

Student Claim Based on Being Misled Decision

Complainant: [REDACTED]

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

1. Introduction

The Complainant withdrew from the Paralegal Diploma program [Program] on December 5, 2022, and filed a complaint against the Institution on November 19, 2023 [Complaint].

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

The matter at issue relates to the Institution's representations made prior to enrolment in respect of the requirements for the Program.

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:	Paralegal
Start date:	September 26, 2022
End date:	May 1, 2024
Withdrawal date:	December 5, 2022
Total charged:	\$27,372
Tuition:	\$24,338
Application Fee:	\$150
Assessment and Administration Fees:	\$325
E-Resource and Material Fee:	\$2,559
Amount paid to date by Complainant:	\$9,870
Tuition paid to date by Complainant:	\$8,307.12
Tuition owed by Complainant	\$3,861.88

4. Issues

The following issue arises for consideration: Did the Institution mislead the Complainant in respect of the representations made prior to enrolment?

5. Chronology

September 26, 2022	Program start date
December 5, 2022	Complainant withdraws from Program
July 28, 2023	Complainant initiates DRP and completes Student Concern Outline Report
August 11, 2023	Institution issues decision [Decision 1]
August 30, 2023	Complainant responds
September 5, 2023	Institution issues decision [Decision 2]
November 19, 2023	Complainant files Complaint

6. Analysis

The Program objective reads as follows:

This program provides students with advanced keyboarding, transcription and computer skills (Word, Excel, Access, PowerPoint, and Outlook) and trains students in the vital areas of business communication, customer service, and employment. Legal subject areas include understanding the Canadian legal system, the court structure, legal rights, procedures and practices in a modern legal office, wills and estates, real estate and conveyancing, corporate

and commercial law, civil litigation, family law, criminal law and evidence, business law, torts, contracts, insurance law, cash and collection procedures, legal research and interviewing and intellectual property law.

The Complainant submits the following: "In July 2022, a young man from CDI College spoke with me about applying for the Paralegal programs and he encouraged me to do so even though I told him that I did not have keyboard skills. He said there was a course in the Paralegal diploma would prepare me and not to worry".

The Complainant attended two introductory courses before withdrawing from the Program: Student Success Strategies (20 hours) and Business Computer Applications (BCAO) (100 hours).

The BCAO course is described as follows in the Program Outline:

This course presents an introductory look at the Microsoft Office productivity applications Word, Excel, PowerPoint and Access, and the Windows environment in which they run. It covers the fundamentals of organizing files and folders, of drafting business documents, of creating presentations, of reporting data in spreadsheets, and of querying data in relational databases. Students will have the opportunity to integrate their new skills in Office communications tools in a collaborative communications assignment. This course relies heavily on practical hands-on activities that allow you to learn the concepts by practicing them on a regular basis.

After the Complainant failed the BCAO course, the Institution recommended the Complainant repeat the course while attending Law 1014.

The Complainant submits that the BCAO is not an introductory course and that being a proficient typewriter should be an admission requirement given the fast pace of the Program.

The Institution responded as follows:

We want to emphasize our commitment to student success and engagement, and we strive to provide the necessary support for those facing challenges. Our records indicate that the student was provided with the appropriate extensions, and it is crucial to note that the student's work commitments during the course affected the attendance, and our education team consistently communicated with them regarding absence. Warning letters were appropriately issued to address the ongoing issue.

The Institution based its refund calculation on the Complainant having attended more than 10% of the hours of instruction of the Program (13.14%).

I have not considered issues raised in respect of the Complainant's student loan as this falls outside my jurisdiction.

7. Decision

I have carefully reviewed the parties' submissions and find, on a balance of probabilities, the Institution did not mislead the Complainant with respect to the representations made prior to enrolment related to the keyboarding skills and, on this basis, deny the claim.

I find the Complainant's irregular attendance contributed to her failing the BCAO course and I am not convinced the Complainant's keyboarding skills were a material impediment to her success.

I note that the Institution based its refund on the assessment that the Complainant completed 13.14 % of the hours of instruction of the Program. While this assessment may be accurate, I remind the Institution that, for programs delivered by distance education, "hours of instruction completed" means that a student has received an evaluation of the student's performance for a specified percentage of the hours of instruction (*Private Training Regulation, 35(1)*).

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