marin. "Because of their timidity and squeamishness to get tough with unregistered colleges, Bestech students had no protection."

Bestech "was allowed to line its pockets with public funds while flouting the law," Marin adds, condemning the ministry's "inattention, indifference and dereliction."

Let's keep in mind that many who enrol in private colleges are young adults eager to establish themselves, or older workers badly in need of a second career. You're talking about people's dreams here.

John Milloy says his ministry won't spend tax dollars reimbursing Bestech students. But haven't tax dollars already been wasted subsidizing students and hiring Ballegeer? And what about the tax dollars paid to ministry staff, the staff rebuked by Marin for their dereliction of duty?

Toronto lawyer Harris Rosen of Fogler Rubinoff LLP and his colleague Alan Wolfish are co-authors of The Private Career Colleges Act, 2005. Wolfish is a former legal director for the Ministry of Training, Colleges and Universities and Rosen acts on behalf of many of Ontario's private colleges.

They say a number of major issues need addressing.

"No matter what structural changes occur, the ministry requires a significant increase in resources to effectively regulate the sector and to enforce the provisions of the act. We agree with the Ombudsman that the government should pony up while the Private Career Colleges Act is still in its infancy and wrinkles are being ironed out," the two lawyers say.

"Where the government's actions or inaction is a contributing cause to the financial loss of students, then the government should absolutely

compensate these students who are out of pocket."

According to Rosen, the existing Training Completion Assurance Fund is already a bust. The fund was supposed to be a safety mechanism which protected tuition fees paid to registered colleges. It only took effect in January.

"We believe the fund is virtually depleted with claims," says Rosen. "The sector (all registered colleges) paid substantial premiums into the fund and the fund failed. This fact appears to have been a footnote or less in the Ombudsman's report but should not be ignored."

Perhaps that's the real reason the ministry doesn't wish to refund Bestech students. Without more resources and better enforcement, further 'disasters' may lurk in the waters ahead.

But you can restore some trust in the system by reimbursing those who've already suffered.

There isn't a government that doesn't waste large sums of money. But this is a relatively small amount of compensation. It's really an investment in our future.

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