

Student Claim Based on Being Misled Decision

Complainant: [REDACTED]

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

1. Introduction

The Complainant completed the Professional Counsellor program [Program] on May 19, 2023 and filed a complaint against the Institution on December 30, 2023 [Complaint].

The Complainant alleges she was misled in respect of the Program. The main issue complained of relates to the work experience component. Specifically, the Complainant alleges that the practicums did not include the requisite direct client contact hours for membership with the Association of Cooperative Counselling Therapists of Canada (ACCT) and that students were not placed in “actual workplaces”. The practicums took place at the Institution’s in-house counselling clinic.

The Institution denies that it misled the Complainant as alleged, or at all. It maintains the Program meets the educational requirement for ACCT membership (minimum 500 hours) and was not designed to meet the experience requirement.

For the reasons outlined below I find the Institution misled the Complainant regarding a significant aspect of the Program and, accordingly, approve 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:	Professional Counsellor
Start date:	April 4, 2022
End date:	May 5, 2023
Revised end date:	May 19, 2023
Graduation date:	May 19, 2023
Total charged:	\$ 21,368
Tuition:	\$ 19,000
Application Fee:	\$ 150
Assessment and Administration Fees	\$ 325
E-Resource and Materials Fees:	\$ 1,893
Amount paid to date by Complainant:	\$ 21,368
Amount of tuition paid to date by Complainant:	\$ 19,000

4. Issues

The following issue arises for consideration: Did the Institution mislead the Complainant in respect of the work experience component of the Program?

5. Chronology

April 4, 2022	Program start date
August 2022	– Series of meeting between students and Institution
January 2023	
May 19, 2023	Complainant completes the Program
August 14, 2023	Complainant initiates DRP
August 22, 2023	Complainant meets with regional director who offers 200 supervised DCC hours
August 26, 2023	Complainant refuses offer citing loss of confidence in Institution
August 29, 2023	Institution issues final decision
December 30, 2023	Complainant files Complaint

6. Analysis

The Complainant alleges she was misled in respect of four issues:

1. Incorrect and late delivery of certificates;
2. Practicum did not include supervised direct client contact hours required for ACCT membership and further employment;
3. Practicum not located in actual workplace environment; and
4. Extended program duration.

The crux of the Complaint relates to the provision of the practicums.

The Program Outline specifies that the Program includes three 40-hour practicums and includes the following description: “Students will be placed in actual work places related to their field of study and will be expected to act as a regular practitioner in order to gain the valuable real world experience”.

The Complainant says that she was told by an admission representative that the 120 practicum hours would be provided “in the field”. The Complainant says that contrary to what she was told and what is specified in the Program Outline, the practicums took place at the Institution’s “in-house counselling clinic”.

The Complainant also says that the Institution failed to provide direct client contact hours necessary for ACCT membership.

Direct client contact is defined by the ACCT as “any activity in which the client and the therapist are directly and formally engaged in the psychotherapeutic process”. Direct client contact does not include practice and role plays, observing therapy without actively participating or providing follow-up to the client, record keeping, administrative activities, including report writing, or conducting psychometric assessment with little or no clinical interaction with the client. To become a Registered Therapeutic Counsellor Candidate (which is the step before applying to be a Registered Therapeutic Counsellor), ACCT requires a minimum of 100 direct client contact hours and 20 clinical supervision hours.

Students first raised concerns about the practicum and the lack of direct client contact hours in August 2022 and a series of meetings were held with the Institution to discuss the concerns. The Complainant says that during a meeting on January 27, 2023, the Institution promised to provide a minimum of 40 direct client contact hours per student. This did not transpire. The first practicum was held in class and consisted of role plays. The second and third practicums were scheduled for the end of the Program. The only opportunity for direct client contact the Complainant was provided was during the third practicum and consisted of one client for three sessions via Teams, for a total of three hours.

In its August 29, 2023 decision, the Institution acknowledges that the Program Outline indicated that the practicum may occur in an external practicum environment, but due to issues of patient confidentiality it has since modified the outline and is “in the process of further building out a virtual clinic”.

In its Response, the Institution argues that graduates of the Program meet the educational requirement for ACCT membership, but that the practicum was never designed to fulfill the experience requirement. In this respect, the Institution says the Program meets the industry standard. "In all cases, following completion of a diploma, continued supervised work experience hours are required before a candidate can successfully practice on their own as a Registered Therapeutic Counsellor with ACCT."

7. Decision

For the following reasons, I find the Complainant was misled with respect to the work experience component of the Program, and approve the claim.

I find that the Institution failed to deliver the work experience that was represented to the Complainant and for which the Complainant contracted. The Complainant makes a compelling case that the practicums were seriously deficient and diverged from what was described in the Program Outline and promised during meetings with the Institution when students raised the specific concern about direct client contact hours. In-house role play is not an appropriate work experience activity. The Complainant does not appear to argue that the Institution was required to provide all the direct client contact hours required for ACCT registration. It is telling that out of the 120 practicum hours, the Complainant only got credit for three direct client contact hours. On any measure this is inadequate and in no way approximates or meets the promise of "valuable real world experience".

Having found that the Complainant was misled in respect of the work experience, I do not need to address Issues 1 (late delivery of certificates) and 4 (duration of the Program).

The Complainant is entitled to a tuition refund of \$19,000.

As Trustee, in accordance with s.25 of the Act, I authorize payment of \$19,000 from the Fund. The payment from the Fund will be directed in the following order: 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 second, to the Complainant.

The Institution is required to repay the total amount of \$19,000 to the Fund (Act, s.27).

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.

July 19, 2024



Joanna White

Trustee, Student Tuition Protection Fund