

## Student Claim Based on Being Misled Decision

Complainant: ██████████

Institution: 208 – Vancouver Career College

### 1. Introduction

The Complainant withdrew for medical reasons from the Medical Laboratory Assistant program [Program] on November 17, 2021, with the understanding she could resume the Program in January 2022. After a series of unsuccessful attempts to re-enter the Program, the Complainant filed a complaint against the Institution on December 12, 2022 [Complaint].

The Complainant alleges she faced numerous administrative hurdles that stymied her efforts to return to and complete the Program, including dealing with a revolving door of administrative staff. She says she was repeatedly passed from one person to another and “no one seems to care”. In response, the Institution acknowledges it “did not follow the proper policy for returning a student” and offers to reduce the outstanding tuition balance owed by the Complainant. The Complainant is requesting a full tuition refund.

**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:	Medical Laboratory Assistant
Start date:	July 19, 2021
End date:	April 1, 2022
Withdrawal date:	November 17, 2021
Total charged:	\$ 16,888.00
Tuition Fee:	\$ 17,641.00
Application Fee:	\$ 150.00
Assessment and Administration Fees:	\$ 325.00
E-Resource and Material Fee:	\$ 2,272.00
Tuition Reduction: VaCC Alumni	\$ 3,500.00
Amount paid to date by Complainant:	\$ 11,867.00
Amount of tuition paid to date by Complainant:	\$ 11,717.00

### 4. Issues

The following issue arises for consideration: Did the Institution mislead the Complainant in relation to her return to the Program, following a temporary absence?

### 5. Chronology

<b>July 19, 2021</b>	Complainant starts Program.
<b>November 2021</b>	Complainant withdraws for medical reasons, with agreement to return in January 2022.
<b>January 2022</b>	Complainant receives new program schedule and arranges work schedule to accommodate morning classes. Complainant resumes Program on January 24 and is told that classes had begun the week before.
<b>January 25, 2022</b>	Complainant emails Institution.
<b>February 1, 2022</b>	Complainant sends follow-up email and receives automatic reply that the Education Coordinator is no longer working at the Institution; Complainant referred to new Education Coordinator.
<b>February 9, 2022</b>	Institution emails Complainant to expect a new program schedule.
<b>February 16, 2022</b>	Complainant directed to contact finance department to organize new financial agreement.

<b>March 2022</b>	Complainant contacts campus director about resuming the Program. Institution advises she can return to afternoon classes after March 7, 2022 or morning classes in November 2022.
<b>March – June 2022</b>	Complainant receives calls and emails from financial department regarding outstanding tuition balance. Institution “threatens” that if she does not pay, her debt would be sent to collections.
<b>June 22, 2022</b>	Institution offers options for return: August 2022 (mornings) or January 2023 (afternoons). Complainant selects August, but is told by finance department that there was insufficient time to process student loan. Agreed on start date in October.
<b>September 7, 2022</b>	Complainant sends email to Institution re: October start and receives automatic reply that the Education Coordinator is no longer working at the Institution. Complainant speaks to new Education Coordinator who said he would get back to her the next day, but does not.
<b>October 5, 2022</b>	Complainant speaks to financial advisor, agrees to return to Surrey campus and re-apply for student loan.
<b>October 31, 2022</b>	Complainant emails Institution to follow-up. Institution does not respond.
<b>December 12, 2022</b>	Complainant files Complaint.

## 6. Analysis

*Did the Institution mislead the Complainant in relation to her return to the Program, following a temporary absence?*

The Complainant started the Program on July 19, 2021. In November (roughly halfway through the Program), the Complainant requested to defer her enrolment for medical reasons. The parties agreed she would resume in January 2022. The Complainant received a program schedule and attended on January 24, only to be informed by the instructor that the module had begun the week before. Herein started a series of unsuccessful attempts by the Complainant to return to the Program, ultimately leading to her filing the Complaint in December 2022. The Complainant describes the experience as follows:

I have reached out to the school through emails and calls with minimal response or nothing at all and didn't get able to resolve the issues. Staff that was responsible for their job, left the job without giving me a clear answer or notified me and kept passing me from one person to another with no clear communication on their part. ...I last emailed them in October 2022...waited for their response, none of them did, months passed by again with no response. I was already helpless and I finally realized they would never want me there. After a long tug of war, I decided to file a claim against the institution, due to their unresponsive issues.

In response, the Institution acknowledges it “did not follow the proper policy for returning a student” and offers to reduce the outstanding tuition balance owed by the Complainant.

## 7. Decision

For the following reasons, I find the Institution misled the Complainant in respect of a significant aspect of the Program and approve the claim. More specifically, I find the Institution led the Complainant to believe she could re-enter the Program and then failed to facilitate her return.

The Complainant's efforts to return to the Program, which persisted for close to a year, were frustrated by the Institution at every turn. Each time, the Complainant was diligent in following up with the Institution and the Institution was either non-responsive or passed her from person to person. Simultaneously, the Complainant was being pressured by the Institution to pay the outstanding tuition owed. I note the Institution acknowledges it did not follow its own policy to return the Complainant to the Program.

This is unacceptable and disrespectful treatment of a student.

I find the Complainant is entitled to a full refund of tuition paid, in the amount of **\$11,717.00**.

As Trustee, in accordance with s.25 of the Act, I authorize payment of **\$11,717.00** from the Fund. 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 **\$11,717.00** to the Fund (Act, s.27).

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

Date: October 2, 2023



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**Tony Loughran**  
Trustee, Student Tuition Protection Fund