

Student Complaint Decision

Complainant: [REDACTED]

Institution: 657 – Academy of Excellence Hair Design & Aesthetics Ltd.

1. Introduction

The Complainant was dismissed from the Hair Design 5 Day Program [Program] on December 5, 2024, and filed a complaint against the Institution [Complaint] on May 6, 2025.

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

The matters at issue relate to the Complainant's general dissatisfaction with and dismissal from the Program.

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* [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:	Hair Design 5 Day
Start date:	May 6, 2024
End date:	March 7, 2025
Dismissal date:	December 5, 2024
Total charged:	\$19,830
Tuition:	\$17,000
Domestic Registration fee:	\$250
LAB/ BAAB Training System:	\$600
Tools /Equipment	\$1,700
AOE Operator Coat:	\$100
Processing Fee:	\$170
Archiving Fee:	\$10
Amount paid to date by Complainant:	\$19,830
Amount of tuition paid to date by Complainant:	\$17,600

I have determined that fees paid in respect of LAB/BAAB Training System are tuition (PTA, s.1. definition of “tuition”)

4. Issues

The following issues arise for consideration: Did the Institution mislead the Complainant in respect of the delivery of the Program and her dismissal?

5. Chronology

May 6, 2024	Program start date
October 9, 2024	Institution issued Progressive Disciplinary Form for Academic Failure
December 5, 2024	Complainant dismissed for having missed over 80 hours of the Program
December 5, 2024	Complainant asks to be reinstated, says she was not keeping track of missed hours
January 5, 2025	Institution confirms no refund due
February 17, 2025	Complainant submits complaint to Institution and initiates DRP
March 9, 2025	Institution issues decision
May 6, 2025	Complainant files Complaint

6. Analysis

The Complainant was dismissed for “excessive absence”. The same day, the Complainant asked to be reinstated in the Program and submitted the breaks she did not take compensated for missed instructional hours. She added that some absences were due to her illness and hospitalization.

The main issue complained about is the Complainant’s dismissal without adequate notice:

The school’s response had emphasized my attendance record as a reason for my challenges; however my absences were always communicated as [REDACTED], and at no point was I given adequate progressive disciplinary warnings regarding my standing. While I take responsibility for the days I missed I was not properly informed about the severity of the situation until it was too late.

The Complainant also raises the following issues:

- Institution failed to provide adequate instruction and support
- Most hours of instruction were spent working on clients, which left insufficient time for the Complainant to “practice or properly prepare for projects and assignments”
- Institution failed to deliver three breaks per day, and Complainant was often unable to take lunch breaks “due to my commitments to clients”

The Complainant is seeking a full refund of tuition.

The enrolment contract includes the following clause:

I understand that if I am absent more than 40 hours for any reason, I will need to pay \$15 per hour up to a maximum of 80 hours, to reach 1,500 hours. If I miss more than 80 hours I will be dismissed from the program.

In response, the Institution submits the Complainant missed a “significant number of hours from the beginning of the on-site portion of the program which of course directly impacts her experience in the program, this is why the attendance policy is in place”.

In respect of the Complainant’s submission that she was not provided adequate notice, the Institution submits:

You reached your hours so quickly, that there was not time to give the progressive forms, these are not warnings as the attendance policy clearly states you will be dismissed if you miss 80 hours it is not contingent on progressive forms. As an adult you should be aware of the days you were missing school, and at any time you always had the ability to ask [instructor] where your hours were at.

The Institution adds that the Complainant justified every absence by being [REDACTED] and the Complainant’s spotty attendance was discussed in person.

The Institution describes the Complainant as “problematic” and submits that efforts were made to help the Complainant catch up with practical skills. The Institution adds the Complainant was behind on her theory work and it impacted her experience during the practical skills component of the Program.

Finally, the Institution says the Complainant could have requested to be reinstated if she was serious about pursuing a career in hair design:

When I met with [Complainant], I explained to her that she had an option of requesting to re-register into the program and I explained to her that she would need to write a letter outlining what would be different about her attendance and attitude if we were to approve her re-registration, she did not pursue this option.

In her Reply, the Complainant says the offer was made after her dismissal from the Program.

7. Decision

I find the Complainant was misled by the Institution in respect of her dismissal and, on this basis, approve the claim.

The Complainant’s dismissal from the Program may be justified. This is not the issue. The issue before me is whether the Institution’s communications and process leading to the dismissal were unfair and unreasonable to the point of being misleading.

The Institution is regulated under the PTA. The PTA is consumer protection legislation that recognizes the power imbalance between a student and an institution and establishes compliance standards institutions must comply with. This includes standards related to the student dismissal policy. Section 47 of the *Private Training Regulation* provides that the student dismissal policy must be fair and reasonable, set out what constitutes reasonable grounds to dismiss a student, and include the process by which a student may be dismissed.

The Institution failed to convey to the Complainant the seriousness of her poor attendance record and the potential consequences. The Complainant was given no written notice about the over-80-hour automatic dismissal rule. More specifically, she was given no warning that she was approaching the 80-hour absentee limit. Further, the Institution did not charge \$15/hour after the Complainant missed the first 40 hours, as specified in the enrolment contract. My reading of that clause is that the charge at 40 hours serves as a warning that the 80-hour dismissal rule has been triggered and will apply. The Complainant’s same day response to the dismissal notice confirms she was not aware that she may be dismissed from the Program based on her attendance.

I find no basis on which to find the Complainant was misled in respect of the delivery of the Program as the Complainant did not make any submission in support of that claim.

For these reasons, I find the Complainant was misled in respect of her dismissal from the Program.

In determining the refund owed by the Institution, I have considered the Complainant's excessive absenteeism from the Program which contributed, in part, to her dismissal. I order a refund of 75% of the tuition paid: \$13,200.

I authorize payment of \$13,200 from the Fund. The payment 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 (PTA 25).

The Institution is required to repay the total amount of \$13,200 to the Fund (PTA 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 PTA. Parties may wish to seek legal advice regarding a judicial review by the BC Supreme Court.

17 September 2025



Joanna White

Trustee, Student Tuition Protection Fund