



October 26, 2015

By courier and email: fvcc.surrey@gmail.com, rangika@fraservalleycommunitycollege.com

Sunanda Kikla
Fraser Valley Community College
210, 212 - 8334 128 Street
Surrey, BC V3W 4G2

Institution ID-03668

Dear Ms. Kikla:

RE: CANCELLATION OF REGISTRATION OF FRASER VALLEY COMMUNITY COLLEGE

Please be advised that the registration of Fraser Valley Community College (“Fraser Valley”) with the Private Career Training Institutions Agency (the “Agency”) is cancelled effective immediately pursuant to s. 8(4)(b) of the *Private Career Training Institutions Act* (the “Act”).

Being that Fraser Valley is no longer registered with the Agency, it is prohibited from providing or offering to provide career training and must immediately discontinue all career training programs. Section 23 of the Act states that a person who provides career training without being registered or who assists in doing so commits an offence. Section 23(5) states that a person who commits an offence is liable to a fine of up to \$100,000. Should it become necessary, s. 24 allows the Agency to seek an injunction against offenders, the costs of which would be payable by the entity or individual committing the offence.

On September 1, 2015, Fraser Valley was advised of the possibility that, due to a number of serious concerns casting doubt on its ability to meet the requirements for registration under the Act, its registration may be cancelled if Fraser Valley could not satisfy the Registrar that it continued to be in compliance with those requirements. To summarize, the concerns enumerated in the September 1 letter were:

1. Since January 2014, the Agency has been contacted by over 35 dissatisfied former and current students of Fraser Valley, a number far greater than that in relation to any other of the institutions regulated by the Agency.
2. Fraser Valley’s communications with students, being those the Agency is mandated protect, are threatening, argumentative, and intimidating and indicative of a repeated refusal on the part of the institution to follow its own dispute resolution process.



3. Fraser Valley's inadequate handling of refunds, including failure to provide appropriate refunds within 30 days of the institution receiving written notification of withdrawal and all required supporting documentation per Bylaw 37.15.
4. Evidence suggesting Fraser Valley had enrolled a student during the period its registration was suspended contrary to s. 8(5)(b) of the Act.

Fraser Valley was provided with an opportunity to respond to these issues by providing written submissions and any supporting evidence no later than September 11, 2015. On that date, Fraser Valley provided a response in excess of 1,700 pages. For clarity, the documents received as part of that response, as titled by Fraser Valley, are:

- FVCC COVER Letter for Sept 11, 2015 Response (6 pages) (the "Cover Letter")
 - EXHIBIT A-OCT 2013 REPORT (340 pages)
 - EXHIBIT B-MAY 2014 AUDIT (319 pages)
 - EXHIBIT C- June 2014 AUDIT (452 pages)
- FVCC SEPT 11, 2015 RESPONSE, parts 1 – 4 (599 pages) (the "Response")
- Additional Supporting Documents related to [REDACTED] (45 pages) (the "Response")
- FVCC LIST OF DOCUMENTS SEPT 11, 2015 (4 pages)

I have since reviewed the submissions and concluded that none of the information provided therein is sufficient to refute three of the four concerns noted above and in my September 1 letter.¹ In my view, Fraser Valley's continued operation is contrary to the public interest and it has been unable to demonstrate compliance with the requirements of registration, the specifics of which are discussed below. It is on this basis that the cancellation decision is made.

Formal and Informal Complaints

Fraser Valley was advised to respond to this and other issues with a focus on the fact that it was the material (e.g. evidence of numerous complaints from students) as a whole that was seen as indicative of certain recurring issues with the institution's operation. The Agency specifically advised Fraser Valley to address the matters set out in the September 1 letter rather than the substance of each particular complaint as no findings had been made in that letter respecting the specifics of any particular complaint.

¹ The relevance or purpose of the material relating to the Agency's September 2013 and February 2014 visits to Fraser Valley (i.e. exhibits A – C to Fraser Valley's September 11 cover letter) was unclear and this material was therefore given less weight than that responding directly to the issues set out in the September 1, 2015 letter. However, all materials submitted by Fraser Valley were reviewed and considered in coming to this decision.



Fraser Valley's submissions appear to address this issue generally in the Response at pages 5 – 33 and more specifically, in respect of most informal complaints included with the September 1 letter, from pages 107 - 599.

Beginning at page 5, Fraser Valley states:

Absolute lie. The reality is that some of the Non-Compliant Students who were working illegally and did not take the daily sign in attendance sheets as part of their attendance requirements very well as it interrupted their intention to work full time studies (Against the Study permit Guidelines.) So some of these Non-Compliant Students got together in Feb 2015 (Including the famous [REDACTED]) and met with KPU Dean admissions and conspired a Story of Lies.

In the Cover Letter, Fraser Valley makes a similarly sweeping statement in which it accuses all students who have complained about the institution of illegal acts: "You need to understand that all student complainant actions are individuals who are staying in Canada to Enter Labor market using illegally using study permit as basis and are not Bonafide students in Canada" (sic.)

More specifically, the institution lists 13 students it alleges engaged in some form of immigration fraud, eight of whom have not, to my knowledge, contacted the Agency in relation to Fraser Valley or otherwise and it is unclear why this information has been included in the response. Fraser Valley's primary assertion appears to be that these and other former students, as well as a number of employees of the Agency, a former agent of Fraser Valley's, certain students' parents, and the President of Kwantlen Polytechnic University, have in various ways conspired against Fraser Valley. While Fraser Valley's perceived motivation behind the alleged conspiracy is unclear, it appears to be a combination of turning students against the institution and encouraging them to file false complaints against it.

No evidence was provided in Fraser Valley's September 11 submissions to support any of these allegations and they are therefore not claims on which I could rely in determining whether to cancel Fraser Valley's registration. As these allegations relate to the Agency and its employees, I am aware of no basis for the allegations; they are again strongly denied as are the allegations of bad faith, being addressed in the various legal proceedings commenced by Fraser Valley against the Agency and those employees.

Fraser Valley's response also included a related assertion that the student complaint process is unfair, negligent, biased, and non-existent among other things (see for example pages 3, 13, 110.) At page 19 of its Response, Fraser Valley states "There is no process to deal with Student Complaints at PCTIA... There is No Committee or Board which exists at PCTIA... All aspects of



Complaint handling is arranged between Student Staff Coordinators... with one universal Investigator... who handles all parts of the Complaints... There is no role of [Public Administrator]...”

The Agency has made repeated attempts to ensure Fraser Valley is aware of and understands the student complaint process, which is set out in Agency Bylaw 44 and applies to all institutions registered with the Agency. As you know, in April 2014 the provincial government announced that it would assume direct responsibility for the regulation of private career training institutions and appointed a Public Administrator to discharge the powers, duties, and functions of the Agency’s former board of directors until the transition to government is complete. The student complaint committee referred to in the Bylaws was necessarily dissolved upon dissolution of the Board.

That complaint process requires in part that an institution be given an opportunity to respond to the complainant’s submissions and the complainant in turn be given the opportunity to reply, all within the time limits set by the Bylaws. Per Bylaw 44.16, Agency staff is required to prepare a factual summary and may suggest a recommended resolution to the Public Administrator. Since shortly after the introduction of the student complaint process in 2009, responsibility for handling all student complaints has been that of the Agency’s Student Support Coordinator (referred to by Fraser Valley in its response as “Student Staff Coordinator”) and since 2011, Legal Counsel (referred to by Fraser Valley in its response as “universal investigator”). The Agency’s in-house legal counsel prepares factual summaries and recommended resolutions for complaints received about all registered institutions, including Fraser Valley, as contemplated by the Bylaws.

The complaint, the institution’s response and the complainant’s reply, together with the factual summary and recommended resolution are subsequently provided to the Public Administrator for review. The Public Administrator considers whether further investigation or an oral hearing is necessary before making a decision and the decision itself may either dismiss the complaint or conclude that a student has been misled and authorize a payment to be made from the Fund per Bylaw 44.20. Once made by the Public Administrator, the decision is communicated to the complainant and institution in writing per Bylaw 44.21.

While the relevancy to the issue of whether Fraser Valley is in compliance with the Bylaws is unclear, Fraser Valley states on pages 25 – 27 and various others, that “in Time we all will find out who ACTUALLY MAKES these decisions in the name of the PA and under what authority the PA is permitted to delegate such decision making powers.” On page 73, Fraser Valley specifically alleges the decision in the [REDACTED] complaint “was not even made by the PA [but] was made by Claire Dollan.” This is incorrect. As above, it is the Public Administrator who renders a decision in



each complaint received against an institution, including each of those received in relation to Fraser Valley.

Each of the six formal complaints filed against Fraser Valley and referred to in the September 1 letter followed this process, with certain adjustments where necessary. For example, in light of new evidence and developments subsequent to the filing of the [REDACTED] complaint entirely outside the complainant's control, [REDACTED] was given an opportunity to revise his original submissions and Fraser Valley was in turn given an opportunity to respond.

Fraser Valley's assertions that there is no student complaint process, no board of directors, and no role for the Public Administrator are clearly without basis. As above, Fraser Valley's allegations against Agency staff are similarly baseless and therefore none of the claims made in respect of the student complaint process were ones on which I could rely in determining whether to cancel Fraser Valley's registration. They are also largely irrelevant to the issue of whether Fraser Valley is presently able to satisfy me that it meets the requirements for registration under the Act, which is the issue to which I must turn my mind on this decision as to whether Fraser Valley's registration should be cancelled.

From the numerous formal and informal complaints received about Fraser Valley since January 2014, it is clear to me that there will be significant harm to students should Fraser Valley be permitted to continue operating. Fraser Valley's submissions on this point have not only failed to persuade me otherwise, but rather have exacerbated my concerns as they relate to the institution's dealings with students, including its pattern of threats, coercion, and inappropriate interference in students' personal and family matters as explained further below.

Dispute Resolution Policy and Procedure

The September 1 letter stated Fraser Valley's communications with students are indicative of a repeated refusal on the part of the institution to follow its own dispute resolution process and insistence on engaging in threatening, argumentative, and intimidating behaviour toward those individuals the Agency is mandated to protect.

Fraser Valley's submissions appear to address this issue in the Response at pages 34 – 50. On page 35, Fraser Valley states "FVCC cannot follow DRP when FVCC is not even aware of any disputes." The material provided to support the two specific examples used in the September 1 letter ([REDACTED] and [REDACTED]) consists entirely of email exchanges between those students and Fraser Valley and the institution was therefore clearly aware of the disputes.



Fraser Valley failed to follow its dispute resolution process with both of those students and failed to provide any evidence that its dispute resolution policy was followed in either of those cases, or at all. Instead, Fraser Valley's typical response to notice of a dispute is to accuse the student of lying, making false accusations, and involvement in a conspiracy, and often, to sue that student for amounts Fraser Valley says are owed to it. Examples of this approach are evident throughout Fraser Valley's submissions. At page 34 of the Response, Fraser Valley states that former students "will have to work very hard to provide their lies and personal false allegations made against Sunanda and FVCC. The legal action against these students will be filed soon..." At page 37, Fraser Valley states in relation to [REDACTED] that "FVCC will Provide a clear evidence of how this student fabricated the whole story and a Superficial DRP exercise with [PCTIA] staff in the background." There was no such evidence included in Fraser Valley's submissions.

The September 1 letter made clear that it is the content of Fraser Valley's communications with students and its refusal to deal professionally with any individual that expresses dissatisfaction with the institution that is of concern to the Agency. Fraser Valley did not respond to this point but instead continued to make accusations against the students throughout its submissions.

The September 1 letter included a number of informal complaints from students, the identities of whom were redacted in the interest of protecting those involved. Despite being reminded that the Agency's mandate is to protect students and being advised that Fraser Valley's registration may be cancelled in light of its treatment of those students, the institution used its submissions to document its attempt to uncover the identities of the students whose names were withheld (e.g. regarding informal complaint 6b, Fraser Valley speculated at page 107 of the Response: "Seems like [REDACTED] or [REDACTED] - Only 2 students Missing from Jan 2015 Semester) More likely [REDACTED] ([REDACTED] [REDACTED] Teacher) as That's the time [REDACTED] Stopped attending FVCC and working Full time. Mentions Business Law so For sure [REDACTED]" (sic).² Fraser Valley advised that it would be commencing legal action against those "individuals whose identity was withheld...."

Of great concern to the Agency is the evidence received since my September 1 letter that Fraser Valley has used the redacted complaints to contact the individuals suspected by the institution of making them. For example, the Agency was forwarded correspondence in which Fraser Valley contacted a former student and accused him of fraud, demanding that he meet with the institution's legal counsel in Cameroon within one week of that email. I note also that an individual whose identity was redacted in the materials attached to the September 1 letter has

² The Agency will not comment specifically on Fraser Valley's speculation regarding which students filed which informal complaints. However, it is noted that many of the guesses were incorrect and Fraser Valley is advised to reconsider its threats to file claims against those students on the basis of those guesses alone.



since contacted the Agency to withdraw the allegations made against the institution. This was also considered in reaching the decision to cancel the institution.

In its specific response to many of the informal complaints, Fraser Valley states that it is “unable to address the Issue as Most facts are Baseless and False and PCTIA withheld ID...” Again, Fraser Valley was not asked to respond individually to each informal complaint. The September 1 letter specifically advised that those documents were not provided in the context of the formal student complaint process but rather as a whole were seen as indicative of certain recurring issues with the operation of Fraser Valley, including its refusal to engage in its dispute resolution process and its pattern of threatening, argumentative, and intimidating behaviour when contacted by a dissatisfied student.

Further, following receipt of the September 1 letter, Fraser Valley contacted [REDACTED] and [REDACTED] two students who had filed successful formal complaints against the institution. Attached to Fraser Valley’s September 6 email to those students, copied by the institution to the Agency’s counsel, was a 2012 letter from the Canadian Border Services Agency to the students’ counsel relating to their immigration status. Fraser Valley does not state how this confidential letter was obtained, but used it to demand payment of \$49,960 within five days of the date of the email in order to avoid legal action.

As above, Fraser Valley’s submissions on this point have failed to persuade me that it should remain registered with the Agency and instead have provided further confirmation that its continued operation will be harmful to students and prospective students.

Refunds

As stated in the September 1 letter, one of the most common issues arising in reports received from students is Fraser Valley’s inadequate handling of refunds. Fraser Valley’s submissions address this issue in the Response at pages 51 – 65.

Fraser Valley writes in its submissions that it “has no idea about the basis of this statement by the Registrar” however at page 52, the institution acknowledges three separate circumstances which required the Agency’s involvement in a student’s request for a refund. In that regard, Fraser Valley claims that on each of those three occasions, the Agency was “shown that the refunds were made.” In fact, in two of those cases ([REDACTED] and [REDACTED]), Fraser Valley provided confirmation that refunds had been processed only after being contacted by the Agency despite repeated prior requests from the students themselves and after the 30-day deadline set by the Bylaws had passed. In the third case ([REDACTED]) the Agency acknowledged in its letter regarding the issue that Fraser Valley had already sent a cheque to the



student, however the student's bank had advised him the institution had yet to properly authorize release of the money. Although the reason for the delay in the release of the money remains unclear, the student received the amount on or about May 8, 2015, approximately two weeks after the Agency contacted Fraser Valley and also after the 30-day deadline set by the Bylaws had passed.

In respect of [REDACTED], Agency staff, at Fraser Valley's repeated request, provided a preliminary analysis and calculation of the amount owing based on documents available at the time. As you know, this did not form part of the formal student complaint process as Agency staff was instead attempting to assist the parties in resolving the matter before a formal complaint became necessary. As Fraser Valley disagreed with the Agency's assessment and continued to refuse to provide a refund to the student in the amount suggested by the Agency or at all, the Agency agreed to accept a formal complaint to go before the Public Administrator for a decision in accordance with the process described above. Fraser Valley's statement on page 57 that "FVCC has not even been given a chance to [respond], Registrar already has a Predetermine[d] decision" is incorrect.

Fraser Valley's submissions did not persuade me that it processes refunds appropriately or that it has any intention of revising its problematic approach to this matter in the interests of future improvement. Rather, its response to the September 1 letter continued its pattern of blanket denials, argument, and accusations. Fraser Valley has repeatedly contravened Bylaw 37.15, requiring that refunds owed to students be paid within 30 days of the institution receiving written notification of withdrawal and all required supporting documentation, among others, providing further confirmation that its continued operation will be harmful to students and prospective students.

Enrolment While Suspended

In the September 1 letter, you were advised of the Agency's concern the institution had enrolled a student during the period its registration was suspended contrary to s. 8(5)(b) of the Act. Fraser Valley was asked to provide any evidence in its possession capable of proving [REDACTED] was admitted to the institution prior to July 22, 2014, such as emails or wire transfer receipts.

Fraser Valley's submissions appear to address this issue in the Response at pages 66 – 75, 83 – 106, and in the [REDACTED] Response.

Fraser Valley failed to provide any evidence dated electronically to support its claim [REDACTED] had been admitted to the institution before the suspension of its registration took effect on July 22, 2014. Despite my concerns however, there is an absence of concrete evidence proving Fraser



Valley did in fact admit a student while suspended. This issue was therefore not a factor in making the decision to cancel Fraser Valley's registration.

Decision

Based on the assessment set out above and the matters discussed in my September 1 letter, cancellation of Fraser Valley's registration is effective immediately.

We will attend your premises on **October 27, 2015 at 9:00 am** to pick up the following:

1. Agency registration certificate; and
2. complete records for all students presently enrolled at Fraser Valley including students who have registered but have not started training and those who have withdrawn but to whom the refund owing has not yet been paid.

We remind you that pursuant to Bylaw 25.2, all unearned tuition deposits are held in trust and therefore we require that by **November 2, 2015** you confirm to us that these unearned tuition deposits will not be withdrawn from your bank account without our consent and provide an accounting of all unearned tuition funds held on behalf of students enrolled at the institution prior to the cancellation, including students who withdrew and the refund owing has not been paid. In this regard, we will require production of your banking records and other financial information confirming enrolment and deposits paid by the students. If we do not hear from you by **November 2, 2015**, we will make an immediate application to court to restrain you from dealing with those trust funds.

You must immediately discontinue all advertising in relation to the institution's career training programs, including removal of any online websites and profiles. In order to administer the closing of Fraser Valley's file, the Agency also requires that the institution provide the following items no later than **November 9, 2015** with failure to do so negatively impacting any future application for registration:

1. internally prepared interim financial statements for the period January 1, 2015 to October 26, 2015;
2. the amount of tuition received for the period October 1 to October 26, 2015. We will then assess the amount owing for PCTIA and STCF % of tuition fees (if you did not collect any tuition during this time, advise us in writing);
3. payment of PSINV-00016 dated August 26, 2015 in the amount of \$5,000 regarding student complaint refund to [REDACTED].
4. payment of PSINV-00017 dated August 26, 2015 in the amount of \$4,500 regarding student complaint refund to [REDACTED].



In light of the fact that you are required to immediately cease all career training, current students may have questions regarding tuition refunds and train-out opportunities, among other things. Please direct them to the Agency at 604-569-0033, 1-800-664-7441 or info@pctia.bc.ca.

Finally, Bylaw 42.1 requires that cancellation of an institution's registration be published on the Agency's website for a period of five years. Publication includes the name of the institution and reasons for cancellation.

Pursuant to s. 10(1) of the Act, you may request a reconsideration of my decision to cancel the registration (and accreditation) of Fraser Valley Community College and must make such a request in writing within 30 days of receipt of this letter. The Reconsideration Request form can be found on the Agency's website at www.pctia.bc.ca/institutions/forms. The *Private Career Training Institutions Act*, the associated Regulation and the Agency's Bylaws are available at www.pctia.bc.ca.

Sincerely,

Digitally signed by Monica
Lust
DN: cn=Monica Lust, o, ou,
email=mlust@pctia.bc.ca,
c=CA
Date: 2015.10.26 15:04:14
-07'00'

Monica Lust
Registrar & CEO

ML/ep