

Student Claim Based on Being Misled Decision

Complainant: ██████████

Institution: 3162 – CDI College of Business, Technology &
Health Care

1. Introduction

The Complainant graduated from the Social Service Worker Professional program [Program] in February 2023, and filed a complaint against the Institution [Complaint] on January 29, 2024.

The Complainant exhausted the Institution's dispute resolution process [DRP] prior to filing this Complaint.

The Complainant is seeking a full tuition refund on the basis that the Institution failed to send to the Complainant an invitation to the graduation ceremony.

For the reasons outlined below I find the Institution did not mislead the Complainant regarding a significant aspect of the Program and, accordingly, deny the claim.

2. Statutory Scheme

Section 23(1) of the *Private Training Act* [Act] provides that, a student may file a claim against the Student Tuition Protection Fund [Fund] on the ground that a certified institution misled the student regarding any significant aspect of an approved program of instruction in which that student was enrolled. Claims are filed with the Trustee, being the minister or the person to whom the minister has delegated the relevant powers or duties.

Claims must be filed no later than one year after the student completed or was dismissed or withdrew from the program and only after the student has exhausted the institution's dispute resolution process.

Following receipt of the complaint, the process is as follows:

Claim the student was misled		
Who	What	When
Trustee	Gives a copy of the claim to the institution	As soon as practicable
Institution	May respond to the claim [Response]	Within 15 days of receiving a copy of the claim from the Trustee
Trustee	Gives the Response from the institution, if any, to the student	Within 15 days of receiving the Response from the institution
Student	May reply to the Response from the institution [Reply]	Within 15 days of receiving the Response from the Trustee
Trustee	Must give the Reply from the student, if any, to the institution	Within 15 days of receiving the Reply from the student
Trustee	Adjudicates the claim to determine whether any refund should be issued, and provides written reasons to the student, the institution, and the registrar.	

If a claim is approved, the Trustee may authorize payment from the Fund of all or a portion of the tuition paid to the institution by or on behalf of the student. Section 25(4) of the *Fees and Student Tuition Protection Fund Regulation* requires that payments from the Fund be directed first to the government if all or a portion of the tuition was paid using funds from a provincial or federal student assistance program, and then to the claimant.

3. Program Information

Program:	Social Service Worker Professional
Start date:	December 20, 2021
End date:	February 3, 2023
Graduation date:	February 3, 2023
Total charged:	\$ 19,040
Tuition:	\$ 18,243
Application fee:	\$ 150
Assessment and Administration Fees:	\$ 325
E-Resource and Material Fee:	\$ 2,822
Tuition Reduction: December Scholarship	\$ (2,500)
Amount paid to date by Complainant:	\$ 19,028
Amount of tuition paid to date by Complainant:	\$ 15,743

4. Issues

The following issue arises for consideration: Did the Institution mislead the Complainant in respect of the invitation to the graduation ceremony?

5. Chronology

December 20, 2021	Program start date
February 2023	Complainant graduates
June 16, 2023	Complainant enquires about graduation ceremony
June 22, 2023	Complainant follows up
July 13, 2023	Complainant follows up
September 18, 2023	Automated email invite to graduation ceremony
September 22, 2023	Automated email reminder
December 1, 2023	Graduation ceremony
December 3, 2023	Complainant disappointed about missing graduation ceremony, requests Institution investigates
December 4, 2023	Institution confirms invites were emailed to the Complainant
December 31, 2023	Complainant initiates DRP and submits complaint to Institution
January 4, 2024	Institution issues decision [Decision 1]
January 8, 2024	Complainant appeals Decision 1
January 19, 2024	Institution issues decision [Decision 2]
January 29, 2024	Complainant files Complaint

6. Analysis

The Complainant submits he was misled by the Institution on the basis that it failed to ensure they received an invitation to the graduation ceremony.

The Complainant emailed the Institution to enquire about the graduation ceremony on June 16 and 22, and July 13, 2023. The Institution did not respond and says the emails were sent to an employee that no longer works at the Institution. The Institution adds that it responded to the December 3, 2023 email sent by the Complainant to a different employee after the graduation ceremony had been held.

The Institution submitted evidence that an automated invitation and reminder were sent to the Complainant on September 18 and 22, 2023. The Complainant denies receiving the emails.

In response, the Institution refuses to refund the Complainant and submits: "While we acknowledge the significance of graduation ceremony, as a celebration of student success and inspiration, it is considered an additional celebratory component, rather than a fundamental element of the program". The Institution offers the Complainant to attend the graduation ceremony that will be held in 2024.

7. Decision

I find the Institution did not mislead the Complainant in respect of the invitation to the graduation ceremony and, on this basis, deny the claim.

The adjudicative task for the trustee is to determine whether the Complainant was misled in relation to a significant aspect of the Program. For a claim to be successful, there must be concrete evidence that the Institution promised the student something related to a significant aspect of the program that it objectively failed to deliver (Act, 23(1)(b)).

It is unfortunate that the Complainant missed the opportunity to attend the graduation ceremony with his classmates. I do not find the Institution misled the Complainant in respect of a significant aspect of the Program by failing to ensure the Complainant received the email communications related to the graduation ceremony.

For this reason, I deny the claim.

This decision is final. The Trustee does not have authority to re-open or reconsider the decision and there is no appeal under the Act. Parties may wish to seek legal advice regarding a judicial review by the BC Supreme Court.

Date: June 20, 2024



Joanna White
Trustee, Student Tuition Protection Fund