

Student Claim Based on Being Misled Decision

Complainant: [REDACTED]

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

1. Introduction

The Complainant was enrolled in the Medical Laboratory Assistant Program [Program]. The Complainant filed a complaint against the Institution [Complaint] on January 20, 2024 after having been dismissed from the Program on July 17, 2023.

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

The Complainant alleges he was misled in respect of his dismissal and is seeking a full tuition refund.

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* [PTA] 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:	Medical Lab Assistant
Start date:	August 29, 2022
Revised Start date:	August 30, 2022
End date:	May 12, 2023
Dismissal date:	July 17, 2023
Total charged:	\$ 14,067
Tuition:	\$ 18,133
Application fee:	\$ 150
Assessment and Administration Fees:	\$ 325
E-Resources and Material Fees:	\$ 1,959
Tuition Reduction:	\$ 6,500
Amount paid to date by Complainant:	\$ 14,067
Amount of tuition paid to date by Complainant:	\$ 11,633

4. Issues

The following issue arises for consideration: Did the Institution mislead the Complainant in respect of his dismissal from the Program?

5. Chronology

August 29, 2022	Program start date
March 14, 2023	Institution notifies Complainant that he cannot attend practicum starting March 20, 2023 because of his performance
March 15, 2023	Complainant responds, blames instructor
March 15, 2023	Institution confirms practicum is delayed and provides additional opportunities to practice to the Complainant
April 3, 2023	Institution notifies Complainant must attend <u>all dates</u> scheduled for phlebotomy training to prepare for practicum
April 6, 2023	Institution issues At Risk Report Summary and Commit to Success Plan
April 24, 2023	Progress Report specifies Complainant “needs more time to increase his competency in laboratory practice”
July 4, 2023	Practicum Host requests practicum be put on hold due to performance
July 17, 2023	Complainant dismissed
July 18, 2023	Complainant initiates DRP and submits complaint to Institution
July 31, 2023	Institution issues decision and offers additional training
August 1, 2023	Complainant responds and rejects Institution’s offer

6. Analysis

Students must successfully complete a practicum to graduate from the Program.

The Institution notified the Complainant he did not meet the requirements to attend the scheduled practicum and provided additional training before re-scheduling the practicum.

The Complainant eventually attended the practicum from which he was dismissed by the practicum host after three days. The Institution cites the following reason for dismissal from the Program: "The dismissal is based on your poor performance on practicum, representing lack of progress towards program. Your last day of attendance is on July 4 2023."

The Complainant alleges the instructor and coordinator were both aggressive toward him and behaved inappropriately. The Complainant says he met the requirements to attend the practicum. He adds that his dismissal from the practicum, following only three days of attendance, was planned by the instructor and coordinator.

I have only considered the issues brought by the Complainant to the Institution as part of the DRP. I have also not considered allegations that fall outside of my authority, such as discrimination.

7. Decision

The adjudicative task for me, as 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 (PTA, 23(1)(b)).

It is not my role to review the facts underlying the dismissal from the practicum.

I have carefully reviewed the evidence submitted in support of the claim and find it does not support a finding of being misled.

I find the Institution clearly communicated to the Complainant the unmet requirements to attend the practicum and offered opportunities to improve. Further, I find the Institution's offer for additional training following the dismissal was reasonable.

For these reasons, 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 PTA. Parties may wish to seek legal advice regarding a judicial review by the BC Supreme Court.

October 2, 2024

A handwritten signature in blue ink, appearing to be 'Joanna White', written in a cursive style.

Joanna White
Trustee, Student Tuition Protection Fund