

Student Claim Based on Being Misled Decision

Complainant: ██████████

Institution: 208 – Vancouver Career College

1. Introduction

The Complainant enrolled in the Social Services Worker Professional program [**Program**] and withdrew on May 29, 2023 after having attended four hours of the Program. The Complainant filed a complaint against the Institution on July 6, 2023 [**Complaint**].

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

The matter at issue is the Institution’s representation in respect of the order of delivery of the courses of 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* [**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:	Social Services Worker Professional
Start date:	May 23, 2023
End date:	July 12, 2024
Withdrawal date:	May 29, 2023
Total charged:	\$ 21,613.00
Tuition Fee:	\$ 18,243.00
Application Fee:	\$ 150.00
Assessment and Administration Fees:	\$ 325.00
E-Resource and Material Fee:	\$ 2,895.00
Tuition paid:	\$10,880.00
Tuition refunded:	\$ 4,815.10
Tuition paid to date:	\$ 6,064.90

4. Issues

The following issue arises for consideration: Was the Complainant misled in relation to the Institution's representation made in respect of the order of delivery of the courses?

5. Chronology

May 8, 2023	Program Outline provided to Complainant
May 29, 2023	Program start date
May 29, 2023	Complainant withdraws from Program
May 30, 2023	Institution provides amended Program Outline to Complainant
June 5 or 7, 2023	Complainant initiates DRP and submits complaint to Institution
June 12, 2023	Institution issues decision [Decision 1]
June 15, 2023	Complainant appeals Decision 1
June 19, 2023	Institution issues decision [Decision 2]

6. Analysis

The Program Outline lists the courses which together form the Program. The courses are grouped under separate headings and numbered by levels (except for the Introductory Phase), as outlined below:

- Introductory Phase (60 hours)
- SSW Foundations Phase (480 hours) (100 levels)
- Recovery Specialist Phase (300 hours) (200 Levels)
- Youth Specialist Phase (180 hours) (300 Levels)

- Professional and Workplace Skills II (280 hours)

The Complainant's first course was the Student Success Strategies, which is part of the Introductory Phase. The second course the Complainant attended was the Youth Issues in Addiction, which is the last course listed in the Recovery Specialist Phase. The Youth Issues in Addiction course is a 200 level course.

The Complainant alleges that she was unable to understand the material in the Youth Issues in Addiction course and, when she brought up her concern, the instructor responded that courses are not provided in the order listed in the Program Outline as the Institution follows a "rolling admission dynamic".

The Complainant withdrew after having attended four hours of the Program. Under the Institution's Tuition Refund Policy, the Institution was entitled to retain 30% of tuition due under the contract.

The Complainant submits she was misled in relation to the information provided in the Program Outline:

It is unreasonable to assume that a student would skip the entire foundations phase and commence their studies in a specialist phase. The plain and ordinary meaning of words used on the Outline, such as "Introductory", "Foundations", and "Specialist Phase" carry an implicit representation regarding the order that these courses will be taught in.

The Complainant says that the courses are numbered, and it is reasonable to assume 100 Level courses would be delivered before 200 level courses. The Complainant adds: "Nowhere does it state that this program follows a 'rolling admission dynamic'".

The Institution responded that the Complainant was told, prior to enrolment, the Program is delivered "by rolling admission" and "no commitment was made to the program outline that courses will be delivered in the order outlined on the said document". The Institution did not submit written evidence that this information was communicated to the Complainant.

In its Response, the Institution points to the following general statement which is included in the Program Outline: "Please note that course content may be changed or upgraded to meet the demands of the industry, and the courses may not be listed in the order taught". The Institution adds that the Program does not include any course with a prerequisite and that the order of delivery follows a logical order of progression. The Institution submits the Complainant did not bring up any issues with the Institution after accessing her program plan and, by withdrawing on the first day, did not "give the course a chance". Finally, the Institution says that PTIB approved the Program.

7. Decision

For the reasons outlined below, I find the Institution misled the Complainant in respect of the information provided in the Program Outline. More specifically, I find the Program Outline creates an expectation of how students will progress through the Program from which the Institution significantly deviated. Accordingly, I approve the claim.

The adjudicative task for me, as trustee, is not to determine whether the order of the courses is appropriate to meet the learning objectives of the Program. That is for the registrar to determine. Rather, my task is to determine whether the representations made by the Institution in the Program Outline were misleading. In other words, was it reasonable for the Complainant to rely on the Program Outline and expect courses would be delivered in the order listed, or in a close approximation thereof?

I have carefully reviewed the submissions. I do not accept the Institution's response that the Complainant was informed the Program is delivered following a "rolling admission dynamics". No evidence was submitted in support of this claim. Further, the Program Outline shows a clear progression of courses from which the Institution deviated drastically. It is reasonable for the Complainant to expect courses would be generally delivered in the order listed in the Program Outline, as represented by the Institution.

For these reasons, I approve the claim.

I authorize payment of \$ 6,064.90 from the Fund (Act 25). 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 \$ 6,064.90 to the Fund (Act 27).

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

Date: October 2, 2023



Tony Loughran
Trustee, Student Tuition Protection Fund