Student Claim Based on Being Misled Decision

Complainant: [redacted] Institution: 3368 - Vancouver College of Dental Hygiene Inc.

1. Introduction

The Complainant was enrolled in the Dental Hygiene program [**Program**] and filed a complaint against the Institution [**Complaint**] on April 25, 2025, after having been dismissed from the Program on April 26, 2024.

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

The Complainant was dismissed from the Program after failing the Head and Neck final exam [**Exam 1**] and supplemental exam [**Exam 2**]. At the time of dismissal, the Complainant owed half of the tuition due under the enrolment contract, in accordance with the Institution's Tuition Refund Policy.

The Complainant submits she was misled in respect of the Institution's administration of Exam 2 and its application of the DRP. The Complainant further submits the Institution misled her by failing to adhere to goals and values listed in the Student Policy and Procedure Manual [**SPPM**].

The Complainant is seeking a full refund of tuition.

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:	Dental Hygiene
Start date:	December 11, 2023
End date:	June 13, 2025
Dismissal date:	April 26, 2024
Total charged:	$ 52,025
Tuition:	$ 47,800
Supplemental Examination:	$ 200
Textbooks:	$ 0
Uniforms:	$ 250
Instruments:	$ 1,475
Equipment Rental Fee (non-refundable):	$ 1,050
Expendable Materials (non-refundable):	$ 1,200
Insurance (non-refundable):	$ 250
Amount paid to date by Complainant:	$ 18,608
Amount of tuition paid to date by Complainant:	$ 15,400

4. Issues

The following issues arise for consideration: Was the Complainant misled in respect of the Institution's administration of Exam 2, the application of the DRP, and its adherence to stated goals and values?

5. Chronology

November 17, 2022	Institution confirms Complainant accepted for March 2023 intake
June 14, 2023	Complainant asks to be placed on waitlist for July or December 2023 intake citing personal reasons [redacted]
September 17, 2023	Student enrolment contract

	Educational Accommodations Form: C[redacted]
October 14, 2023	[redacted]
December 11, 2023	Program start date
February 20, 2024	Meeting with Educational Coordinator to discuss Midterm Academic Status Alert
February 27, 2024	Meeting with Program Director
March 22, 2024	Institution email to Complainant summarizing two meetings held week 12 and 15 of the Program to discuss academic progress
April 9, 2024	Complainant fails Exam 1
April 9, 2024	Meeting with Program Director who asks Complainant to provide Individualized Educational Plan [redacted]
April 14, 2024	Complainant asks instructor to provide access to "supplemental review guide". Instructor responds it will be provided once Complainant receives confirmation she is eligible to write Exam 2 and suggests "you focus on the starred material from all lectures and the review PowerPoints".
April 19, 2024	Institution confirms Exam 2 scheduled April 22, 2024 Complainant asks Institution confirm time Exam 2 will be held
April 21, 2024	Instructor provides review guide Complainant follows up, asks time at which Exam 2 will be held
April 22, 2024	Institution responds Exam 2 scheduled for 2 PM the same day
April 22, 2024	Complainant takes Exam 2
April 24, 2024	Institution notifies Complainant failed Exam 2
April 26, 2024	Complainant dismissed from Program, Complainant asks to be reinstated
October 16, 2024	Complainant asks Institution to forego requesting payment of balance of tuition due
October 24, 2024	Institution confirms Tuition Refund Policy applies
October 28, 2024	Institution confirms outstanding tuition is due
December 31, 2024	Complainant initiates DRP and submits complaint to Institution
January 14, 2025	Institution issues decision
April 25, 2025	Complainant files Complaint

6. Analysis

Following her enrolment in the Program and before the start date, the Complainant experienced [redacted]

The Complainant submits that because of this [redacted] she was unable to devote as much time as expected to her studies, which explains her academic challenges and why she was ultimately dismissed.

In February 2024, approximately two months into the Program, the Complainant received a Midterm Academic Status Alert because her grades in three courses were below 65%. The Complainant had three meetings with the Institution to discuss her academic status and the Institution offered academic support. I understand the Complainant first mentioned the [redacted] at one of these meetings.

The Complainant confirmed she [redacted] when she enrolled in the Program and, only after she failed Exam 1, did she [redacted]

[redacted]

The Complainant submits she was misled by the Institution in respect of the following:

1. **Administration of Exam 2**

The Complainant submits:

- Institution failed to provide essential information, such as the date and time of Exam 2, in a timely way.
- Institution failed to provide "all relevant study materials" until the day before Exam 2 and the study materials "included dismissive and demoralizing comments to the Complainant, including in comment on the Course Outline/Review Sheet that [Complainant] 'actually need[ed] to study' and reminding her that Supplemental Exam was a privilege and not a right".

In support of her claim, the Complainant provided a copy of her text message to another student dated April 21, 2024, at 7:30 pm stating the exam is the following day and she is waiting for confirmation of the time it will be held. She adds that she finally received access to the "review sheet".

In response, the Institution submits Exam 2 was administered in a fair manner and in accordance with the SPPM. The Institution denies it made any derogative comments to the Complainant.

The Institution confirms supplemental exams are held "at the discretion of the Dental Hygiene Program Committee", as outlined in the SPPM. The SPPM also provides that the educational coordinator schedules the supplemental exam in week 20 of the Program and it may be held as soon as the Monday of week 20.

The Institution submits the Complainant was notified she failed Exam 1 on April 9, 2024, 13 days before Exam 2 was scheduled. On April 19, 2024, the Institution confirmed the Complainant was eligible to write Exam 2, scheduled for April 22, 2024. The Institution adds the Complainant was provided "review guidance" in respect of Exam 2 on April 14 and 21, 2024.

The Institution explains the Complainant was aware it could only confirm the date of Exam 2 after it had graded all final exams, as students are not eligible to write a supplemental exam if they fail more than a certain number of exams.

In respect of the confirmation of the time of Exam 2, the Institution responds the Complainant asked for confirmation of the time on Friday (April 19, 2024), after student services were closed, and the Institution responded on Monday (April 22) at 8:20 am to confirm Exam 2 would be held at 2:00pm the same day.

The Institution adds the Complainant did not request academic support which was available to her.

2. **Dispute Resolution Procedure**

The Institution's DRP reads as follows:

a. the student submits a written complaint to the Program Director;

b. the Program Director arranges a meeting with the student within 14 business days of receipt of the written complaint, at which the student is given an opportunity to make an oral presentation;
c. the Program Director provides a written reason to the student for the determination within 30 business days of the date on which the written complaint was made, specifying whether the decision is final or subject to reconsideration;
d. if subject to reconsideration, the student then has the option of submitting a written complaint to the Dean of Students.

The Complainant submits the Institution failed to schedule a meeting with the Complainant and "allow her to make an oral presentation regarding her complaint". The Complainant adds the Institution's reasons included in its decision "are not at all responsive to the basis of the [Complainant's] complaint".

In response, the Institution submits the Complainant did not "request a follow-up oral presentation with the Program Director or submit a written request to meet with the Dean of Students". The Institution adds it issued a written decision in a timely way and the process followed complies with the *Private Training Regulation* [**PTR**]**.**

3. Goals and Values

The Complainant cites the following goals and values which are listed in the SPPM:

a. strives to create an environment where equity, diversity, and inclusion are inseparable from institutional excellence and to model intentional practices that respect the humanity of all";
b. honour[s] the uniqueness and resilience of each individual while working to create a transformative community that respects, values, and supports all people";
c. strive[s] to obtain each individual's maximum growth potential";
d. value[s] and encourage[s] the growth and learning of all [its] students"; and
e. strive[s] to honour the uniqueness and resilience of each individual while working to create a transformative community that respects, values, and supports all people.

The Complainant makes submissions to establish the Institution failed to adhere to each specific goal and values listed.

In response, the Institution submits it is committed to upholding its stated goals and values and "strives to treat all students with empathy and respect, while also maintaining the integrity of academic standards and processes".

The Institution says it only became aware of the Complainant's personal circumstances after the midterm exam, at which time it immediately offered support and referred her to [redacted]. I understand the Complainant did not avail herself of the assistance offered.

The Complainant adds the Institution's request for outstanding tuition of $8,500 "evidences a lack of respect, value, and support for all individuals." The Complainant takes particular issue with the Institution's "strict adherence to the tuition refund policy which was in force at the time of the Complainant's dismissal, despite

the fact that this policy changed about seven (7) months later in a manner that would have allowed [Complainant] to move on without further payment".

I have not considered the Complainant's allegation of family status discrimination in my decision as this falls outside my jurisdiction.

7. Decision

For the following reasons, I find the Institution did not mislead the Complainant and therefore deny the claim.

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)).

Administration of Exam 2

The Complainant was aware she could be eligible to write Exam 2 as soon as she was notified that she had failed Exam 1.

While I find the Institution's same day confirmation of the time of the exam was less than ideal, I do not find it amounts to misleading within the meaning of PTA 23(1)(b). Similarly, I find the fact that the Institution provided the "review sheet" on April 21, 2024 did not amount to misleading. The Complainant would have generally known what to expect in Exam 2, as confirmed by the instructor on April 14, 2024.

DRP

I find the Complainant had an opportunity to bring her issues to the Institution and, in that way, exhausted the DRP, which is a requirement to file a claim.

While the Institution may not have strictly applied each step of the DRP, I find that its application of the DRP was not misleading.

Going forward I suggest the Institution review its DRP to ensure each step in the process is clear to students. If the Institution maintains step (b) of the DRP which refers to a meeting between the Campus Director and the student, unless the DRP is amended to specify otherwise, the onus is on the Institution to initiate the meeting.

The Complainant also submits that the Institution's reasons for the decision were insufficient, and, in this way, she was misled in respect of the DRP. It is not my role to determine whether the reasons in an

institution's decision are sufficient. This is not a basis upon which I can find the Institution misled the Complainant.

Goals and Values

The Complainant alleges the Institution generally lacked empathy and failed to adhere to stated goals and values. Even if I were to accept these allegations (which I do not), it would not amount to misleading within the meaning of PTA 23 (1)(b).

Following the issuance of the Midterm Academic Status Alert, the Institution held meetings with the Complainant to discuss her progress and offered support.

The Complainant argues it was misleading for the Institution to apply the tuition refund policy listed in the enrolment contract, which complies with PTR applicable at that time, rather than the refund policy which came into effect January 1, 2025 when the PTR was amended. This is a novel argument that, frankly, makes no sense. I cannot reasonably accept a submission premised on the argument the Institution ought to have pre-emptively applied a standard that was not in force at the time.

For these reasons, I find the Institution did not mislead the Complainant and, on that basis, 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.

29 September 2025

Joanna White
Trustee, Student Tuition Protection Fund