

Student Claim Based On Being Misled Decision

Complainant: [REDACTED]

Institution: 3876 – Columbia Paramedic Academy

1. Introduction

The Complainant was dismissed from the Primary Care Paramedic program [**Program**] on August 23, 2022, and filed a complaint against the Institution on February 22, 2023 [**Complaint**].

The Complainant disputes the Institution’s dismissal decision.

The Institution denies that it misled the Complainant in respect of the dismissal, or at all.

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:	Primary Care Paramedic
Start date:	September 10, 2021
End date (listed in contract):	August 12, 2022
Dismissal date:	August 23, 2022
Total charged:	\$ 7,765.00
Tuition:	\$ 7,000.00
Application fee:	\$ 85.00
Student Services Fee (includes mandatory \$80 Columbia branded jacket for preceptorship):	\$ 680.00
Amount paid to date by Complainant:	\$ 7,765.00
Amount of tuition paid to date by Complainant:	\$ 7,600.00

4. Issues

The following issue arises for consideration: Was the Complainant misled in respect of her dismissal from the Program?

5. Chronology

August 9, 2022	Letter of Direction advising the Institution is investigating allegations the Complainant violated the Student Code of Conduct Policy and the Complainant's allegations that her rights under the Respectful and Fair Treatment of Students policy have been breached
August 23, 2022	Complainant dismissed [Dismissal Decision]
August 29, 2022	Complainant disputes Dismissal Decision
August 30 and September 5, 2022, January 16, and February 22, 2023	Institution confirms Dismissal Decision is final

6. Analysis

The Complainant had almost completed the Program when she was dismissed for having violated the Student Code of Conduct Policy. As a result, the Complainant did not graduate from the Program.

The Dismissal Decision is based on the following: “Most concerning, and the primary reason for my decision, was my confirming that the alleged content of your text messages and emails to preceptor [...] was accurate, including a violent threat concerning preceptor [...]. BCEHS and Columbia policies are clear on their zero tolerance for threats of violence.”

The Dismissal Decision provides that the decision to dismiss is final and “not open to further discussion” but that the Complainant has a right to appeal the decision under the Dispute Resolution Policy within 20 calendar days.

The Complainant did not submit a formal appeal of the Dismissal Decision.

The Complainant is seeking to be reinstated in the Program and is asking for a full tuition refund. The Complainant is also asking for reimbursement of fees paid for the National Standard Licensing Exam.

While the Complainant’s submission does not make it clear, I understand that the Complainant is alleging she was misled in respect of her dismissal from the Program. The Complainant submits that the events leading to her dismissal occurred after she completed the Program and that she was not provided the opportunity to respond. She acknowledges that she “said stupid things under duress” but denies that she threatened anyone directly.

In its Response, the Institution submits the Complainant does not make any allegation that she was misled in respect of a significant aspect of the Program. The Institution provides detailed information regarding the Dismissal Decision.

7. Decision

As a preliminary matter, there seems to be confusion about the Complainant’s right to appeal the Dismissal Decision and the Complainant’s right to submit a complaint to the Institution under the dispute resolution process. To clarify, an institution may issue a final decision to dismiss a student. However, a student may also file a complaint with an institution in respect of a decision (*Private Training Regulation, 62*).

Following the issuance of the Dismissal Decision, the Complainant brought up her concerns with the Institution and the Institution confirmed its original decision to dismiss the Complainant. On that basis, I find the parties exhausted the dispute resolution process.

Turning to the merits of the claim, I find the Institution did not mislead the Complainant with respect to the dismissal and, on this basis, deny the claim.

While I understand the Complainant is unhappy with the Dismissal Decision and considers she was mistreated by the Institution, there is insufficient evidence for me to find that she was misled within the meaning of s.23(1)(b) of the Act. The claims process is not an appeal of the Dismissal Decision. Further, even

though it is not my role to determine whether the dismissal was justified, I find the process followed by the Institution was fair and reasonable.

Decisions of the Trustee are final and conclusive and are not subject to appeal (Act, s.24(5)).

Date: October 2, 2023

A handwritten signature in black ink, appearing to read "Anthony Loughran", with a long horizontal stroke extending to the right.

Tony Loughran

Trustee, Student Tuition Protection Fund