

Student Claim Based on Being Misled Decision

Complainant: [REDACTED] Institution: 3581 – Visual College of Art and Design (VCAD)

1. Introduction

The Complainant was enrolled in the 3D Modeling Animation Art and Design Online program [Program]. The Complainant filed a complaint against the Institution [Complaint] on March 1, 2025, after having withdrawn from the Program on February 19, 2025.

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

The Complainant was deeply dissatisfied with the quality of the Program and alleges she was misled in respect of the curriculum, instruction and post-graduation opportunities. She says ongoing communication issues with the Institution contributed to her negative experience. The Institution denies that it misled the Complainant, as alleged or at all. It says it was responsive to the Complainant throughout and defends the quality and currency 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* [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:	3D Modelling Animation Art & Design
Start date:	May 15, 2023
End date:	November 9, 2024
Revised end date:	March 29, 2025
Withdrawal date:	February 19, 2025
Total charged:	\$ 46,102
Total Tuition:	\$ 44,558
Tuition Fee	\$ 42,158
Course re-take fees:	\$ 2,400
Application fee:	\$ 150
Course Materials fees:	\$ 481
Textbooks fee:	\$ 728
Administration fee:	\$ 185
Amount paid to date by Complainant:	\$ 50,731
Amount refunded to Complainant:	\$ 5,110
Amount of tuition paid to date by Complainant:	\$ 44,558

4. Issues

The following issues arise for consideration: Did the Institution mislead the Complainant in relation to the overall quality of the Program and representations regarding post-graduation employment and educational opportunities?

5. Chronology

May 15, 2023	Program start date
January 26, 2025	Complainant initiates DRP requesting tuition refund
February 6, 2025	Institution issues DRP Level 1 response [DRP Response 1]
February 7, 2025	Complainant escalates complaint to DRP Level 2
February 19, 2025	Withdrawal from Program
February 21, 2025	Institution issues DRP Level 2 response [DRP Response 2]
March 1, 2025	Complainant files Complaint

6. Analysis

Allegations of being misled

The Complainant alleges she was misled in relation to the following:

- *Misleading advertising regarding the comprehensiveness and relevance of the curriculum*

The Institution's website lists 13 software programs as "Industry-Standard Tools You'll Master" in the Program. The Complainant says, of those 13, only Maya 2023, Adobe Photoshop and Adobe Substance Painter were taught to a mastery level. A " cursory look" at Z-Brush was provided using a pirated version and none of the other listed programs were taught. The Complainant alleges that "key software staples of the modern 3D animation industry", including Unreal Engine, Houdini, 3DS Max, Blender, and XGEN, were missing from the curriculum. The Complainant includes in her Complaint job postings that list these programs and others as required knowledge/experience. Finally, the Complainant alleges the curriculum is out of date and "wastes time on techniques that are no longer used in the industry".

- *Misleading claims about course objectives, instructor qualifications and program quality*

The Complainant alleges that essential topics listed in the course outlines were not covered and provides detailed and specific examples in the Complaint comparing the course outlines with what she was taught for Maya 1, Rigging, Animation II, Animation III, and Environmental Modeling III. She alleges that this is a "systemic" issue and reflect "fundamental shortcomings in the curriculum and instruction"; this is not something, as suggested by the Institution, that can be addressed by individual students reaching out to their instructors.

The Complainant says she lacks confidence in the quality of her education and cites the fact that the instructor for Environmental Modeling III was replaced three weeks before the end of the class. The Complainant also describes failing Production and Rendering because the instructor did not grade the assignments she submitted. Finally, the Complainant says that the instructor for Maya 1 "admitted he does not know enough rigging to adequately educate us on the topic", a topic which she describes as fundamental to the course.

The Complainant notes the Institution's DRP Response 1 to her complaint that the curriculum did not meet industry standards and instructors did not know how to use software that was part of the curriculum:

Response: We understand the student's concerns about the need to redesign the 3DModelling, Animation Art and Design program. The 3DMAAD program has undergone a full program review and is being redesigned.

The Complainant submits that the redesign amounts to an admission by the Institution that the current curriculum is inadequate: "While the redesign may benefit future students, it does nothing to rectify the substandard education provided to those of us who signed up for a program advertising the same quality, which was clearly misleading."

Finally, the Complainant alleges that instructors “rely heavily” on YouTube videos and other websites to supplement their instruction: “There have been instances where entire class periods were spent viewing YouTube content, with little to no active instruction or engagement from the teaching staff.”

- *Misleading claims about course materials, including pirated material*

The Complainant says that she was charged for textbooks that were outdated and not used during the Program, citing as an example *Introducing Maya 2016* and *Mastering Autodesk Maya 2016*, which were included in the syllabi for more than half of the courses. She also claims that on more than one occasion, she was provided a “dead link” and was unable to access digital materials. The Complainant provides a detailed list of courses, required textbooks and whether they were accessible. She says none of the listed textbooks were assigned for readings or used in the Program.

The Complainant alleges that due to issues with Amazon Web Services (AWS), which she describes as a “notoriously glitchy program”, instructors resort to using and advising students to use pirated software.

- *Misleading advertising regarding continuing education and career placement opportunities*

The Complainant says that the Institution advertises on its website a “VCAD – Emily Carr University Pathway” that doesn’t exist:

One of the most attractive aspects of VCAD’s sales pitch was the pathway to Emily Carr, a dream school. My experience, however, has not matched the promises made on the website. The counselors have dodged my questions, redirected me to people who then later direct me to other people, or pointed me to career services, who have ghosted my emails with a lack of reply, completely ignored our prior arranged meeting times, and directed me to other people who would then do the same thing to me. After months of attempting to learn what it would take to effectuate an eventual transfer to Emily Carr, I finally learned that the advertised pathway does not in fact exist.

She says that in speaking with Emily Carr admissions she discovered that Emily Carr is not aware of the Institution.

The Complainant also alleges that she was subjected to high pressure sales tactics during the admissions process and was promised a post-graduation hiring rate of 92% by recruiters. She says this rate dated back to 2018 and was not accurate for her 2023 admission.

- *Inadequate and misleading communication by staff*

The Complainant alleges that despite promises of robust student, financial and career services, “VCAD counselors and services are often incredibly hard to access”. She provides examples of staff and instructors being unresponsive to queries and requests and missing scheduled meetings.

On January 26, 2025, the Complainant initiated the DRP and describes her experience of “constant miscommunication” as follows:

- More than often, any appointment I book with a counselor is overlooked, ignored, or forgotten entirely. I have had communication issues on many of my issues at VCAD, and the bouncing between several different individuals has worsened this issue. ...
- My assignments were lost by professors, forcing me to file grade challenges, and I received false attendance warnings despite engaging with course material independently.
- ...Communication is often skewed, convoluted, complicated and has led to many frustrating issues that impact the quality and performance of my education.

The Complainant summarizes her Complaint as follows:

The education and support I have received from VCAD have been far below the standards promised to me during the admissions process. The program's lack of structure, outdated content, subpar teaching methods, and poor communication have all contributed to a deeply unsatisfactory educational experience. The institution's failure to fulfill its promise has left me feeling undervalued and unsupported. I was sold into the idea of a college that had a 92% hiring rate post-graduation, that used modern industry standard software and techniques with highly qualified professors to educate their students, and had a career pathway to Emily Carr to allow their students to reach higher points in education. Not one of these expectations I was led to believe based on their advertisements were true.

Institution's Response

The Institution denies that it misled the Complainant as alleged, or at all, and responds as follows to each allegation:

- *Misleading advertising regarding the comprehensiveness and relevance of the curriculum*

The Institution maintains the Program provides students “fundamental skills that can be applied across multiple platforms, enabling adaptability in the job market”. Industry professionals typically develop “on the job” proficiency in new software and the Program is focused on foundational principles and core competencies to ensure that graduates have flexibility to expand their skill set based on employer needs.

The Institution says that its curriculum is shaped by consultation with industry professionals and research into hiring trends. While acknowledging that software tools evolve, the Institution says that Autodesk Maya and Adobe Creative Suite remain the dominant tools in professional animation and that other programs (Blender, Houdini and Unreal Engine) are considered “complementary”.

- *Misleading claims about course objectives, instructor qualifications and program quality*

The Institution notes the supporting evidence for allegations relating to course content consists of copies of course outlines and the Complainant made no official complaints during the Program. It says that it responded in its DRP Level 2 response to the allegation regarding overreliance on YouTube, and that an internal review found that YouTube videos make up only 7% of overall content.

- *Misleading claims about course materials, including pirated material*

The Institution says it addressed the concern about outdated textbooks and broken links in its DRP Response 2 in which it confirmed that a review of the embedded links in the Complainant's LMS account found all links to be active and in working order. The Institution also noted in the DRP Response 2 that that "there was no communication from the student related to broken textbook links or any ticket submissions on the topic". In respect of the currency of textbooks, the Institution states in the DRP Response 2: "New editions of animation textbooks are released regularly, but that doesn't necessarily mean older versions are outdated or inadequate...In the 3D MAAD program, it was determined the provided versions supported the curriculum while meeting the required learning objectives."

With respect to pirated materials, the Institution says that it "does not condone or permit the use of pirated materials under any circumstances" and has taken steps to address the incident identified by the Complainant where an instructor shared a link to unauthorized software and ensure that instructors adhere to proper software usage. The Institution notes that the instructor in question is no longer employed by the Institution.

- *Misleading advertising regarding continuing education and career placement opportunities*

The Institution says it addressed the concern regarding the Emily Carr pathway in its DRP Response 2 and confirms that the pathway agreement with Emily Carr took effect June 4, 2020.

In terms of employment rates, the Institution says it found no evidence that the Complainant was ever promised an employment rate of 92%. The Institution also suggests the Complainant may be confusing employment rate with graduation rate, with the latter referring to the percentage of students who successfully complete their program and which is required by Alberta regulations to be presented to students on enrollment.

- *Inadequate and misleading communication by staff*

The Institution says that there are 266 documented interactions with the Complainant in the learning management system, demonstrating that campus staff actively engaged with and supported the Complainant throughout the Program.

Finally, as a general response, the Institution disputes the inference that the review and redesign of the Program amounts to an admission of inadequacy:

We would like to emphasize that all of our programs undergo regular curriculum reviews and redesigns, as noted in the Level 1 response by the Campus Director, as part of our ongoing commitment to maintaining academic integrity and ensuring alignment with current industry standards and learning objectives. A curriculum redesign does not indicate that the curriculum content was outdated, unsuitable, or failing to meet its intended outcomes, but rather reflects our proactive approach to continuous improvement.

The Institution, while denying that it misled the Complainant, expresses sincere regret for any confusion or frustration the Complainant may have experienced and as a “gesture of support” offers a graduation scholarship of \$8,000 should she wish to complete the Program.

7. Decision

The Complaint is comprehensive and painstakingly detailed. The Complainant highlights, with supporting records, many significant deficiencies in the Program that contributed to her overall dissatisfaction and allegation that she was misled. In response, the Institution makes general assertions about the quality of the Program and references its “proactive approach to continuous improvement” and commitment to “ensuring alignment with current industry standards and learning objectives”. However, the Institution largely fails to address the specific issues raised by the Complainant. In particular, the Institution did not respond to the Complainant’s allegation that her instructor for Maya 1 admitted to the class that he didn’t have sufficient knowledge or experience to instruct a critical element of the course. With respect to the Complainant’s allegations concerning the Emily Carr pathway, the Institution simply confirmed that an agreement between the Institution and Emily Carr has been in place since 2020. The Institution did not address the Complainant’s claim that she was unable to access the pathway, and, in this way, has failed to demonstrate that, beyond the existence of an agreement, there is, as promised on the website, a viable pathway for students to transfer to Emily Carr. The Institution also did not respond to the Complainant’s specific examples of topics listed in course outlines that were allegedly not covered during the course.

Having closely reviewed the submissions of both parties, I find, on a balance of probabilities, the Program delivered to the Complainant diverged to such a degree from what was promised that representations made to the Complainant (including on the Institution’s website and publications) in respect of the curriculum and post-graduation opportunities were misleading within the meaning of PTA 23(1)(b). It is on this basis that I approve the claim.

During the DRP, the Complainant raised the issue of high-pressure sales tactics. She did not focus on this issue during the Complaint, and I make no findings regarding the use of such tactics. I remind the Institution that, effective January 1, 2025, the *Private Training Regulation* [PTR] prohibits high-pressure recruitment tactics:

PTR 62.1 A certified institution must not engage in advertising, or make a representation, that exerts undue pressure on a person to enroll in a program of instruction offered by the certified institution.

The Complainant is entitled to a full refund of tuition paid in the amount of **\$44,558**.

I authorize payment of **\$44,558** 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 **\$44,558** 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.

15 July 2025



Joanna White

Trustee, Student Tuition Protection Fund