

528106[2]

From: Jim Wright [mailto:jwright@pctia.bc.ca]

Sent: Wednesday, August 15, 2007 8:44 AM

To: AVED Minister AVED:EX

Cc: Rogers, Dorothy AVED:EX; Nazeer T. Mitha

Subject: Rutherford College

Dear Minister Coell:

Attached for your information is a copy of my decision to cancel the registration of Rutherford College. The decision is being couriered to the institution this morning. If you need further information, I can be contacted at 604 660-3366 (office), or 604 828-8850 (cell).

Regards,

Jim Wright  
Registrar & CEO

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August 14, 2007

Dr. Abdul Hassam, President  
Ms. Nasrat Hassam, Vice-President and Registrar  
Rutherford College  
200 - 2900 Simpson Road  
Richmond BC V6X 2P9

Dear Dr. and Ms. Hassam:

**Re: The immediate cancellation of the registration of Rutherford College**

**Inspection and suspension**

1. On May 17, 2007 three persons, acting in the capacity of inspectors under the *Private Career Training Institutions Act* and accompanied by an inspector appointed by the Minister of Advanced Education under the authority of the *Degree Authorization Act*, conducted an inspection of Rutherford College at its Richmond campus. On May 24, 2007 I wrote to advise you that the registration of Rutherford College had been suspended pending the outcome of the investigation into the institution's operations.

**Report**

2. On July 11, 2007 the Hon. Murray Coell, Minister of Advanced Education, sent you a copy of the final report on the inspection of Senior University Inc., operating as Rutherford College (the "Report"). The Report was written by Ms. Deborah Lovett, Q.C., the inspector appointed under sections 3 (1) and (2) of the *Degree Authorization Act*. The Minister explained in his covering letter that inasmuch as Rutherford College is a registered institution with the Private Career Training Institutions Agency (PCTIA), the report would be shared with the PCTIA to determine if further action is to be taken regarding Rutherford College under section 12 of the *Private Career Training Institutions Act* (the PCTI Act).
3. Section 12 of the PCTI Act authorizes the Registrar to appoint inspectors for the purposes of determining whether
4. It is appropriate to suspend or cancel a registration or accreditation or change the terms and conditions attached to a suspension, or

5. A person has failed to comply with the PCTI Act, the Regulations, the Bylaws or the terms and conditions attached to a suspension.

## **PCTIA Investigation and Findings**

6. As the Registrar and CEO of the PCTI Agency, I was personally involved in the site inspection of Rutherford College's Richmond, BC campus. In addition, I have reviewed all of the documentation that supports the Report as well as the institutional records held by the Agency and I have taken into consideration the findings of the Report. I have also considered and taken into account the response by counsel for Rutherford which was provided by letter dated July 20, 2007.
7. The findings and conclusions I make below are based upon my review as described above.

## **Breach of the Degree Authorization Act**

8. According to the "Summary of Findings" in the Report

(t)he evidence is overwhelming that Senior University Inc. has been violating the provisions of the *Degree Authorization Act* . . . since 2003 when that legislation was proclaimed in force. Senior University Inc. dba as Rutherford College in Richmond, BC effectively serves as the 'front' for Senior University Inc.'s Rutherford University operations and Rutherford College, its programs and/or facilities have been used by the directors and officers of Senior University Inc. for purposes of furthering or facilitating Rutherford University's degree-granting activities since 2001."

9. After a thorough review of the evidence, the 86-page Report concludes:

What all of this information reveals is that the headquarters for Rutherford University/Stratford International University/Senior University International and their operations are located at 200-2900 Simpson Road, Richmond, BC. Abdul and Nusrat Hassam, the directing minds and senior administrators of these universities and the only officers and directors of Senior University Inc., have for many years been running these university operations from their Richmond, BC-based offices, offices they "share" with Rutherford College. . . .

10. Although Senior University Inc. purported to operate as a BC College from 2001 forward, the evidence gathered during my inspection and the inspection of the PCTIA Agency reveals that Senior/Stratford International/Rutherford College have effectively served as a "front" for these universities, including their administrative operations and degree-granting activities both within Canada and internationally. Put somewhat differently, and to quote an internal Rutherford University memorandum, Rutherford "University administration [operates] from their offices in BC under the guise of the College". . . .
11. The evidence that Abdul and Nusrat Hassam run their University operations from Richmond, BC is – as I indicated at the outset – overwhelming. . . . For all of the reasons given, I do not hesitate to conclude that Senior University Inc. has been operating in violation of the *Degree Authorization Act*. More particularly, I find that it has been either directly or indirectly:
  - a. Granting or conferring degrees without ministerial consent

- b. Providing programs leading to degrees without ministerial consent
- c. Selling programs leading to a degree without ministerial consent
- d. Selling and advertising for sale a diploma, certificate or other material that indicated or implied the granting or conferring of a degree without consent
- e. Made use of the word "university" without consent

12. It is acknowledged in the July 20, 2007 letter from counsel for Rutherford that the institution is in breach of the *Degree Authorization Act*.

**Breaches of the *Private Career Training Institutions Act*, Regulations and Bylaws**

13. In addition to violating the *Degree Authorization Act*, the Report and associated documentation makes it clear that Senior University Inc., dba Rutherford College, has also been violating the provisions of the *Private Career Training Institutions Act* (the PCTI Act), the Regulations and the Bylaws.

14. The conduct of Rutherford is problematic in a number of ways including:

- a. breaching the definition of "career training" in the PCTI Act;
- b. engaging in deliberate deception;
- c. misleading students; and
- d. breaching a directive from the Executive Director of Private Post Secondary Education Commission.

15. Each of the above concerns will be discussed, in turn, below, followed by my Decision.

**Breach of "career training"**

16. The activities of registered career training institutions in British Columbia are regulated by the PCTI Act, as overseen by the Private Career Training Institutions Agency (PCTIA). The objects of the PCTIA are expressly stated in section 3 of the PCTI Act to be these:

- a. To provide consumer protection to the students and prospective students of registered institutions
- b. To establish standards of quality, that must be met by accredited institutions
- c. To carry out, in the public interest, its powers, duties and functions under this Act, the regulations and the bylaws.



17. As a registered institution, Rutherford College is authorized under the PCTI Act to offer “career training”, which in section 1 of the Act:

“means training or instruction in the skill and knowledge required for employment in an occupation defined in the regulations”.

18. The same section of the PCTI Act makes it clear that career training “does not include training or instruction that . . . is provided by . . . an institution established under the *University Act* . . . (or) an institution that is authorized by a consent under the *Degree Authorization Act*”.
19. Section 3(1) of the *Degree Authorization Act* states that a person must not directly or indirectly do the following things unless the person is authorized to do so under section 4
- a. grant or confer a degree;
  - b. provide a program leading to a degree to be conferred by a person inside or outside British Columbia;
  - c. advertise a program offering in British Columbia leading to a degree to be conferred by a person inside or outside British Columbia;
  - d. sell, offer for sale, or advertise or provide by agreement for a fee, reward or other remuneration, a diploma, certificate, document or other material that indicate or implies the granting or conferring of a degree
20. Documents reviewed by me and referenced in the Report disclose that for several years Rutherford College students have received transfer credit to Rutherford University and thereby obtained a university degree, notwithstanding the fact that Rutherford College is not authorized under the *Degree Authorization Act* or the *Private Career Training Institutions Act* to provide courses or programs leading to degrees in British Columbia to be conferred by institutions inside or outside the province.
21. In the section of the Report that examines the “Rutherford College/Rutherford University” relationship,
- “(r)ecords indicate that both BC and international students were concurrently enrolled at Rutherford College and Rutherford University. On completion of courses, the Rutherford College course credits were then transferred to Rutherford University so the student would graduate with a university degree. Alternatively, students were enrolled in a Rutherford College program with the stipulation that on its completion the students would receive credit transfers towards a degree with Rutherford University.”
22. In so doing, Rutherford College was in breach of both the *Degree Authorization Act*, by virtue of delivering courses leading to a degree, and the *Private Career Training Institutions Act*, by delivering courses that do not fall within the meaning of “career training” as defined in section 1 of that Act.

### Deliberate Deception

23. There are a number of examples where Rutherford appears to have engaged in what can only be described as deliberate deception.
24. This kind of deliberate deception includes misleading the PCTIA regarding the true nature of the institution's activities. This is discussed in the Report. By way of example, in a February 2, 2005 email from Nusri Kassam, writing in her capacity as Registrar of Rutherford University, explains to Cecil Sherwood, Director of Special Projects for Rutherford College:

*Regarding the MBA program, I am sure you are aware that we will need to tout it as a Professional Diploma from the college if they are registering with us on-site here in Canada.*

ok can we add the following description to the course outline:

We are currently running an Advanced Diploma in Applied Business Studies. This program [is] offered by Rutherford College. A student that successfully completes this program receives a Professional Diploma in Applied Business Studies from Rutherford College. As the student is also enrolled with Rutherford University the Student will receive an MBA from Rutherford University. . . .

*The Letter of Acceptance will be issued by Rutherford College after we receive the tuition fee. At the same time we will also issue a Letter of Acceptance from Rutherford University. . . . The students can complete this (MBA) program within one year. (emphasis added)*

25. In a more recent effort to avoid having the PCTIA learn of the relationship between Rutherford College and Rutherford University, Nusri Kassam emailed Cecil Sherwood on May 13, 2007 on the subject of "another PCTIA case". She says, "we have to take care of this \$600 refund too as S. is mentioning Rutherford University and has copied it to PCTIA". She attached an email from the student, sent to her in her capacity as Registrar of Rutherford University, which provided:

I have sent you many emails and provided you with the documents required for the refund of my application fee, unfortunately I have not got any answer yet. Please do inform me how much money will be returned? And how long does it take? As it is about 9 months that I have informed the Rutherford University about my visa rejection.

26. Cecil Sherwood's response is, "I think in your reply to S.<sup>2</sup> you should perhaps point out that S. applied to and was accepted by Rutherford College".

27. In Rutherford's July 20, 2007 response to the Report, Rutherford claims that:

"(s)ince 2005 my client has been focused on building up the College with a particular emphasis on Applied Business Studies in compliance with PCTIA regulations."

28. This assertion appears to contradict an internal memorandum dated March 9, 2005 that says:

"to a large extent *the College has been dormant . . .* (since) PPSEC re-interpreted the Regulations requiring the registration of Senior University in B.C." (emphasis added)

29. An earlier internal memo whose subject is Stratford International University (SFIU) and Stratford International College (SFIC), the predecessor institutions for Rutherford College and Rutherford University, explains the relationship between Rutherford College and Rutherford University as follows:

Background:

- The original intention was to locate the operations of SFIU (previously called Senior University) in B.C. However due to latent interpretation of the PPSEC rules Stratford could not use the University in their title in B.C. As a result of this decision Stratford International College was created.
- SIC in essence became a vehicle to facilitate the operation of SFIU in B.C.
- SIC was not structured to operate as a College in its own right.
- The only students currently registered with SIC are those participating in the Clearmind Program

30. The Clearmind Program is a reference to a program offered by Clearmind International Institute which is located in Langley, B.C. As is noted by Ms. Lovett in the Report:

"the link between Rutherford University and Clearmind is important for purposes of my inspection because not only does this demonstrate that Rutherford University was enrolling and granting degrees to BC students but also . . . Clearmind students who enrolled in Rutherford University were subsequently or concurrently enrolled in Rutherford College. By way of example, the 36 credits required for a BA from Rutherford University were earned indirectly on paper through Rutherford College, followed by a transfer of the College credits to Rutherford University."

31. Again, this practice of concurrently enrolling Rutherford College students as Rutherford University students is a breach of the terms of Rutherford College's registration with the PCTIA, wherein the institution was restricted to offering "career training".

32. Another apparent contradiction to the July 20, 2007 letter is the claim that:

"since 2005 my client [Rutherford] has been focused on building up the College . . . in compliance with current PCTIA regulations"

33. This is contradicted by an email dated February 4, 2005 email from Cecil Sherwood to "Abdul" and "Nusri", headed "Rutherford College". According to the Report, Mr. Sherwood, who by 2005 appears to have taken on operational responsibility for Rutherford College, advised the institution's owners that:

"classroom instruction for four students (apparently provided by Rutherford University's Iranian and/or Indian agents) had started at the Richmond campus that day. This email also references 'conversations over the last week with a potential student for our BA in Psychology Program'. It attaches a memorandum stating Rutherford College objectives to be that of including '[t]o use the College programs to assist in student enrollment for Rutherford' University. Under the heading 'Initial Programs', the memo provides:

1. Diploma in Applied Business Studies (BBA)
  2. Advanced Diploma in Applied Business Studies (MBA)
  3. Diploma in Counseling Psychology (BA)
  4. Advanced Diploma in Counseling Psychology (MA)
34. Contrary to what is stated in the July 20, 2007 letter, Rutherford was continuing to offer, provide and promote university courses in 2005.
35. Further, it is of interest to note that according to the July 20, 2007 letter:
- "the Clearmind Program is now phased out and there are only 13 students remaining to graduate *with the college diploma*. All Rutherford College students currently registered in the business program are studying and completing their college diplomas programs. At no time was a degree either offered to them or suggested as an option." [emphasis added]
36. The Report references an "internal memorandum on March 12, 2005 from Cecil Sherwood to Abdul and Nusri Hassam (that) proposes a restructuring of the College with a notation, by way of background, that 'to a large extent has been dormant' after May 2001. The proposal includes that:
- "every student enrolled with the College be automatically also enrolled with the University' and that 'Seminars and workshops be under the auspices of the University and a percentage of fees received be paid to the University'."
37. Again, the documents reviewed contradict the assertions in the July 20, 2007 letter from Rutherford and this appears to suggest that Rutherford is continuing to be deceptive.
38. Another example is where in 2005 Cecil Sherwood described Rutherford College as being largely dormant. In contradiction, the Report notes:

Student tuition fee summaries headed "Rutherford College (CM)" dated October 25, 2006 list some 105 College students with start dates ranging from Year 2002 to Year 2006. Beside the name of each student is an entry denoting whether the student is in the BA or the MA program. There are also "Rutherford College" Payment Schedules for each of 2005/2006 and 2006/2007 school years, again, with the names of the students, the method and amount of payment and the Degree Program they are enrolled in.

39. In contrast to the enrolment numbers noted above, when Rutherford College submitted its annual enrolment data to the PCTIA for the period November 1, 2005 to October 31, 2006, the institution claimed to have had a total of only 43 registrants, 15 of who were said to be in year 1 of the School of Admin. & Mgmt and Applied Business, and 28 of who were in year 1 of the School of Health and Human Services.

40. Further to the apparent practice of failing to disclose its full activities to the Agency, when on July 20, 2005 an Agency Registration Officer wrote to Nusrat Hassam to acknowledge receipt of Rutherford College's application for re-registration with PCTIA, and to question why the College's website, [www.rutherford.edu](http://www.rutherford.edu) "refers to you as 'Rutherford University'," Cecil Sherwood replied on July 28, 2005, claiming:

"the website that you refer to is not the website for Rutherford College. As I indicated the annual up-date we submitted to you some time ago our website was under construction. The website for the College is now available and the address is [www.rutherfordcollege.ca](http://www.rutherfordcollege.ca). We do not offer any degree programs. The only programs we offer are as detailed on our website and reported to you in our annual up-date."

41. The Registration Officer went to the new website address Mr. Sherwood had provided and it was indeed for Rutherford College. As she subsequently noted, "that would have been the end of it, except that the mailing address on both websites is the same: **200-2900 Simpson Road, Richmond, BC V6X 2P9.**" Moreover, Mr. Sherwood's letter to her was printed on letterhead listing the email address and the website of Rutherford University.

42. In a second letter to Nusrat Hassam, dated July 21, 2005, the Registration Officer questioned why "your tuition revenue for the period ending July 31, 2004 was \$30,205.00 and 'other revenue' was \$311,180.00". Once again Mr. Sherwood replied on behalf of Ms. Hassam, explaining:

"(o)ur company Senior University Inc. provides management, administration and consultancy services to a number of Learning Institutions based in various parts of the world. The 'other revenue' item reflects revenue derived from these activities."

43. For the fiscal year ended July 31, 2005 Rutherford College's declared revenue from training was \$64,358.00. The institution had also received \$133,038.00 in "other revenue".

44. The dramatic differences in declared enrolments between Rutherford College and Rutherford University, coupled with the comparatively small training revenue declared by the College, brings into question whether Rutherford College, either under the financial security it posted under the *Private Post-Secondary Education Act* or the Student Training Completion Fund contributions it is required to make under the PCTI Act, has provided adequate consumer protection to all of the students who were and/or are concurrently registered with the University and the College.

### Misleading Students

45. Part VII of the PCTIA Bylaws reads as follows:

An institution must not engage in advertising or make a representation that is false, deceptive or misleading. Deceptive advertising includes oral, written, visual, descriptive or other representation that has the capability, tendency or effect of deceiving or misleading a consumer.

An institution must use the operating name under which it is registered by the Agency in all advertising.

46. According to the Report:

"Rutherford College programs were established specifically to facilitate Rutherford University's degree-granting, revenue-generating activities and the marketability of the College product lies in the fact College credits are transferable to a Rutherford University degree."

47. To the extent that Rutherford College students were being promised Rutherford University degrees, students were being misled by Rutherford College.
48. Among the many indicators in the Report of the way in which students were misled regarding the relationship between Rutherford University and Rutherford College was a July 21, 2006 email from Cecil Sherwood to a Rutherford College/Clearmind International Institute student, written in response to s.2 request for an explanation as to why Mr. Sherwood sent s. a list of courses for a Rutherford College foundational diploma, when s.22 had registered for a Rutherford University BA program. Responding in his capacity as Director of Special Projects for Rutherford College, Mr. Sherwood, clearly indicating that the institution offered university courses, wrote:

It might be helpful if I recapped how the program operates. For a BA degree the University requires that a student earn 120 credits. Under the Agreement with Clearmind a student that completes Prac. 1, 2, & 3 plus the practicum earns 90 credits. The balance of 30 credits is undertaken through Rutherford College. When you complete your work with Rutherford College you will have earned 30 transfer credits and when you complete with Clearmind you will have earned 90 transfer credits. The combination of these two programs enables you to meet the requirement of the University for a B.A. degree.

49. This, in spite of the fact that Mr. Sherwood wrote to a PCTIA Registration Officer on July 28, 2005 in his capacity as Director of Special Projects for Rutherford College, to say: "We do not offer any degree programs."
50. Another example of students being misled is drawn from the complaint file of a British Columbia-based registrant. s.2 explained:

in October 2004 I was introduced to a BA program through Clearmind International Institute Inc. . . . I applied to Rutherford University by forwarding my educational transcripts and was accepted into the Bachelor of Arts Degree Program in the School of Health and Human Services in Applied Transpersonal Psychology on December 1 2004.

I agreed to pay 4,896.00 via monthly Visa Payments of \$ 136.00 for the 3-year degree program. . . .

**Year One of the program** consisted of 5 book reports and 5 book reviews based on transpersonal psychology approaches. They were taught by Clearmind Staff . . . who also taught the required Practitioner's training program from Clearmind. . . . **Year two** Rutherford decided to take over the program by offering a "New and improved program more in line with industry standards." Cecil Sherwood of Rutherford touted the program as an improved, broader approach to cater to current industrial demands such as employee assistance counseling. I agreed to switch to the "new and improved program". I expected courses to commence in the Fall of 2005 however, courses commenced in March actually, they were never fully offered. The content fell short of what was promised. They had no text book lists or courses to offer. . . . I kept asking when and where can I take the courses with little success. It appears that there were no courses and teachers for that matter.

s.22

As a side note;

When I applied for a tax receipt for 2005 it took a while. When it finally came I noticed that the University had changed names again to **Rutherford College**. I was further dismayed to discover that my University BA program had been revised to a **Foundational Diploma** in Transpersonal Counseling Psychology. I called the University and talked to Cecil. He claimed that Rutherford had to change to **College** to comply with BC taxation laws and assured my courses were transferable to Rutherford University.

51. This Rutherford University student along with two others told PCTIA staff members that in March 2006 they were called into what they regarded as the University's Richmond campus to sign new Rutherford College contracts, ostensibly "for tax purposes". One of the students provided the PCTIA with a copy of <sup>S.</sup> October 28, 2005 Letter of Acceptance to Rutherford University's Bachelor of Arts Degree Program in the School of Health and Human Services in Transpersonal Psychotherapy and Counseling, signed by Nusri Kassam, Vice President and Registrar of the University. On November 2, 2005 the s.22 -based student had received <sup>S.</sup> Rutherford University contract for signature. In a covering letter s.2 was instructed to "please sign the document entitled, 'Contract between the Student and Rutherford University', and mail it to Rutherford University as soon as possible." Although the covering letter and the enrolment contract were titled "Rutherford University, Wyoming, USA", the enclosed self-addressed return envelope was addressed to Rutherford University's Administration Office, 200-2900 Simpson Road, Richmond, BC V6X 2P9, which is the address of Rutherford College.
52. The Rutherford College contract which the same student was asked to sign five months later does not contain the name of the program applied for, but was signed and dated by the student on March 25, 2006.
53. Of importance is the fact that one day earlier, on March 24<sup>th</sup>, two PCTIA Institution Officers had attempted to visit Rutherford College but, as I explained in my March 27, 2006 notice of suspension letter to you, they were told that although Cecil Sherwood was in his office, he would not meet with the Officers. When the Officers asked for access to the institution's files, Nusrat Hassam stated that the Program Director was working on them. When the

Officer said that there was no need to work on them because she wished to see them in their present state, Ms. Hassam indicated she was not prepared to provide access to the institution's records, nor was she willing to set a date for a formal site visit.

54. Although the Rutherford University student signed and dated <sup>S</sup> so-called "for tax purposes" Rutherford College contract on March 25, 2006, the date was subsequently crossed out and back-dated to October 28, 2005, which was the date the student had originally been accepted into Rutherford University. The "Program Start Date" was also been back-dated to October 28, 2005. The "For Office Use Only" section of the contract indicates that the student was "Admitted" in "Dec 05", and the contract is signed on behalf of Rutherford College by N. Hassam.
55. These record changes appear to have taken place during the period in which PCTIA staff members were being denied access to the campus, and the evidence is that Rutherford College officials were falsifying and unilaterally altering student contracts in an effort to convince PCTIA staff members that they were in compliance with the PCTI Act, its Regulations and Bylaws.
56. Yet another example of Rutherford College students being misled through advertising is contained in a series of emails forwarded to the Agency in April 2007 from an international student who was seeking assistance in receiving a tuition refund from Rutherford College.
57. On May 25, 2006 Cecil Sherwood responded to an initial inquiry from the student as follows:

Thanks for your email . . . . We would be very happy to welcome you into our program. The tuition fees for our M.A. program are \$14,400 in addition you will have to pay for your textbooks.

I would be happy to issue Letter of Acceptance as soon as I receive the following

1. Copies of your transcripts & degree
2. Application form – you can download from our website [www.rutherfordcollege.ca](http://www.rutherfordcollege.ca) or I can fax one to you.
3. \$1,000 deposit – you can wire this to our bank or send us a draft. The balance will be payable when you get your Study Permit.

58. In response to further questions from the applicant, Mr. Sherwood explained the relationship between the University and the College as follows:

Rutherford University operate in the US as a Distance learning Institute. Internationally they operate through affiliated Colleges. In Canada Rutherford College is an Affiliate redit (sic) transfer 100%

I am Academic Advisor to the Chancellor of the University.



If you or anyone else wants to come to Canada they must do so through a Registered College in Canada approved by the Provincial Regulators. Rutherford College is registered in B.C. with the Regulators.

59. On April 23, 2007, nine months after the student's visa application was rejected, s.2 wrote the PCTIA to say:

"I applied to study in Rutherford College . . . Unfortunately I couldn't get the student visa. In this college, Mr. Cecil Sherwood asked me to pay \$1000 as a deposit and then they send me the LoA (Letter of Admission). . . . From August 2006 I asked for my money through e-mails and telephone and now Mrs. Nuzri wants to pay me \$525 from \$1000 without any reasonable statement."

60. Not only was this student misled through false advertising, but Rutherford College then failed to comply with the refund policy for international students which, in part IX 2 a) of the Bylaws states:

"an institution may retain the lesser of 25% of the total fees due under the contract or \$400 for international students who are denied Study Permit authorization from Citizenship and Immigration Canada."

61. The institution also failed to comply with the requirement in subsection 3 (c) which states:

"refunds owing to students must be paid within thirty (30) calendar days of the institution receiving written notification of withdrawal and all required supporting documentation . . .".

62. Rutherford was also guilty of providing false information in the Letter of Acceptance issued to the student on July 13, 2006 by Program Director, Cecil Sherwood. Firstly, he indicated the student was accepted to an Advanced Diploma in Applied Business Studies, when the student had been told, as per Mr. Sherwood's emails, s.2 was being accepted into a Master of Arts degree program.

63. Secondly, after stating that the program fee was \$14,400, Mr. Sherwood wrote: "We acknowledge receipt of your tuition fee for the first Academic Year." He also provided the student applicant with a signed Rutherford College receipt, dated July 13, 2006, which, after identifying the student and s.2 diploma program, stated: "We confirm having received the sum of \$7,200 from the above named student in respect of the tuition fees for the first term \$7,200. The student acknowledges that s.2 was only required to prepay \$1,000.00."

### **Breach of Direction from PPSEC**

64. In its July 20, 2007 letter, Rutherford claims in response to the Report:

"a number of erroneous conclusions have been made", and that these "erroneous conclusions arise from not fully understanding the different regulatory schemes that have been in force since the inception of SUI Inc. in 1993". He then goes on to list what he describes as "relevant dates and events", as follows:

- 1 On March 15<sup>th</sup> 1993 Senior College of Canada was incorporated in BC.

- 2 On May 01, 1992 Senior College of Canada was registered by the Ministry of Advanced Education, Training and Technology.
  - 3 On October 25<sup>th</sup> 1993, Senior University Inc. was incorporated in Wyoming and under the authority of the Secretary of State the University was given degree granting authority and subsequently licensed by the Wyoming State Board of Education and Wyoming Dept. of Education.
  - 4 On January 19, 1994 Senior College of Canada Inc. (B.C. corporation) changed its name to Senior University Inc. (BC)
  - 5 On May 1, 1993 Senior University was registered with the PPSEC
  - 6 In May 3<sup>rd</sup> 2001 PPSEC wrote and advised Senior University Inc (BC corporation) that it could no longer offer degree related programs and were only to offer certificate and diploma programs. However, it is very important to note that PPSEC granted a teach out in respect of students already enrolled in degree related programs. [emphasis in original]
  - 7 As a result of the May 2001 letter Senior University Inc. commenced operating as Senior University Inc., DBA Senior College, and most recently as Rutherford College.
65. The letter referenced in point 6 was written by me in my capacity as Executive Director of the Private Post-Secondary Education Commission. Addressed to Dr. Abdul Hassam, Senior University International, 200 – 2900 Simpson Road, Richmond BC., it explained that Senior University International, in spite of having been given a period of nine months in which to do so, had failed to comply with the requirement that American degree-granting institutions must be accredited with an accreditation agency recognized by the American Department of Education. As a result:
- Commencing immediately, you must cease to offer to provide degree-related program and may offer certificate and diploma programs only. Further, you must change the operating name to remove reference to "university". You must advise the Commission of the new operating name on or before May 18, 2001, and as at that date all signage, advertising and publications must be amended to remove any reference to the term university and to degree-related programs.
- Students enrolled in degree-related programs as at this date, May 3, 2001, may be trained out under the program they are contracted to receive. As of today's date, however, you may not enter into any further contracts for training for degree-related programs. [emphasis added]
66. Senior University International was provided the opportunity in the May 3, 2001 letter to train out students as per the time period identified in their respective contracts and for the amount of tuition identified in those same contracts. Institutions registered with PPSEC were required in section 7 of the General Directives to enter into a written enrolment contract with each student. The signed contract was to include the name of the program of study, the start date and the duration of the program, the total cost of the program of study, and a schedule of payments.

67. In the July 20, 2007 letter, Rutherford argues that, "(i)n effect, PPSEC said SUI Inc. could continue to teach those students but not enroll any further students in degree programs."
68. To the contrary, the institution was authorized to train out students as per the terms of the contracts which were in place at the time and, as at May 3, 2001, was not to enter into any further contracts for training for degree-related programs, even with those students who had not yet completed their degrees.
69. Even if one were to accept the argument that Senior University Inc. could continue to teach those students who were enrolled in May 2001, which I do not, the *Private Post-Secondary Education Act* was rescinded in November 2004 and on May 1, 2005 Rutherford College registered with PCTIA under the terms and conditions of the *Private Career Training Institutions Act*, the Regulations and the Bylaws.
70. Part IX B of the PCTIA Bylaws reads as follows:  
  
Institutions must enter into a written contract with each student prior to the commencement of the program. Although a student may be applying for a multi-year program, an institution may not charge a student for more than one academic and/or calendar year's tuition in an enrolment agreement. Subsequent years of study are to be encompassed in separate enrolment agreements.
71. Having first registered the institution with the PCTIA in May 2005, all Rutherford College students who had enrolled prior to that date would have had to enter into new contracts with the institution by April 2006. Yet in April 2006, five years after Senior University Inc. was directed not to enter into any further contracts for degree-related training, Rutherford College provided a PCTIA Institution Officer with a spread-sheet listing 129 former Senior University Inc. students, all of who were said to have originally enrolled with the University prior to 2001, and 26 of who were said to still be working on their degrees. Several of these so-called active students had started their degree programs as early as 1994 and 1995. But according to Rutherford's lawyer, since "all of the programs of SUI Inc. at that time were offered by distance learning and were self-paced, students completed their programs on their own schedule".
72. Leaving aside the pedagogical arguments that might be made about the merits of allowing a student in excess of ten years to complete a degree program, student contracts that were in place in May 2001 would not have extended to April 2006. If Senior University Inc., dba Rutherford College, entered into new contracts and accepted additional tuition revenue from any of the 129 students who were said to be registered in various degree programs in May 2001, then the institution failed to comply with the conditions of its registration under the *Private Post-Secondary Education Act*.
73. Moreover, if under the *Private Career Training Institutions Act* Rutherford College entered into supplementary contracts with any of the 26 students which it claimed to still be training out in April 2006, the institution would have been in breach of that Act because PCTIA registered institutions are limited to offering career training, and may not, as per the *Private*

*Career Training Institutions Act* and the *Degree Authorization Act*, provide a program leading to a degree to be conferred by a person inside or outside British Columbia.

74. Leaving aside consideration of the SUI students who are said to still be training out, Rutherford College's lawyer acknowledges in the section of his response dealing with the Clearmind Institute, that Rutherford University entered into an agreement in 2002:

"whereby Clearmind Students could obtain credit for studies at Clearmind toward a B.A. degree . . . it was agreed that Rutherford University Wyoming would allow transfer credits in respect of the Clearmind program."

75. He goes on to explain that:

"when it was discovered that Clearmind was not registered with PPSEC. . . . Rutherford College agreed to enroll the Clearmind Students."

76. These Clearmind/Rutherford College registrants were being provided with a program leading to degree to be conferred by an institution that was not registered with the PPSEC, an action that was in direct contravention of the letter sent to you in May 2001 which explicitly stated you were not to enter into any further contracts for degree related programs.

## Decision

77. Section 12 (1) of the *Private Career Training Institutions Act* states

- (1) The registrar may appoint inspectors for the purposes of determining whether
  - (a) it is appropriate to suspend or cancel a registration or accreditation or change the terms and conditions attached to a suspension, or
  - (b) a person has failed to comply with this Act, the regulations, the bylaws or the terms and conditions attached to a suspension.

78. Having personally been involved in the site inspection of Rutherford College's Richmond, BC campus; having reviewed all of the documentation that supports the Report as well as the institutional records held by the Agency; and after having taken into consideration the findings of the Report, the response by Rutherford to the Report as well as the past conduct of the institution and its officers in misrepresenting the institution and misleading its students, I am satisfied that it is not in the public interest to renew the registration of Rutherford College.

79. Accordingly, pursuant to section 8 (4) of the *Private Career Training Institutions Act*, the registration of Rutherford College is cancelled, effective immediately.

80. Section 10 of the *Private Career Training Institutions Act* provides for reconsiderations and appeals of decisions to cancel a registration. A person affected by a decision to cancel may

request, within 30 days of receiving written notice of the decision, a reconsideration of the decision by the Registrar. The Registrar may confirm or vary a decision.

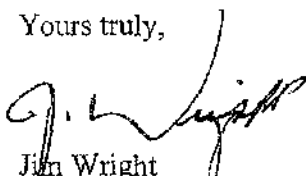
81. If dissatisfied with the decision emanating from a reconsideration by the Registrar, a person who is affected by the decision may commence an appeal to the PCTIA Board by filing a notice of appeal, in the form provided for in the Bylaws, within 30 days of receiving the written notice of the decision emanating from the reconsideration.
82. Notwithstanding the opportunity for reconsideration or appeal, as provided under section 1(1) of the *Act*:

a person must not provide or offer to provide career training unless the person is registered.

83. Accordingly, Rutherford College must immediately comply with this prohibition:

- a. It must cease offering to provide and/or providing career training;
- b. It must refund the unearned tuition to those students who are enrolled in Rutherford College career training programs
- c. it must discontinue any and all forms of marketing and advertising; and
- d. it must forthwith return its PCTIA registration certificate to the offices of the Agency.

Yours truly,



Jim Wright  
Registrar & CEO

c.c. The Hon. Murray Coell  
Minister of Advanced Education  
Office of the Minister  
P.O. Box 9059 Stn Prov Govt  
Parliament Buildings  
Victoria BC V8W 9E2

**MacLean, Madeline AVED:EX**

---

**From:** Rogers, Dorothy AVED:EX  
**Sent:** Thursday, August 16, 2007 7:54 AM  
**To:** Pearce, Deborah A PAB:EX  
**Cc:** Loughran, Tony D AVED:EX; Thiessen-Wale, Katherine AVED:EX; Simmons, Vicki AVED:EX  
**Subject:** FW: Rutherford

FYI

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**From:** Jim Wright [mailto:jwright@pctia.bc.ca]  
**Sent:** Thursday, August 16, 2007 7:23 AM  
**To:** Rogers, Dorothy AVED:EX  
**Cc:** Melody Hainsworth; Debbie Roche  
**Subject:** Rutherford

Hi Dorothy:

In response to your voice message, there are about 20 students currently registered with Rutherford in what we believe to be a Rutherford business diploma program. These are all international students, primarily from India. Rutherford's lawyer claims these students have not been promised a degree upon completion of the College program.

For any students registered with Rutherford University in a degree program, we will not regard them as being eligible for a PCTIA tuition refund. This may get complicated in situations where degree bound students (like those from Clearmind) are registered with both the College and the University.

Please give me a call if you need any further information.

Jim

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**MacLean, Madeline AVED:EX**

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**From:** Rogers, Dorothy AVED:EX  
**Sent:** Monday, August 27, 2007 8:49 AM  
**To:** Simmons, Vicki AVED:EX; Cotie, Kate L AVED:EX  
**Subject:** FW: Clearmind  
**Attachments:** Registration cancellation August 24 2007.pdf

FYI

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**From:** Jim Wright [<mailto:jwright@pctia.bc.ca>]  
**Sent:** Friday, August 24, 2007 12:46 PM  
**To:** Rogers, Dorothy AVED:EX; Brown, Susan B AVED:EX  
**Subject:** Clearmind

This decision is being sent to Clearmind today.

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.

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August 24, 2007

Mr. Duane O'Kane  
Clearmind International Institute Inc.  
22778 72<sup>nd</sup> Avenue  
Langley BC V2Y 2K3

Dear Mr. O'Kane:

### **Inspection and suspension**

On May 17, 2007 four persons, acting in the capacity of inspectors under the *Private Career Training Institutions Act* (the PCTI Act), conducted an inspection of Clearmind International Institute Inc. (Clearmind) at its Langley campus.

Section 12 of the PCTI Act authorizes the Registrar to appoint inspectors for the purposes of determining whether

- It is appropriate to suspend or cancel a registration or accreditation or change the terms and conditions attached to a suspension, or
- A person has failed to comply with the PCTI Act, the Regulations, the Bylaws or the terms and conditions attached to a suspension.

In addition to interviewing Catherine O'Kane and yourself, the Inspectors removed a variety of documents and a computer central processing unit. Following a preliminary review of those materials, along with other materials removed from the premises of Rutherford College on the same day, I wrote to you on May 24, 2007 to advise you that the registration of Clearmind had been suspended pending the outcome of the investigation into the institution's operations.

Following is a summary of the PCTIA's findings.

### **Clearmind International Institute Inc's history with PPSEC/PCTIA**

Clearmind has facilities in Langley, BC, but appears to also have affiliated offices in Toronto, Stockholm, Dublin, London, Liverpool, and at Mill Bay on Vancouver Island. Duane O'Kane is the founder of Clearmind and he and Catherine O'Kane are the principals of that operation.

Clearmind's website ([www.clearmind.com](http://www.clearmind.com)) describes its programs this way:



Clearmind International Institute Inc. is a company offering innovative educational and psychotherapeutic programs using an experiential spiritual/transpersonal paradigm. Our mandate is to help people pioneer a path through areas of personal struggle, discover meaning and purpose in their own lives, and through that to contribute in their own way to the well being of others. Difficult emotions like sadness, fear, and anger can transform into compassion, excitement and passion when we are pointed in the right direction.

We offer a number of weekend workshops with a variety of themes. The Awakening is our introductory workshop, which offers the philosophical and experiential foundation on which all the others build. Our subsequent workshops focus on themes of relationship, men's/women's issues, addictions and attachments, all using the same experiential approach with different templates. There are also longer international leadership training programs which offer an exciting opportunity to discover yourself in the company of others from around the world.

Clearmind International is made up of people from all walks of life who have chosen to aspire to lives of honesty and integrity. As such, it is also a social and supportive network of different but like minded individuals working towards positive change in their lives and in the world.

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#### **Therapeutic Standards**

We pride ourselves in taking a therapeutically responsible and professional approach to the delivery of our programs. In Canada, our facilitators are educated and registered with the BC Association of Clinical Counsellors (BCACC) or the Canadian Professional Counsellors Association (CPCA). International Facilitators are similarly educated and trained in their respective jurisdictions. Workshop assistants, who work under the direction of facilitators, receive in house training in responsible, ethical delivery of service. We adhere to our own Code of Ethics, as well as those of our associations.

Clearmind registered under the *Private Post-Secondary Education Act* in October 2003. Rather than register of its own volition, however, the initial registration was triggered by a letter from the Private Post-Secondary Education Commission (PPSEC) in July 7, 2003 concerning some promotional literature that had come to its attention. That literature offered Clearmind programs at the "Springbrooke retreat Centre and campus" in Langley and it advertised the following:

Earn an Internationally Accredited BA degree with Clearmind Institute and Senior University ...

1-3 year Transpersonal Psychotherapy Program offers a flexible plan to further your career and life options. Stimulating, hands on learning in Family systems, Experiential Therapies, Gestalt, Psychodrama, NLP and A Course in Miracles.

Degree suitable but not limited to individual and group counseling career ... Program can be taken without the accreditation for healing your personal life ....

The PPSEC expressed its view that, based on this material, Clearmind appeared to be providing or offering to provide post secondary training in BC, in which case Clearmind should be registered under the *Private Post Secondary Education Act*. The PPSEC letter went on to say that:

... As the Commission understands that you may not have been previously aware of the requirements of the Act, we are not minded to pursue action at this time. However, we would like to emphasize that this matter must be addressed immediately and ask that we receive your completed application for registration by August 8, 2003.

Although the O'Kane's protested at the time, and continue to maintain that they were unaware of the need to register with PPSEC, another version of events has come to light during the course of this investigation. According to a lawyer representing Senior University, operating as Rutherford College, "in 2002 . . . Duane and Catherine O'Kane approached Dr. Hassam and Nusri Kassam and indicated that they wished to enter into an arrangement with Rutherford University whereby Clearmind Students could obtain credit for studies at Clearmind towards a B.A. degree." For their part, Duane and Catherine O'Kane say they were introduced in the spring of 2002 to the Hassams by a woman who had taken some programs with Clearmind and who was facilitating a workshop with Ms. O'Kane. Apparently this woman had enrolled with Erickson College and was completing a BA, and continuing on to a MA "with Senior University, via Erickson College". In any case, Rutherford's lawyer continues as follows:

After discussions and a review of the Clearmind programs it was agreed that Rutherford University Wyoming would allow transfer credits in respect of the Clearmind program. Clearmind was advised that the students would have to do additional work to acquire the necessary credits to meet degree requirements. Clearmind indicated that they had competent personnel to manage and deliver the additional requirements.

A problem arose initially when it was discovered that Clearmind was not registered with PPSEC. Officials of Clearmind stated that it was their interpretation that registration of Clearmind with PPSEC was not required. For the University to accept transfer credits from a student on a Distance Learning Program a transcript had to be issued by a properly constituted and registered College. To overcome this problem, Rutherford College agreed to enroll the Clearmind students. [emphasis added]

The majority of Clearmind students enrolled as distance learning students of Rutherford University Wyoming prior to the proclamation of the Degree Granting Authorization Act. In hindsight my client believes that they ought to have insisted on Clearmind entering into an agreement with PPSEC prior to Rutherford University Inc. Wyoming entering into an agreement with them.

It would appear from the foregoing that the O'Kanes were aware as early as 2002 of the requirement for private post-secondary institutions in BC to be registered with PPSEC, but chose to ignore that requirement. Even after having been caught out in 2003 advertising programs that required PPSEC registration under the *Private Post-Secondary Education Act*, Duane O'Kane pled ignorance of the need to be registered. Responding to PPSEC on July 25, 2003, he explained:

## 2. Practitioner Training

We have developed ... a personal growth program that appears to fall under your jurisdiction, in that we provide participants with transpersonal and traditional psychological information and basic skills training. We have developed this program based on workshop participants' interest in the psychological theory behind our workshops. We do not offer any kind of diploma/degree/certificate for this program. Please find enclosed our application to register as a

private institution. We were unaware of the need to register and so apologize for the lateness of this application. [emphasis added]

### 3. Certificate/Diploma/Distance Learning BA Programs in Spiritual Psychotherapy.

In addition to the personal growth components, many of our participants wish to pursue a more academic stream. For this purpose, they have multiple options. Some individuals for personal knowledge and satisfaction wish to earn a certificate/diploma and for this purpose, we recommend to them an appropriate registered institution in the province.

Since most participants are working adults and/or raising families, they prefer to select a distance-learning format to accommodate their personal choice and convenience of learning. Senior University of Wyoming, USA is one such institution that has agreed to allow our practitioners training participants to complete their BA degrees through distance learning.

Clearmind's registration application was approved by PPSEC on October 1, 2003 and following the rescinding of the *Private Post-Secondary Education Act* in November 2004, the institution registered under the PCTI Act.

### Clearmind's relationship with Rutherford University

During that re-registration process, a PCTIA Institution Officer found cause to write to Clearmind in October 2005 in respect of concerns arising from a reference on Clearmind's website to "one to three year certificate programs (also eligible for BA and MA in Transpersonal Psychology Degree through distance learning)". Clearmind was advised that, as a registered private post-secondary institution, it was not authorized to offer degree programs and that this advertising was in contravention of the *Degree Authorization Act*. While it would be acceptable to state that some of its courses can be transferred to a named university (assuming articulation agreements were in place), it was not acceptable to represent its courses as degree courses. Clearmind was given until October 7, 2005 to remove the website reference. Duane O'Kane emailed PCTIA shortly after this to say the reference had been removed.

Concurrent with the site inspection of Clearmind on May 17, 2007, PCTIA inspectors, accompanied by an inspector appointed by the Minister of Advanced Education under the authority of the *Degree Authorization Act*, carried out an inspection at Rutherford College's campus in Richmond and removed a number of documents, a computer central processing unit and a laptop computer. I have had access to and have reviewed a number of these documents and taken them into account in writing this decision. Documents obtained during the on-site inspection of Rutherford College and the PCTI Agency on-site inspection at Clearmind's Langley location reinforced the existence of a clear affiliation between Clearmind and Rutherford University reaching back to 2002.

As I explained in my May 24, 2007 suspension letter to Clearmind (Duane O'Kane):

A preliminary review of these materials, coupled with those removed from the premises of Rutherford College on the same day, provide evidence that Clearmind has had a long-standing association with Rutherford University, a degree granting institution that does not have Ministerial consent under the *Degree Authorization Act* to offer degrees in British Columbia.

Documents reflect that for several years Clearmind students have received transfer credit to Rutherford University and thereby obtained a university degree, notwithstanding the fact that Clearmind is not authorized under either the *Degree Authorization Act* or the *Private Career Training Institutions Act* to provide courses or programs leading to degrees in British Columbia to be conferred by institutions inside or outside the province.

Financial records disclose that Clearmind has collected revenue on behalf of and received revenue from an institution that is not authorized to operate in British Columbia and, in so doing, has contravened the *Degree Authorization Act*.

Clearmind marketing materials continue to advertise degree programs, even though you were advised by the PCTIA in October 2005 that "as a registered private post-secondary institution, you are not authorized to offer degree programs". This action once again contravenes the *Degree Authorization Act* and the *Private Career Training Institutions Act*.

Given the failure of Clearmind to comply with the *Private Career Training Institutions Act* and the *Degree Authorization Act*, as per section 8(4) of the *Private Career Training Institutions Act*, the registration of the institution is suspended pending the outcome of the Agency's investigation into the institution's operations.

As per section 8(5) of the *Private Career Training Institutions Act*:

If a registration is suspended under subsection (4), the registered institution

- (a) may, subject to any conditions imposed under subsection (4), continue to provide career training to the students currently enrolled and in good standing with the registered institution at the time the suspension takes effect, and
- (b) must not enroll, provide career training, or offer to enroll or provide career training, to persons who are not students described in paragraph (a).

Accordingly, Clearmind must immediately stop all forms of marketing, which includes the removal of all internet advertising and the recall of other forms of advertising materials. No new students may be enrolled, and no new contracts entered into with former students.

As per the PCTIA Bylaws, notice of the suspension will be posted on the Agency's website.

The advertising referred to pertains, among other things, to advertising contained on Clearmind's Toronto website ([www.clearmindtoronto.com/images/prac\\_infor.jpg](http://www.clearmindtoronto.com/images/prac_infor.jpg)). It advertises a "spiritual approach to education", where one can earn "an Internationally Accredited BA and/or Masters degree with Rutherford University". Clearmind's Toronto operation is run by facilitators Paul Goudsmit and Jane Tipping. The O'Kanes say that the Toronto operation is independent of theirs (they describe it as a sole proprietorship) and that they have not had a relationship with Paul Goudsmit or Jane Tipping for some time. They also report that they had not seen the website advertisement until it was brought to their attention by the PCTI Agency. They subsequently followed up with the Toronto operation and advise that the information has now been removed.

Other undated advertising materials obtained during the investigation clearly link Clearmind to Rutherford University. For example, one advertisement has a photograph of Duane and Catherine O'Kane and a photograph of Paul Goudsmit and Jane Tipping and it contains the following information:

Clearmind ... a Spiritual Approach to your Education with Clearmind International Institute. Earn a Bachelor of Arts or Master of Arts in Transpersonal Counselling Psychology.

- » Experiential, Hands-On Learning
- » Studies include A Course In Miracles, Family Systems Theory, Gestalt & More
- » 1 to 3 year Programs Designed for the Working Adult or Part Time Student
- » One Day or Evening per Week
- » Program Runs October 2005 through June 2006
- » Classes in Vancouver, Toronto and Vancouver Island

Degree completed in conjunction with Rutherford University (Rutherford.edu) Evanston, Wyoming, USA. Board Certified: ABMPP & ABDA Students eligible to apply for registration with the Canadian Professional Counsellors Association.

### **Clearmind's response to suspension**

In response to the PCTI Agency Registrar's May 24, 2007 suspension letter (received on May 25, 2007), Clearmind principals Duane and Catherine O'Kane wrote a lengthy letter to the PCTI Agency on June 1, 2007, providing a large number of attachments. Not unlike the July 25, 2003 letter pleading ignorance of the need to be registered with PPSEC, this letter again contends that they were "unaware" that they were in contravention of various provincial statutes, and that it was "due to ignorance we have been in contravention of these bylaws and Acts". The letter provides in part:

This letter is to respond concisely to the suspension letter we receive on May 25, to inform you of our current status, and what actions we have taken to correct and fully make right any and all areas where we were unaware, and in contravention of the subsequent named acts.

*Private Career Training Act Section 1*  
*University Act*  
*Degree Authorization Act*

We admit, that due to ignorance we have been in contravention of these bylaws and Acts. Our association with Senior (Rutherford) University began in 2002, and continued on until 2005. The only exception to that is to assist our mutual students, we continued to send student evaluations (at students request), even up until May 25. We have since discontinued this practice.

As explained in detail in the written history with supporting documentation that we provided, our past association with Rutherford had been in a constant state of flux. As our confidence in Abdul and Nusri Hassam decreased, we began to gather our own independent information rather than rely on instruction or guidance that they provided ...

We believe we must be accountable for our ignorance in this matter, however we also feel that we have been consistently and intentionally misled and lied to by Abdul and Nusri Hassam. They held out to us and our organization that they were abiding by all governing regulations, and that they were informed and experienced in this process and its parameters, which is not accurate ...

Clearmind acknowledges that it had an association with Senior/Rutherford College since 2002 as follows:

- from October 2002 to summer of 2003 we believed ourselves to be a 'department' in Senior University, and that our agreement with Senior regarding this allowed us to operate legally under their 'wing'!
- From October 2003 we believed that we were separate organizations that could operate concurrently with some of the same students
- From October 2002 to December 2005 Catherine O'Kane had a relationship with Senior/Stratford/Rutherford as academic advisor for their distance learning program, which she believed she could do legally as she believed she was hired by them based on providing her resume and university transcripts, and invoiced them directly for services. We were led by Abdul and Nusri Hassam to believe that this was an appropriate arrangement.
- From August 2006 to May 25, 2007 we fully understood that we were separate organizations entirely, we no longer respected or recommended Rutherford University in any way, and our only association was to honour commitments to mutual students who registered in the 2004/5 and 2005/6 academic year ...
- Since receiving your letter of May 25, 2007, we have no further relationship with Rutherford University.

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- From October 2002 until the summer of 2003 both programs [Clearmind and Rutherford University] were essentially operating as one, therefore all Senior University transcripts of Clearmind's academic students were filled out by Catherine O'Kane.
- From 2003 to 2005 we believed (under the counsel of Stratford/Rutherford) that our students could be enrolled in both institutions concurrently to obtain their degree from Stratford (Rutherford), and that Catherine O'Kane could act as an academic advisor for their distance learning program. Catherine O'Kane continued to fill in Stratford/Rutherford University transcripts for any students enrolled in their program, and these included the coursework they did at Clearmind.
- From October 2005 to the May 25, 2007 [letter] we still believed that students could receive credit at Rutherford University for the work they did at Clearmind, although Catherine O'Kane withdrew from acting as academic advisor, in an effort to being a clear separation from Rutherford. At the request of students, we forwarded to Rutherford University copies of Clearmind Evaluations (no transcripts were filled out as in previous years)
- Despite the fact that prior to October 2005 we had an understanding of how transfer credits were applied from Clearmind to Rutherford University, that is not being followed by Rutherford since we are aware of several of our students who have received degrees from Rutherford, for whom we have sent no evaluations because they had not completed all their assignments for our program.
- Since receiving your letter of May 25, 2007, we now fully understand that no Clearmind student evaluations should be provided to Rutherford University/College, and thus we have sent them correspondence indicating that we will no longer forward them any student information ...
- In addition, since receiving your letter ... we have sent correspondence to any mutual student we are aware of (11 students who are currently in our Prac 2 and 3 programs) that we will no longer be providing Rutherford with any student information ...
- As late as May 27, 2007 we received a request from Nusri Hassam for Clearmind Student evaluations, which was declined ...

An earlier email (October 22, 2004) and attachment from Cecil Sherwood to "Nusri" and "Abdul" describes his understanding of the arrangement between Clearmind and Rutherford University. The attached memorandum provides:

## Memorandum

**Subject:**

- Operating Relationship Rutherford University (formerly Stratford International University) and Clearmind Institute.

**Background:**

In 2002 Clearmind contacted Rutherford University in Wyoming and requested assistance in providing an opportunity for their students to study for a degree in Applied Transpersonal Psychology.

Rutherford reviewed the course material used by Clearmind. Following discussions with the Dean of the School of Health and Science and the ABMPP it was concluded that the program offered by Clearmind could receive Transfer Credits towards a degree with Rutherford.

**Procedural Arrangements:**

1. Students enrolling with Clearmind fall into two categories namely: Category [one] students that wish to take the program for Personal Development; Category two those students that wish to take a more Academic approach and pursue a program of study that will enable the student ultimately enable the student obtain a degree.
2. Category two students when they enroll with Clearmind if they wish can enroll as Distance Learning students of Rutherford University a separate application form must be completed and submitted to Rutherford University. Rutherford appoint a University Faculty Advisor to work with each student enrolled with Rutherford.
3. The program offered by Clearmind fulfills part of the requirements towards a degree from Rutherford. To ensure that the University standards and those of ABMPP are met Clearmind must send all student transcripts together with copies of the tests, projects and examinations that have been set by Clearmind together with method of assessment.
4. Clearmind may not alter the program without prior consent of Rutherford.
5. The University makes the final decision regarding the conferring of a degree.
6. A representative of the University has the right to attend any of the lectures being provided by Clearmind.
7. The lecturers delivering the lectures for Pract 1.11. & 111 are appointed by and the responsibility of Clearmind.

As acknowledged by Clearmind, it first entered into an agreement with Rutherford University in October 2002. Nusri Hassam subsequently revised the terms of that agreement in 2005 and sent it to Clearmind by email. A copy of that proposed agreement (which was back-dated to November 1, 2004) provided in part:

**WHEREBY IT IS AGREED as follows:**

1. The University permits Clearmind Institute to administer the University's Bachelor of Arts (B.A.)/Master of Arts Degree Programs in Transpersonal Psychology/Counselling in accordance to the manner prescribed by Clearmind Institute's covenants to the University, as approved and confirmed by the University Dean and Chancellor of Rutherford University.

a) The term of this Agreement is for a total period of three years. After which, based on the performance of Clearmind Institute, this agreement may be renewable upon further negotiation.

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iii) The University shall be responsible in granting the relevant degrees and the transcripts to the students who have already completed their degree program by completing all their term papers, assignments, and bachelor's/master's papers for individual degrees, and when the students have met and completed all financial requirements.

iv) The University shall have the final authority to approve any student's admission to any program of study. On behalf of the University, Clearmind Institute is authorized to admit students

based on the admission criteria provided by the University Registrar. Criteria are defined in the addendum to this agreement.

v) The University shall agree to Clearmind Institute designing certain subject matter, which is more suitable to the local education needs. RU shall have final approval over which programs may be provided in this manner.

vii) The University shall be responsible for reviewing and have final approval of the credit transfers for diploma, certificate and degree programs offered by an other local institutions and local universities.

**Clearmind Institute Covenants to the University as follows:**

1a) Clearmind Institute shall be responsible to bear all the expenses of promoting the agreed upon bachelor's/master's degree program in Transpersonal Psychology/ Counselling of the University.

1b) Clearmind Institute shall maintain the good name and reputation of the University by ensuring that the seminars are administered by qualified professionals and qualified lecturers. Based on the rules and regulations by the Department of Education of the State of Wyoming, Rutherford University will be required to approve all faculty appointed by Clearmind Institute to lecture or teach on behalf of Rutherford University ....

Clearmind did not sign this or any subsequent agreements with Rutherford University. Clearmind informed Nusri Hassam by email that the proposed agreement contained a number of elements that did not accurately reflect Clearmind's relationship with Rutherford.

Evidence of the continuing relationship between Clearmind and Rutherford is found in an unsigned partial project paper submitted to "Rutherford University School of Applied Transpersonal Counselling in Psychology" for BA purposes. It has a date of April 30, 2007 and lists Cecil Sherwood as the student's faculty advisor. This student is listed as one of Rutherford University's 2006/2007 students.

In their June 1, 2007 letter to the PCTI Agency Registrar, the O'Kanes say this in relation to the *Degree Authorization Act*:

Regarding the above mentioned contravention of the *Degree Authorization Act*:

- Clearmind collected revenue for Senior/Rutherford University in 2002/3. We have not collected revenue since then.
- Clearmind received revenue from Senior/Rutherford University in 2002/3, and then also received revenue for one student due to a prior arrangement ...
- Aside from these, we have not received or collected revenue from Rutherford or any other institution.

\*\*\*

[With respect to the advertisement of degree programs]

- From October 2002 to summer of 2003 we advertised and verbally promoted that students could obtain a BA ...
- From October 2003 to September 2005 due to us understanding more we advertised and verbally promoted that students could obtain a degree "completed in conjunction with Rutherford University".
- We have no record of the PCTIA October 2005 letter mentioned above, however based on verbal information from Rutherford University we changed our advertisements to



read: "Transfer Credits from Practitioner Training are accepted by external University for BA and MA degree"

- From August 2006 we have not intentionally advertised any degree program or transfer credits, nor have we verbally mentioned this to any student ...
- Since May 25 we conducted an internal company search ... we discovered that in error, our workshop producer ... inadvertently distributed leftover historic flyers from previous years. Those flyers had been intentionally pulled out of our circulation some time earlier and discontinued from any distribution. This flyer contained the line "Transfer credits from Practitioner Training are accepted by external University for BA and MA degree". These flyers were used prior to August, 2006 and were not distributed after that date ...since we realized those flyers existed, they have been collected and destroyed
- We have made several attempts to get Clearmind Toronto to remove Rutherford from their website (again, they are a separate sole proprietorship, who have not been in relationship with us for some time) and they did agree to remove these references and it was done on June 1.
- We have removed all references to Practitioner's Training from our own website at [www.clearmind.com](http://www.clearmind.com).

Finally, the June 1, 2007 letter from Clearmind advises it does not have any employees who are also employed by Rutherford University and that Clearmind has no intention of establishing any relationship with that organization in future.

In sum, for a time (starting in 2003) the arrangement between Clearmind and Rutherford University was one where successful completion of Clearmind's Practitioners Levels 1, 2, and 3 courses and 200 hours of supervised practicum at Clearmind earned Clearmind students 90 credits towards a Rutherford University Degree in Transpersonal Psychology. Clearmind students would then obtain the remaining 36 credits required for a BA through Rutherford University. Also offered in conjunction with Clearmind were MAs in Applied Transpersonal Counselling Psychology.

The evidence is that Clearmind students who enrolled in Rutherford University were subsequently or concurrently enrolled in Rutherford College. By way of example, the 36 credits required for a BA from Rutherford University were earned indirectly on paper through Rutherford College, followed by a transfer of the College credits to Rutherford University.

The Clearmind/Rutherford arrangements for the BC Clearmind students were described by Cecil Sherwood in a September 14, 2006 memo to Abdul Hassam this way:

#### **Diploma Program**

- The Diploma program combined with the Clearmind program are designed to provide the student with a total of 120 semester credit hours. Normally universities require a student to complete 120 semester credit hours to meet the requirements for a B.A. degree.
- The Clearmind program – Practicum 1, 2, & 3 lasts for 3 years and provides 90 semester credit hours
- The Rutherford [program] could be completed in 1 year but has been programmed for 3 years so as to run in parallel with the student's study at Clearmind. The student earns 30 semester credit hours from the Rutherford program.

### Advanced Diploma

- The program requires the student to complete 36 semester credit hours. Normally universities require a student to complete a minimum of 36 semester credit hours to meet the requirements for a M.A. degree.
- A student enrolled in the Clearmind program will be given credit for 12 semester credit hours in respect of the advanced practicum they complete at Clearmind.

This description is consistent with Clearmind's understanding of how things worked. It is also noteworthy that March 10, 2005 emails exchanged between Nusri Kassam and Cecil Sherwood confirm that Clearmind students received both Rutherford College and Rutherford University (Wyoming) student cards.

### Students' frustration

Unfortunately for Clearmind's students, the concurrent registration between Clearmind, Rutherford College and Rutherford University was frequently a source of frustration. By way of example, in June 2006 a s.22 who had enrolled with Clearmind and Rutherford apparently wanted to withdraw. s.2 questioned an amount that s.2 said had been wrongfully charged to s.2 credit card. s.2 also asked for an itemized statement about the administrative charges (\$300) charged for the refund transaction. Nusri Hassam responded (as "University Administration") in an email July 17, 2006, in part as follows:

When you completed your first assignment, your advisor must have marked it at Clearmind. If you can tell us who handed it out for marking, we will attempt to get the mark for you from our end as we don't have any marks for you for your first assignment here either. Regarding the breakdown for the administrative costs, we do not keep itemized records for the costs, all that I can surmise is that up to 5% credit card charges are retained by the CC company, and that you were provided advice by at least 3 advisors/counselors from the University and Clearmind regarding your academic work, also there is administration time for setting up of your student files for the current academic year, data entry into the various systems, reporting to the bookkeepers/accountants, reporting your enrollment to the govt. regulators, etc. etc. etc. In fact, I am sure if we do attempt a specific breakdown, these costs would probably be more than the amount retained, the only way we can keep these costs down is when students sign up in volume so it really does not help anyone when they withdraw.

In another example, a Clearmind student responded to an April 27, 2007 email from Nusri Kassam (signed as Vice President and Registrar of Rutherford University) offering her "sincere apologies for the delay, as we are working on a backlog of students, will try to process your papers by next week, thanks for your patience". The student responded that her email looked just like one Ms. Kassam sent s. 6 weeks ago. s.2 goes on:

What backlog!? At the meeting you said you had about 50 students locally? What backlog could you possibly be dealing with?

Please do not thank me for my patience because I am not extending you my patience, in fact I am letting you know that my patience and good will towards Rutherford is entirely spent. Instead of perpetually banking the faith and flexibility of others, maybe those who call themselves Rutherford might take a step up and conduct their business with a bit of integrity.

I suggest that all of "Rutherford" takes a moment to thank their trusting and patient student body for not having slapped with a class action law suit yet, for its deceit, incompetence and fraudulent actions.

I'm asking for a piece of paper that I paid thousands of dollars for, and did hundreds of hours of work for. Documenting what I have done should be the easy part of this equation. This transcript and "degree" being the only thing, or service I will ever receive from you should not be too hard for you to produce.

### Summary of violations

As is reflected in the body of this report, the evidence disclosed during this inspection and investigation is that over the years the principals of Clearmind have been violating the provisions of the *Private Post-Secondary Education Act*, the *Private Career Training Institutions Act* and the *Degree Authorization Act* in a variety of ways:

- They failed to register the institution under the *Private Post-Secondary Education Act* until required to do so by PPSEC
- They pled ignorance of the need to register, even while knowing this was not the case
- Section 2 of the PPSE Act Regulation required that institutions making application for registration or renewal of registration provide the Commission with the addresses of the institution, and the name and location of any other business carried on with or associated with the institution at its main campus or any other location. Clearmind failed to advise the Commission of its other training centers (i.e. Mill Bay), nor did it disclose the nature of its business dealings with Senior University Inc, dba as Rutherford College and Rutherford University
- Section 34 of the *Private Post-Secondary Education Act* stated that "an institution must not engage in advertising or make a representation that is false, deceptive or misleading", yet Clearmind misled students in representing itself as an institution authorized to offer courses leading to a degree
- Clearmind breached the *Degree Authorization Act* and the *Private Career Training Institutions Act*. As a registered institution, Clearmind is authorized under the *Private Career Training Institutions Act* to offer "career training", which in section 1 of the Act "means training or instruction in the skill and knowledge required for employment in an occupation defined in the regulations". The same section of the PCTI Act makes it clear that career training "does not include training or instruction that . . . is provided by . . . an institution established under the *University Act* . . . (or) and institution that is authorized by a consent under the *Degree Authorization Act*". Section 3(1) of the *Degree Authorization Act* states that:

A person must not directly or indirectly do the following things unless the person is authorized to do so under section 4

- (a) grant or confer a degree;

- (b) provide a program leading to a degree to be conferred by a person inside or outside British Columbia;
- (c) advertise a program offering in British Columbia leading to a degree to be conferred by a person inside or outside British Columbia;
- (d) sell, offer for sale, or advertise or provide by agreement for a fee, reward or other remuneration, a diploma, certificate, document or other material that indicate or implies the granting or conferring of a degree

Documents reviewed during this investigation disclose that for several years Clearmind students received transfer credit to Rutherford University and thereby obtained a university degree, notwithstanding the fact that Clearmind is not authorized under the *Degree Authorization Act* by virtue of delivering courses leading to a degree, and the *Private Career training Institutions Act* by delivering courses that do not fall within the meaning of "career training" as defined in section 1 of that Act. It is also evident that in addition to providing a program leading to a degree, Clearmind advertised a program offering in BC leading to a degree, and provided for a fee a diploma that led to a degree.

In their June 1, 2007 letter to the Agency, written in response to the suspension of registration, Duane and Catherine O'Kane said with respect to the *Private Career Training Act*, the *University Act* and the *Degree Authorization Act* "(w)e admit, that due to ignorance we have been in contravention of these bylaws and Acts". Over the years the O'Kanes have pled ignorance of the law to PPSEC and PCTIA on several occasions. Whether they were ignorant is suspect, but in any case it is a well founded principle in Canadian jurisprudence that ignorance of the law by a person who commits an offence is not an excuse for committing that offence.

The O'Kanes go on to claim that their association with Rutherford University terminated in 2005. Having said that however, they add: "The only exception to that is to assist our mutual students, we continued to send student evaluations (at students request), even up until May 25 (2007)", which was the date of the PCTIA inspection visit.

### Decision

The O'Kanes are "requesting reinstatement of our registration based on our current compliance". However, having reviewed all of the documentation seized during the Clearmind site inspection, as well as that recovered from Rutherford College, and after taking into consideration the past conduct of the institution and its officers in misrepresenting the institution and misleading its students, I am satisfied that it is not in the public interest to renew the registration of Clearmind.

Accordingly, as per section 8 (4) of the *Private Career Training Institutions Act*, the registration of Clearmind will be cancelled following the completion of the train-out of

those students who were enrolled and in good standing with the institution when the suspension of registration took effect on May 25, 2007.

In the meantime, during the train-out period the suspension of Clearmind's registration remains in effect, as do the conditions of suspension. Specifically, Clearmind

- may continue to provide career training to students currently enrolled and in good standing with the institution at the time the suspension took effect, and
- must not enroll, provide career training, or offer to enroll or provide career training to persons who were not students at the time the suspension took effect;
- must immediately stop all forms of marketing, which includes the removal of all internet advertising and the recall of other forms of advertising materials;
- no new students may be enrolled, and no new contracts entered into with former students

The O'Kanes have indicated that "our understanding . . . is that our current students would be able to complete the full 3 year program, regardless of whether we are re-instated, which would require us to provide the program for another 2 years (so that current prac 1 students could complete their 3 years)." Their understanding is not correct.

Currently enrolled students may be trained out as per the terms and conditions of their existing contracts. The institution may not alter the terms and conditions of those contracts, nor may it enter into new contracts with current students for subsequent years of their programs.

The institution is required to immediately provide the Agency with copies of the contracts for all currently enrolled students, with complete information regarding the name of the program of study, the start and completion dates, and the amount of tuition paid. If the institution has accepted tuition payments from students who have not yet commenced their programs of study, the institution must within thirty days issue full refunds to those students, and provide the Agency with documentary evidence of having done so.

Section 10 of the *Private Career Training Institutions Act* provides for reconsiderations and appeals of decisions to cancel a registration. A person affected by a decision to cancel may request, within 30 days of receiving written notice of the decision, a reconsideration of the decision by the Registrar. The Registrar may confirm or vary a decision.

If dissatisfied with the decision emanating from a reconsideration by the Registrar, a person who is affected by the decision may commence an appeal to the PCTIA Board by filing a notice of appeal, in the form provided for in the Bylaws, within 30 days of receiving the written notice of the decision emanating from the reconsideration.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Jim Wright', written over the printed name.

Jim Wright  
Registrar and CEO

**Nichols, Beth AVED:EX**

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**From:** Simmons, Vicki AVED:EX  
**Sent:** Monday, September 17, 2007 10:51 AM  
**To:** 'Liliana Hernandez'  
**Subject:** RE: Rutherford University  
**Attachments:** Hassam - Letter to Wyoming Dept of Education.pdf

Hi Lily,

FYI. Attached is the copy of the letter we received from Rutherford College/University addressed to the Wyoming Department of Education. If by chance you have received it, please let us know.

Thanks,  
Vicki Simmons

**Vicki Simmons**, Policy Analyst  
Policy and System Quality Branch  
1st Floor, 835 Humboldt St  
PO Box 9177 Stn Prov Govt  
Victoria BC V8W 9H8  
Phone: (250) 356-2067  
Fax: (250) 356-8851

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**From:** Liliana Hernandez [<mailto:lherna@educ.state.wy.us>]  
**Sent:** Thursday, August 30, 2007 2:19 PM  
**To:** Simmons, Vicki AVED:EX  
**Subject:** RE: Rutherford University

Hi Vicki,

Again I apologize for the delayed response. I have been looking in the files to see if I could find anything that referred to either one of those titles. At this time I still have not found anything regarding a school with either one of those names. As yet we have not received a letter in the past month regarding that school. Would it have been under any other name or could it have been placed with a letterhead that differentiates from the titles that you gave me??

I will continue looking to see if anything within our archives shows the Rutherford name. If you need anything else, please feel free to contact me. Again thank you for being patient.

Lily Hernandez

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**From:** Simmons, Vicki AVED:EX [<mailto:Vicki.Simmons@gov.bc.ca>]  
**Sent:** Thursday, August 30, 2007 1:03 PM  
**To:** Liliana Hernandez  
**Subject:** RE: Rutherford University

Hi Lily,

I haven't heard from the unit director as yet so I wanted to check in to see if there is any further information for us regarding our inquiry.

Thank you,  
Vicki Simmons

**Vicki Simmons**, Policy Analyst  
Policy and System Quality Branch  
1st Floor, 835 Humboldt St  
PO Box 9177 Stn Prov Govt  
Victoria BC V8W 9H8  
Phone: (250) 356-2067  
Fax: (250) 356-8851

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**From:** Liliana Hernandez [<mailto:lherna@educ.state.wy.us>]  
**Sent:** Monday, August 20, 2007 6:57 AM  
**To:** Simmons, Vicki AVED:EX  
**Subject:** RE: Rutherford University

Thank you Vicki. Again I apologize for the delays. We have had some emergency matters arise and it seems to be taking us a bit longer than usual to respond to people. I will print this out and have our unit director review and answer your question. Thank you again.

Lily

*Liliana Hernandez*

Executive Assistant to  
Kay Post, Unit Director  
Standards, Assessment and Accountability Unit  
Wyoming Department of Education  
2020 Grand Avenue, Suite 500  
Laramie, WY 82070  
(307) 777-5292

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**From:** Simmons, Vicki AVED:EX [<mailto:Vicki.Simmons@gov.bc.ca>]  
**Sent:** Thursday, August 16, 2007 3:07 PM  
**To:** Liliana Hernandez  
**Cc:** Kay Post  
**Subject:** Rutherford University

Hi Lily,

I am following up on my phone call to Kay Post regarding Rutherford University. Rutherford University (formerly called Senior University International) operated out of the state of Wyoming as a degree-granting institution until the middle of 2006. They are still registered as a corporation in the state of Wyoming under the name Rutherford University Inc.

The Ministry of Advanced Education in British Columbia recently directed the principals of Rutherford University to notify a number of jurisdictions and affiliated institutions that they are not permitted to grant or confer degrees or programs



leading to a degree either inside or outside British Columbia. The Wyoming Department of Education was one of these jurisdictions.

I am following up with you to ensure that you have received this letter to determine if Rutherford University has met these conditions. They provided us with a copy of a letter dated July 31, 2007 addressed to:

Program Coordinator  
Wyoming Department of Education  
2300 Capital Avenue  
Hathaway Building Second Floor  
Cheyenne, WY 82002-0050

I look forward to hearing from you as to whether your department has received the original letter.

Thank you for your assistance.

Sincerely,  
Vicki Simmons

**Vicki Simmons**, Policy Analyst  
Policy and System Quality Branch  
1st Floor, 835 Humboldt St  
PO Box 9177 Stn Prov Govt  
Victoria BC V8W 9H8  
Phone: (250) 356-2067  
Fax: (250) 356-8851



## Rutherford College

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July 31, 2007

Program Coordinator  
Wyoming Department of Education  
2300 Capital Avenue  
Hathaway Building Second Floor  
Cheyenne, WY 82002-0050

Dear Sir,

We are required by the British Columbia Ministry of Advanced Education to inform you that Rutherford College and Rutherford University in British Columbia by BC law are not permitted to:

- a) Grant or confer degrees in British Columbia;
- b) Offer a program in British Columbia leading to a degree to be conferred either inside or outside British Columbia

Yours sincerely,

  
Abdul S. Hassam  
President  
Senior University Inc.  
dba Rutherford College

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#200- 2900 Simpson Road, Richmond B.C. Canada V6X 2P9

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08/03/07 FRI 13:03 [TX/RX NO 5053]

## **Nichols, Beth AVED:EX**

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**From:** Simmons, Vicki AVED:EX  
**Sent:** Monday, September 17, 2007 11:31 AM  
**To:** 'ps@education.gov.sz'  
**Subject:** Senior University Inc. (dba Rutherford University and Rutherford College)

To whom it may concern,

The Ministry of Advanced Education in British Columbia recently directed the principals of Senior University Inc. (dba Rutherford University and Rutherford College) to notify a number of jurisdictions and affiliated institutions that they are not permitted to grant or confer degrees or programs leading to a degree either inside or outside British Columbia. The Swaziland Ministry of Education was one of these jurisdictions.

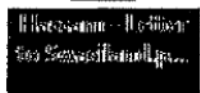
I am following up with you to ensure that you have received this letter to determine if Senior University Inc. (dba Rutherford University and Rutherford College) has met these conditions. They provided us with a copy of a letter dated July 31, 2007 (attached) addressed to:

Ministry of Education  
Govt. of Swaziland  
PO Box 39  
Mbabane, Swaziland

I look forward to hearing from you as to whether your department has received the original letter.

Thank you for your assistance.

Sincerely,  
Vicki Simmons



**Vicki Simmons**, Policy Analyst  
Policy and System Quality Branch  
1st Floor, 835 Humboldt St  
PO Box 9177 Stn Prov Govt  
Victoria BC V8W 9H8  
Phone: (250) 356-2067  
Fax: (250) 356-8851



## Rutherford College

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July 31, 2007

Ministry of Education  
Govt. of Swaziland  
P.O. Box 39  
Mbabane, Swaziland

Dear Sir,

We are required by the British Columbia Ministry of Advanced Education to inform you that Rutherford College and Rutherford University in British Columbia by BC law are not permitted to:

- a) Grant or confer degrees in British Columbia;
- b) Offer a program in British Columbia leading to a degree to be conferred either inside or outside British Columbia

Yours sincerely,

Abdul S. Hassam  
President  
Senior University Inc.  
dba Rutherford College

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#200- 2900 Simpson Road, Richmond B.C. Canada V6X 2P9

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08/03/07 FRI 13:03 [TX/RX NO 5053]

**Simmons, Vicki ALMD:EX**

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**From:** Simmons, Vicki AVED:EX  
**Sent:** Monday, September 17, 2007 12:47 PM  
**Subject:** Senior University Inc. (dba Rutherford University and Rutherford College)  
**Attachments:** Hassam - Letter to Swaziland.pdf



Hassam - Letter to  
Swaziland.p...

To whom it may concern,

The Ministry of Advanced Education in British Columbia recently directed the principals of Senior University Inc. (dba Rutherford University and Rutherford College) to notify a number of jurisdictions and affiliated institutions that they are not permitted to grant or confer degrees or programs leading to a degree either inside or outside British Columbia. The Swaziland Ministry of Education was one of these jurisdictions.

I am following up with you to ensure that you have received this letter to determine if Senior University Inc. (dba Rutherford University and Rutherford College) has met these conditions. They provided us with a copy of a letter dated July 31, 2007 (attached) addressed to:

Ministry of Education  
Govt. of Swaziland  
PO Box 39  
Mbabane, Swaziland

I look forward to hearing from you as to whether your department has received the original letter.

Thank you for your assistance.

Sincerely,

Vicki Simmons

Vicki Simmons, Policy Analyst  
Policy and System Quality Branch  
1st Floor, 835 Humboldt St  
PO Box 9177 Stn Prov Govt  
Victoria BC V8W 9H8  
Phone: (250) 356-2067  
Fax: (250) 356-8851

## MacLean, Madeline AVED:EX

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**From:** Cotie, Kate L AVED:EX  
**Sent:** Tuesday, September 25, 2007 9:51 AM  
**To:** 'John A. Watson'  
**Cc:** Watt, Lianne C ALMD:EX; Rogers, Dorothy ALMD:EX; Simmons, Vicki ALMD:EX  
**Subject:** FW: s.22 Cover letter, Comments and Student Testimonials for Clearmind International Institute  
**Attachments:** s.22 Cover Letter to the Ministry Regarding the PCTIA and Clearmind.doc; Testimonials from Clearmind Students.doc; Comments for the Ministry of Advanced Education.doc

Hi John! This is in follow up to a conversation Dorothy, Vicki and I had with s.22 a Clearmind student who is representing other Clearmind students (Clearmind was recently suspended and is currently appealing that decision - they also had links with Rutherford University). s.22 was hopeful that the concerns of Clearmind students could be put forward to you to consider in your review (not to consider Clearmind's appeal directly, but the general issues behind it and some concerns they also raise regarding Board composition). I let her know that although the deadline for submissions had passed that you were very interested in the student perspective and that if s.22 could put together a summary of the eClearmind students' issue that I would forward it to you.

Kate

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**From:** s.22  
**Sent:** Monday, September 24, 2007 3:41 PM  
**To:** Cotie, Kate L AVED:EX  
**Subject:** s.22 - Cover letter, Comments and Student Testimonials for Clearmind International Institute

Dear Kate,

Thank you so much for your call last week and to all of you who participated in the call and for giving me time to share my concerns. I'm sorry it's taken me few days to get this to you, but I had a pre-booked client caseload that could not be cancelled. I also wanted to make sure that my comments were well considered and comprehensive.

Please find attached the following:

1. My cover letter and introduction to me and my experience with the PPSEC/PCTIA and private post secondary educational institutions.
2. My comments document.
3. Student Testimonials (Just some of the many testimonials that the Student Committee has received over the past 2 weeks in an effort to highlight the students, who are truly the ones most affected by all of this).

On behalf of the students of Clearmind, I thank you for the opportunity to have our voice heard.

Sincerely,  
s.22

s.22

September 24th, 2007

**Re: Cancellation of Registration with PCTIA of Clearmind International**

Attention: Dorothy Rogers, Kate Cody and Vicki Simmons

I am writing to the Ministry of Advanced Education about my concerns regarding the recent decision of Mr. Jim Wright, Registrar and CEO of the PCTIA to cancel the registration of Clearmind International Institute in Langley, BC.

Further to our discussion last week with the above-named, I am submitting here my comments and concerns about Mr. Wright's decision, the Acts and Bylaws and the actions of the PCTIA as a self-governing body in general. It is my hope that these comments will be forwarded to Mr. John Watson, who is - I believe - currently conducting a review of Private Career Training legislation, in time for him to review them for his report.

Please let me begin with a brief introduction of myself and my relationship with Clearmind International Institute.

My name is s.22

s.22

s.22

. And I now also have two thirds of a Diploma in Transpersonal Counselling Psychology from Clearmind International Institute in Langley. Since Mr. Wright's decision regarding the cancellation of the PCTIA registration of that institution, there is now no hope of me completing that Diploma within the next year as planned.

s.22

s.22 during their initial accreditation application with the then PPSEC. As such I am familiar with the accreditation process and all that it entails. s.22

s.22

s.22 at the time, I worked closely with s.22 throughout that process.

s.22

s.22

s.22

s.22 the Clearmind International Institute came to my attention via a colleague who had also studied at s.22 and wanted to take further education to add to s.22 counselling skills. I investigated the school, took their weekend foundation workshop and was s.22 impressed that I decided to enroll in their Practitioner's Training Program to learn about Transpersonal Counselling Psychology. s.22 where I received comprehensive training and education as a beginning practitioner in Transpersonal Counselling Psychology theory and practice. s.22 s.22

Clearmind graduates are also eligible to apply for student membership with the CPCA, and upon completion of that program and all requirements may also apply for full membership. s.22 s.22

Technically there was no need for me to now return to Clearmind in order to acquire that credential. So why did I return?

I returned to Clearmind for the following reasons:

- Its instructors operate their school and business with a level of honesty, transparency and integrity unparalleled by any public or Private Post Secondary Educational Facility that I have attended, taught at or with which I have had business dealings.
- It is the only school in BC offering any training in Transpersonal Counselling Psychology.
- Its founder and owner has both a local and *international* reputation as a leader in this field.
- The school takes a unique approach to the personal growth of the counsellor in training. Students are required to undertake any and all processes expected of a client in the therapeutic setting.
- I have personally witnessed the dynamic transformation the counsellors in training undergo as they evolve and take their place in a field populated primarily by university educated practitioners.

I returned because in my first year of Prac. Training a process of education had begun that far surpassed anything I have taken at either the university or college level either here in BC s.22 s.22



In all of my career training and education to date, there has always been something missing; the kind of caring, integrity and transparency that professional helpers guide their clients to achieve but which they themselves are not necessarily modeling in their own lives and careers. This was the deciding factor for me. I saw openly and clearly that the school's owners modeled and lived their own lives on this value. It is an astonishing thing to witness in an educational institution, and more astonishing still to see it in the instructors and staff of a facility.

Please don't get me wrong; Duane and Catherine O'Kane are not perfect; they may lack business administration leadership skills; they may lack the kind of business acumen that would have allowed them to suspect Rutherford "University's" less than honest presentations to them sooner; they may have in the past lacked administration organizational skills – which they have since rectified; they may lack a lot of business skills, but they more than make up for this lack in terms of their personal honesty, integrity and commitment to the education they offer their student body.

Business skills can be learned quickly and easily – or can be paid for through hiring the right personnel for the job – which Clearmind have indeed done in the past year. But personal integrity, honesty, transparency and accountability in the face of mistakes, coupled with complete openness with the student body, sets Clearmind apart as an institution above the rest.

In my past dealings with PPSEC I found that body to be an educational model in itself, encouraging fledgling institutions to stand up on their own feet and to take their place in the education marketplace. They employed supportive tactics that encouraged – rather than discouraged – adult educators to correct their mistakes. I find, sadly, the approach of the new PCTIA to be adversarial, punitive and unsupportive.

As you will see from the testimonials I have attached the students at Clearmind, though disappointed in the decision of Mr. Jim Wright to cancel Clearmind's registration with the PCTIA, are determined to continue on with their program at Clearmind. They have been greatly impacted by the professional and personal education they have received there and have only good things to say about the school, the instructors, the curriculum, the facilities and the educational standards they received.

As a student body, we would appreciate Mr. Wright, the Board of the PCTIA - and a representative of the Ministry of Advance Education - coming to speak with us about our experience with Clearmind. We would request that you all consider the value of our input when making decisions of this magnitude which ultimately affect the lives of us, the students.

Sincerely,

s.22

On Behalf of the Clearmind Student Committee

# **Testimonials from this Year's Practitioner's Training Level I Students**

September 13, 2007

Mr. Jim Wright  
Registrar, PCTIA

Dear Mr. Wright:

The purpose of this letter is to communicate to you and others at PCTIA the excellent educational experience I have had to date as a student in the Practitioners Training Program offered by Clearmind International. s.22

At an orientation meeting before classes began we were given a comprehensive binder that contained the student handbook, the curriculum, the schedule of classes, and photocopies of material from the literature to supplement our readings from the text for each class. Policies regarding ethics, boundaries, and confidentiality were carefully explained, as were attendance requirements and the methodology that would be used to determine whether we would be allowed to advance in the training.

The teachers expected that all of the required readings would be done before class. All of the classes outlined in the schedule were held and all of the material in the curriculum was covered in class. Any changes in assignments were announced in class as well as being communicated by e-mail. Assignments based on our readings and classroom instructions were handed out in class with an expectation that they would be handed in at the next class or that the questions would be answered by e-mail.

I found the teachers to be excellent. Every class expanded on and clarified the material we were reading and experiential exercises lead by our teachers offered personal or practical experience related to what was being taught. The class I attended was held at the Springbrook Retreat Center in Langley and was outstanding. The facility is clean, quiet, and well equipped. The audio-visual equipment is state of the art and was well employed by the teachers. Students received regular feedback and the final examination was a fair and thorough assessment of what we had learned during the year.

In short, Practitioners Training at Clearmind was, for me, an outstanding educational experience. I am giving my permission to the Student Committee at Clearmind to forward this testimonial to you. If you would like to contact me personally I can be reached at s.22

Sincerely yours,

s.22

September 14, 2007

Mr. Jim Wright  
Registrar, PCTIA

Dear Mr. Wright,

I am writing you regarding my support of the Practitioners Training Program at Clearmind International and to communicate to you my experience of the program.

When I first started the program I was given an orientation, a schedule and course outline for the year and a binder containing all the material for the year that we would cover. Readings, Assignments, policies, boundaries and ethics all included and divided up into classes. If there were any changes our teachers and administrators would communicate this to us immediately.

Our classes were held out at the Springbrook Retreat Centre. It was quiet, clean, comfortable and welcoming. Our teachers were always organized prepared and able to adapt and modify when needed.

I felt that their evaluations were fair, concise and direct and were always willing to listen.

The Practitioners Training Program gave me an opportunity not only to go deeper into my own personal growth process, but also to learn from many gifted, caring, experienced practitioners.

The course content was comprehensive and was a life-transforming

experience for me. Bringing together psychology and the transpersonal perspective and experiential processes that can be immediately applied to the world around us.

This counseling program naturally integrates mind, body & spirit. Adding a practical flavor to learning.

I'm learning to listen deeply to myself and others, to create and hold space for where the natural tendencies towards wholeness and inner peace has the potential to manifest. I have gained confidence and faith not only in myself, but the world around me.

Sincerely,

s.22

Dear Mr. Wright - PCTIA

My name is s.22 and I am a student of Clearmind International, entering my third year of Practitioners Training. I wish to express my view of Clearmind as a professional and integral institution to post-secondary psychotherapy training. My career decisions and goals are deeply impacted by your decision to cancel Clearmind's registration with you, and my desire is for you to reconsider your decision.

I came to Clearmind because I wanted to be a counsellor who combined psychotherapy with transpersonal practices, and Clearmind has delivered more than I expected. Not only is the course material and content exceptional, but the personal growth I experienced was enormous. I have been please with Clearmind on so many levels. I honestly have nothing regretful or faulty to say about this organization, hence my noble observation of them as a corporation, training institution, and as a community.

The course curriculum was thoroughly outlined and delivered as promised. The handouts, readings, assignments, timelines, procedures, manuals, and exams were complete, timely, and of optimum quality. The instructors were phenomenal, inspiring, well educated, extremely competent, attentive, incredibly effective and efficient in both their delivery and implementation of course material. The atmosphere and facilities are stunningly beautiful, more comfortable and gratifying than any learning environment I have been in. The atmosphere and teachings are very conducive to learning.

The exams and assignments are especially comprehensive. The questions and content stimulate moral and ethical values, knowledge and understanding of therapeutic techniques and practices, and personal and professional dilemmas in ways I have never experienced. The material is very thorough! Assignments and exams are reflective, impactful, commanding, and superior to any assessment I've encountered. I have taken programs through Camosun College, psychology, and human resource programs through other post-secondary institutions, but nothing is comparable. Clearmind's program is exceptional and invaluable.

Clearmind's staff and instructors have always been transparent, supportive, and highly ethical. They have acted with great integrity and accountability in every instance I have met with them. They have without a doubt, always acted in my best interest.

Not only am I blown away by Clearmind's program and organization as a whole, but the personal growth aspect I have experienced in myself and in others, is astonishing. I now walk through my life with a clear and clean wisdom of who I am and what my purpose is. I have been able to change every perceived obstacle as an opportunity to expand, learn and

love. Every relationship I have (especially being a mother and wife), has been blessed with these new changes in me, and I owe it all to Clearmind. I believe strongly in this program and in this organization, that is why I enrolled in this program, spent my valuable time, money and energy here. I ask you to please reconsider your position, as my life is deeply affected.

Sincerely,  
s.22

Please note: I give consent for this letter to be forwarded to the PCTIA and to the Department of Education.

Dear Mr. Wright,

I am sending this message to express my support of the practitioners training program I am involved with through Clearmind International.

s.22

s.22

The PCTIA suspension will not affect my decision to continue, although it is a serious concern and I find it most disturbing and unfair towards Clearmind. My number one concern is that this will financially affect Clearmind and threaten the future of the Clearmind educational and/or therapeutic programs. I cannot describe how unfortunate this would be and what a huge loss this would be for the students, practitioners, clients and the general public.

I have learned so much this year. The classes were excellent. We were taught by two extremely well-educated and qualified instructors. They not only taught us through lectures and visual presentations, but allowed us to practice and put to use all of the processes which were taught. I believe that one of the most valuable aspects of the program are the experiential components where we put into action and actually practice what we are learning as we are learning it.

The course provides excellent text books, audio visuals and materials all of which are followed methodically and adhered to throughout the year. Everything is presented and then practiced or experienced either in class or sent home for us to practice in our lives. Our classes are meticulously video taped for our review and for us to use if we happen to have missed a class.

All of my questions and concerns were fully answered by my instructors and mentors throughout the year. I have been completely satisfied with all aspects of the course. It exceeded all of my expectations and I believe that the methods applied are more effective than any other programs and classes I have attended.

This year has been an amazing transformation for me. I not only learned the dynamics of family systems, relationships, symptoms of dysfunction, healing practices etc. etc. I was able in a short time to apply much of what I learned to my own life and relationships.

Throughout this whole year I have been fully instructed, taught, and supported by Clearmind Institute and my teachers and mentors in practitioner 2 and 3. I believe that this program is unique and vital to our society and must continue. I am committed to complete this program whether I can gain accreditation or not. As a student, I think its important for you to hear my voice and my support of this program. Therefore, I give my permission, to the Student Committee, Clearmind International, to send this letter to the PCTIA, as well as to the Department of Education. You can contact me at any time if you have any pertinent questions or information at:

s.22

Thank you for your consideration.

Sincerely,

s.22



September 16, 2007

Mr. Jim Wright, Registrar, PCTIA

Dear Mr. Wright,

The purpose of my letter addressed to you and other members of the PCTIA is to communicate my support of Clearmind International and its Practitioners Training Program.

I have just s.22

s.22 and would like to share with you my experience. My credentials for evaluating an educational program come from s.22

s.22

I first went to an information meeting, that outlined what I could expect from the Practitioner Training Program. After being registered, I received an orientation, a schedule and course outline for the year and a binder containing all the information and material that would be covered during the year. Policies, regarding ethics, boundaries, and confidentiality were carefully explained, as were attendance requirements.

Our classes were held at the Springbrook Retreat Centre. The centre is kept extremely clean, the classes were always ready, comfortable and the atmosphere welcoming.

I found our teachers to be excellent, professional, prepared and always on time. All of the classes outlined in the schedules were held and all of the material in the curriculum was covered in class. Assignments based on our readings, homework and classroom instructions were handed out in class with an expectation that they would be handed in the next class or through e-mail. Our teachers offered personal or practical experiences related to what was being taught.

During the entire year I have been fully instructed, taught and supported by Clearmind Institute, my teachers and fellow students. I received regular feedback and the final exam was a thorough and concise assessment of what I have learned during the year.

I do not know what is exactly the reason behind the PCTIA or Mr. Wright's decision to suspend Clearmind International Practitioner Program, but I can assure you that from a professional and personal point of view, this program is an outstanding educational experience. It serves me now and will for the rest of my life. Cancelling it would not serve the public interest.

If you would like to contact me personally, I can be reached at : s.22  
s.22

I, s.22 give the permission to the Students Committee, to send this letter to the PCTIA, as well as to the Department of Education.

Sincerely yours, s.22

September 16, 2007

To whom it may concern:

I have been in the counseling field and have taken various courses and programs over the past 20 years. I would like to speak about my experience as a student in the counseling program at Clearmind International Institute. s.22

s.22 I am deeply impressed with the quality and integrity offered by the teachers, staff and support persons at Clearmind this past year. I commend Clearmind for their high standards of excellence in all aspects of their organization.

The course outline was laid out clearly and concisely, and I found the teachings to be incredibly thorough and valuable. In my opinion, my class teachers were completely dedicated to their work and delivered the material easily and expertly. I especially valued the experiential aspect of the teachings, having the opportunity in class to apply the teachings to my own life. Our classroom was always warm and welcoming, clean and professional, and very conducive to learning.

I found the student handbook to be meticulously thorough – including course outlines, objectives and expectations, all homework assignments, detailed information about each year of the Practitioner Training, and instructions for how to deal with any questions, problems or conflict resolution within the various levels of the institution. If I had a query about anything to do with my school year, I could usually find the answer in my student handbook.

The biggest thing that stands out for me at Clearmind is the people. In any communications with staff members, support persons, teachers and directors, I always felt highly respected as an individual, regarded and cared about. I experienced these people as having very high personal integrity in our interactions. It is very important to me that people who work in the counseling field are continuously doing their own personal growth work. I see and know that this is the case at Clearmind. I am impressed with the thoroughness, the excellence and the quality of Clearmind as a counseling training institute. My intention is to complete year two and three of their counseling training program. I also would highly recommend Clearmind International Institute as counseling training program for anyone serious about becoming an excellent counselor.

s.22

September 17, 2007

s.22

Attn: Jim Wright  
PCTIA  
Ministry of Education

I am writing to you as a graduate of s.22 Clearmind. I feel a strong need to defend the content and integrity of the course at hand. I sought this program out as a means to complete some hours in counseling training. I got far more than I bargained for or could have possibly imagined. From the beginning my teachers were professional and knowledgeable in all aspects, and the course material was precise and informative. s.22

s.22 attended an introductory evening to the course material and program. s.22 was thoroughly impressed with Duane and Catherine and highly recommended the program to me.

I chose this program which focuses on the transpersonal side of psychology, due to its advanced emotional content and positive motivating message. This amount of content

and integrity lacks in the traditional psychology model for counseling training. Not only did I learn about Bowen family systems and learn about certain academic lessons pulled from mainstream psychology, I had an intense transformative experience in personal growth. The teachers, course material and directors of clearmind are truly far more advanced and superior in the area of personal growth than anyone I have ever encountered in my entire life.

This course has made me a better person, s.22

s.22

s.22

s.22

and all of the lessons and experiences that I encountered with clearmind have prepared me professionally to effectively communicate and motivate my staff. This course has made me a better boss, a better leader and a better human being.

I can't say enough about clearmind and the work that they do. There is nothing like it and it is genuinely transformative. Perhaps, the academic world is unable to handle a course of this caliber and therefore cannot relate to the content. It would be a shame to not allow this company to award their students with some form of counseling credibility. I have seen counselors with far more education and far less people skills and healing ability than the graduates from clearmind. This course is one of a kind and focuses on people doing their own personal work before they can be competent counselors. My first year will continue to benefit me in all aspects of my life, both personally and professionally and my teachers will always be some of the most positive influences I have had the pleasure to encounter.

Warm regards,

s.22

I s.22

give my permission, to the Student Committee, to send this letter to the PCTIA, as well as to the Department of Education.

September 15, 2007

Attention Jim Wright (Registrar at PCTIA),

My name is s.22

s.22

I am writing you this letter in hopes that you might reconsider your decision to cancel the registration of Clearmind International's Institutes, Practitioner Training Course. As a student I have been provided, by Clearmind, with the documents and letters that have been sent to and from the PCTIA since May, and have read through the document that the PCTIA sent in regards to the decision to cancel the registration of Clearmind International's Institute. I feel that it is important, for me, as a student to let you know that from my own personal experience at Clearmind International's Institute, I know the school has the students best interest at heart, and they continually display to me, a high level of competency, honesty, and responsibility for mistakes made.

I am extremely happy with all the education I have received, over the last year, and in my experience, the Practitioner Training Course provided by Clearmind International's Institute is an outstanding course, with excellent teachers, and relevant and comprehensive course material. At the beginning of the year I received a comprehensive Student Hand Book regarding the Practitioner's Training Course. It outlined very clearly what education the school would provide to me as a student, and what I could expect to have learned at the end of my first year. As I have now finished my first year, I can say without a doubt that everything they promised to me, as a school, has been fulfilled. I, in no way feel misled or deceived by Clearmind International Institute, and in actual fact, I have been provided with education that exceeds what I originally expected. I decided to become a student at this school solely for my own personal growth. I have been amazed over the last year of how many changes I have made in my life, because of the education I received. I have not only learned the course material, but with the help of the school I have applied the learning into my own life, and the changes have been miraculous. I am now planning to follow my dream of becoming a counselor. I feel the education I would of receiveds.22

s.22

s.22 I know this because of my experiences with people who were in the Practitioner Training Level 2 and Practitioner Training Level 3, and the skills, knowledge and understanding of the human condition that they have, because of the education they had received from this course.

I want to be clear, that I am aware that as a school, under the PCTIA bylaws and certain Acts, they have made many significant mistakes and have been in breach of these bylaws and acts, but I am certain that Clearmind International's Institute is a school that has the students best interest at heart, and displays a high level of integrity, and accountability. I was planning to continue on to the s.22

s.22

and if you reconsider the decision and reinstate Clearmind International's Institutes registration, I will continue my schooling with Clearmind, without question! It is my hope that if Clearmind International Institute rectifies all the mistakes they have made over the years, they will be reconsidered for registration with the PCTIA.

Please feel free contact me if you have any questions.

Thank-You

s.22

I s.22 as one of the student committtee give my permission, to send this letter to the PCTIA, as well as to the Department of Education.

To; PCTIA,

Clearmind Testimonial s.22

After researching many different counselling programs I found that the curriculum in Clearmind was, and is the best to suit my learning needs to become the counsellor that I want to be.

After s.22 and now looking back at it I am still, and was continuously impressed at the instructors ability to present and support my learning in such a full course outline. With each class seamlessly flowing to the next, as all course materials were given thoughtfully, and distributed in a timely manner.

The student hand book I was given was impressive. Explaining clearly in it any question I may have including due dates class dates, and clear

instructions on how to hand in course assignments ect.

I was most impressed that this school had such strong ethics and sence of social responsibility that matched my own high standards. Eg; In the student hand book we each received we were given a flow chart on how to resolve conflict, and who to go to for support if needed.

I received all that was promised to me from this school, and learned a  
s.22

- The grading, and course content was clear and comprehensive.

- The learning environment met all our class needs.

I would like to complete s.22 with Clearmind as the institution that I started with in 2006, as it was a school with very high learning, and ethical standards, to my mind, and experience, everything a school should be.

Thank you for your time and consideration, sincerly,

s.22

s.22

Mr. Jim Wright, Registrar,  
Private Career Training Institutes Agency of B.C.

Dear Mr. Wright:

I am writing to ask that you reconsider your decision to disallow the Clearmind International Practitioners Training Program to be a licensed member of PCTIA.

s.22

s.22 I subsequently enrolled at Clearmind because I was interested in the unique combination of Psychological and Transpersonal as well as theoretical and practical nature of the curriculum that is offered and wished to pursue a counseling career at this time. I have completed s.22 years of the program and am impressed with the quality of the educational experience and look forward to completing s.22

I have found the teaching staff to be enthusiastic and well prepared, the course material challenging and interesting and the Student Handbook as an organizational tool and resource thorough, clear and very helpful. In my opinion, course materials, student assignments, handouts and exams are of a high quality and are well designed to prepare students to be counseling practitioners.

The facility where we hold our classes is well equipped with audio-visual equipment. It is a comfortable setting designed to facilitate the needs of students and teachers alike so as to provide a quality learning environment.

I truly and deeply appreciate the insights, skills, perspectives and competencies I have gained through the s.2 years of my participation in this program both in my personal as well as in my professional life.

I sincerely hope there is a way that this situation can be resolved that is satisfactory to Clearmind International and its students and staff as well as the Board of the PCTIA.

Yours truly,

s.22

\*I, s.22 give my permission to the Student Committee to send this letter to the PCTIA as well as to the Department of Education.



Dear Mr. Wright - PCTIA

I landed at Clearmind s.2 years ago believing I was going to a weekend workshop s.22  
s.22 . At the time of the workshop I was completely unaware of the Practitioner's Training Program available through Clearmind. While at the workshop, "The Awakening", s.22  
s.22

s.22 . What I also realized was that I couldn't make this change alone, I required support and guidance so I inquired about the training program they offered.

I spoke directly to one of the teachers on Vancouver Island, s.22 about what the first year program was about, the structure of the program and its delivery. s.2 explained the theory's that we would be learning and a variety of ways in which we would explore those theories using transpersonal and experiential methods of learning. At that time I was also s.22 where  
s.22 Taking the programs simultaneously gave me a daily reference point of how well each of the programs were delivered, instructed and structured to best support the learning experience of their students. I noticed many similarities in the delivery of the two programs as well and was impressed at how well the learning I received at both complimented each other.

I bring this to your attention because my instructors s.22 commented on the changes they witnessed in me while I was going through their program and the program at Clearmind. s.22  
s.22

s.2 I was honoured to receive the Founders award for recognition of personal growth and leadership by the instructors and students at the university. I know that it was through the support of the program and people at Clearmind that I was able to step into a leadership role that completely transformed my ability to achieve success at University.

When I began I only intended to do the first year, I had no real interest in becoming a counsellor and after writing very thorough and challenging exams, completing assignments that offered me intellectual and personal challenges through Clearmind, and noticing how much of the knowledge from Clearmind I brought into my work and daily life, I decided to continue with the program.

Now preparing to enter s.22 with Clearmind I was greatly disappointed to hear of the decision made by your office without contacting students that had decided to stay in the program. The program at Clearmind is at times emotionally challenging and places students who are always completely supported by certified instructors, in places where I have been personally stretched to learn about myself so that when I am done my training, met all of my requirements I can effectively and with integrity be able to support other people. I was informed that Rutherford's training was an option for me, *if I chose to proceed with that route*, a choice I researched and decided against with no suggestion at any time from anyone at Clearmind that I do otherwise. Having been a graduate of various programs from Colleges and Universities, I knew my responsibility at researching and making my own informed decisions about programs from any academic institution. Clearmind offered me their program, which has been presented to me as professionally and overall with more or equal

transparency, level and quality of learning that any other educational facility I have taken courses from

I ask that you reverse your decision and grant Clearmind full good standing as a PCTIA member, that you take into consideration the fact that what they are teaching is being offered and recognizes in a variety of ways through universities in the form of Leadership programs and that the quality of education Clearmind provides easily meets the quality of University and in terms of one on one personal support from an educational institution should be looked to as a model for others to follow. We need more programs and quality of programs like Practitioners Training, not less.  
Sincerely,

s.22

I give consent for this letter to be forwarded to the PCTIA and to the Department of Education on my behalf and that I be contacted with any further questions or for clarification of any point I have made in this letter.

To whom it may concern,

I am a recent graduate of the Practitioners Training Program with Clearmind International Institute, and I feel it to be important for me to share with you my experience with the institute and my concerns regarding its cancelled status with the PCTIA. I understand that the PCTIA is concerned with the well-being of students and the quality of education, which is a very important and vital mandate.

I graduated s.22

s.22

I was highly impressed with the level of education I received from my teachers there, and also by the administrative strenghts of the institution. When it came time s years ago for me to choose a school at which to participate in counselor training, I was drawn to Clearmind International Institute because of the quality of teachers (I had met Duane O'Kane at a lecture in Toronto, s.22

s.22

and also due to the unique nature of the program. I wanted a school at which I could study transpersonal psychology as well as a training program that prepared me, experientially, to be of the greatest service in the counselling field.

I also explored my options in the United States for studying transpersonal psychology, as there are many more schools there offering this type of program than there are in Canada. In fact, Clearmind was the ONLY school of its kind in the country, and I did want to stay in Canada for my education.

I was very impressed over my<sup>s</sup> years of training with Clearmind as an institution, and also as a community of people with great integrity. I found all of my teachers to be highly skilled in their areas of expertise (ie. Duane O'Kane, Catherine O'Kane, Tasha Simms and Trevor Warren), and also to be very helpful in terms of supervising me in terms of my workshop assistance and counselling practicum. I learned a great deal from all of them, and I was very happy to see that Clearmind as an organization was growing and developing in a way that was becoming more and more professional. I felt very assured that I was receiving a rich education in my training - one that was not just solid pedagogically, but also experientially. We studied many of the leading psychologists and therapy methods, and also received opportunities within a supervised setting to practice those methods and develop our skills.

The practicum hours, set up within the community to best serve the needs of both the students and the organization itself, were extremely helpful in terms of gaining confidence to practice as a therapist, and to learn from many different situations that called for different angles of experiential processing and cognitive understanding.

I never expected Clearmind to be the same as s.22 University due to the major differences in size and support from a governmental and provincial standpoint. And yet, I can say that I feel no less grateful for my experiences at Clearmind and all that I learned there than I feel for all that I gained from my time at s.22 I feel that it would be a real loss to the community at large for Clearmind not to be re-considered in terms of PCTIA membership and accreditation. The teachers at Clearmind have worked for many years to refine the program to the state it is in presently, which in my estimation, is effective, professional, and unique. The requirements of the program, at each level, were clearly outlined, and followed through with as the year progressed. Our materials and handouts were always thoughtfully chosen and put together, and the hours of classes were adhered to in a way that honoured the value of the program and the needs of the students. If ever there was a class cancelled due to weather problems, we always made up the class at another time that took into account the various other commitments of students.

Assignments that were handed in were marked in a reasonable and timely fashion, and I always appreciated the feedback I received on my work and progress. I felt very much a part of the program, and very well supported as I made my way through. Any questions I had were always answered promptly and with great efficiency and clarity.

On the whole, I feel that I made a very wise decision in choosing Clearmind to be the institution at which I received my training in counselling from a transpersonal perspective. I honestly feel that I am well prepared to be a therapist, and to draw from the many tools and techniques I learned at Clearmind as I work with individuals and groups in the advancement of their personal growth and healing. I feel that I have grown tremendously as a person due to the time I spent at Clearmind, and I bring all of those gifts with me as I enter into my working life and personal life with a greater sense of passion, purpose, and integrity.

I would recommend the 3 year counsellor training program as well as the workshops they offer at Clearmind to anyone interested in joining the field of psychotherapy, or simply desiring to grow personally in a way that is healing personally and collectively. It is my sincere wish that you, the PCTIA members, re-consider Clearmind for membership and accreditation, and open up to new ways to move forward that will benefit all.

Thank you very much for listening to my thoughts in support of Clearmind. I would be doing a dis-service to the institution that has given me so very much if I remained silent, and didn't use my voice in favour of that which is very important to me and to so many of us.

Sincerely,

s.22

This letter is in regards to the my choices to attend ClearMind International Institute s.22  
s.22

The content of the education I received was paramount. After 5 years, I found the information interesting, unique and applicable. The teachers were well informed and very confident in the material they were presenting. The course outline was followed on a week to week basis with room left to add in student driven questions and tangents. I found it very informing and well put together.

Classroom hours followed a guide that was supplied with the students course material. You could set your watch by what was being presented. To the best of my memory, all material was covered as listed in the guide. Actually, we always seem to have a little extra added in, because the teachers were so well informed, on so many things and could present the material in such a precise and smooth way.

The learning material, such as the course material for students must have taken a very longtime to compile. I have found to be of very good quality, whether it was the course material, or exams, or other hand outs. They were always given in a timely manner and I found it seamless to what was it was related to.

The facility ClearMind is operating from is the Spring Brook Retreat Centre outside of Langley . This facility is an 1970s era composite of unique buildings that have been in a constant state of upgrade. The Centre itself is clean and well organized, but always looking to do it better, in an effort to be more seamless. The actual site is very laid back and relaxing and I found it to be very much in tune with what was being taught there.

My understanding of the teaching staff would be off a well-oiled machine. The teaching staff would have regular weekly meetings, and it was clear that they were working as a group. They were always well prepared and ready to help the class and individuals with no judgements. I have personal witnessed the teachers going way out of their way to assist students that were having personal issues, to continue and prosper rather than possibly drop out. The personal care of every individual in the class is second to none.

The Student Handbook is a very useful book, to allow a person to find the information they might need themselves. It was 40 pages this year, and basically a complete resource for the course and the way to access the school directory and "how to" for many related subjects.

I have been satisfied with my evaluations. I also have found the handling of ethics in this program to be extremely well thought out and implemented as well. It has brought new thought processes to me about the far reaching ethical issues, that I would not have leaned outside this program.

I have attended another learning institute in Ontario for 1S.22 . I can say that that particular institute, which teaches a self-growth, but not directly comparable to ClearMind, is nowhere nearly as sorted and thought out as ClearMind. I found the ClearMind ethics, light years ahead of the former, as well as the teaching staff, and their personal ethics. I can supply more information if required.

My personal experience of ClearMind has been of extreme patience and understanding of the individual as well as the group big picture. By allowing my personal struggles, to become a teaching form the class, I have had tremendous support and learning that would not have happened other wise. As Duane and Catherine OKane, hold such a standard of personal responsibility, it encouraged me to reach up higher from their example. My life has changed so much for the better, as a result of these two people and ClearMind, I don't know how to express. I have been able to add conflict resolution as a skill on my resume, instead of being fired for creating conflict at work. s.22

as

s.22

before attending

ClearMind. My confidence in myself has increased, as the result of fully understanding and owning what was causing the troubles in my life. Having skills to now, make good decisions that learned as a direct result of 15 years with ClearMind, has made me a much happier and fulfilled man.

s.22

s.22

To Whom It May Concern;

This is a letter outlining my experience with Clearmind. I authorize Clearmind and/or those working on Clearmind's behalf to forward it to whoever they deem as necessary; including, but not limited to, the PCTIA and the Department of Education.

s.22

In light of the recent ruling by the PCTIA I feel compelled to write in and offer information you cannot find by looking through Clearmind's paperwork.

I started the first year of the program in s.22 When I started it was with the intention of getting my Master's degree through Rutherford University. The way I understood it was that, Clearmind offered a personal growth program and if you did extra academic work, you could opt to get a Master's degree from Rutherford University, a separate organization. Rutherford would take into account all the work done at Clearmind and count the work done there toward the Master's degree. I think this was a relatively new option being offered through Clearmind.

In my second year, I opted out of the option to complete my Master's as the workload given to us without the extra academic portion was more than enough of a commitment for me at that time.

s.22

Some time in the s.22 I changed my mind and decided that not only did I want to complete the personal growth program, but I also wanted to complete my Master's Degree and become a counselor. I contacted Clearmind to see what I had to do to proceed.

I was informed that Clearmind no longer associates with Rutherford. I could get a diploma through Clearmind, but that if I wanted to get my Master's I would have to contact Rutherford on my own. That

Rutherford was offering a degree out of Africa [I think it was Africa] that was internationally recognized.

The educational content of this program is exactly what it says in the course outlines. Each year we are given an outline of the topics that will be covered and when they will be covered. Each year there is a book and a binder with required readings. The teachers followed this outline and delivered the material in a professional manner. The material delivered is of good quality and the teachers take great care to make sure the students understand the information, patiently taking all questions and involving the students in discussions and exercises to integrate the material.

Assignments are challenging and returned in an appropriate time period.

I have found this program and the teachers far more effective and therefore superior to the training I have received through the  
s.22

The classes are held at the Springbrooke Retreat Center in Langley. When we arrived for classes the room would be clean, organized and ready for us to start. There were microwaves available and an area to eat provided. On occasion, classes did have to be had to be cancelled due to extremely poor driving conditions and these classes were made up.

There is a Student Handbook provided that can be referred to for logistical information. It is easy to read and well organized.

Clearmind has a fair system for evaluation. Like many programs, there are assignments, exams and practicum hours which must be completed in order to pass.

During my first year of the program, I found myself in a total crisis. I was angry and suffering depression. s.22  
s.22



Each year I have wondered, what would I do without Clearmind? What would my life be like? I cannot even fathom. s.22  
s.22

Throughout these s. years s.22  
s.22 I have grown immensely. I am able to take accountability for my life. I have been able to forgive, and as a result, I am no longer holding rage within. I have chosen to change my entire belief system and believe that it is a friendly world. Maybe I am wrong, but I am living a better life because of this change in belief. I now believe there is hope. I believe in the power of love and forgiveness.

It disturbs me that people can counsel others without having taken a deep inner look at themselves. Before reaching Clearmind, I saw a few other counselors and a couple psychiatrists. On a scale of one to ten, those counselors helped me, maybe a 1. One of them helped me to a degree of 2. Clearmind as an institution is definitely a 10. As part of our program, the students practice techniques on one another. I have to say that graduates of the Clearmind program are far more qualified than any other professional I have ever worked with.

I could have opted to take a Masters program at a University. I would have been a counselor who was angry and depressed and operating from a victim stance. Having taken the Clearmind program has made me a better person and therefore a better counselor.

I have no doubt that Clearmind will continue to practice it's personal growth program. It would be a shame that these students would be unable to practice as counselors and pass on their knowledge.

If you have any questions at all, I would be happy to speak with someone.

Sincerely,

s.22

To whom it may concern,

As a graduating student from the Practitioners Training program offered through Clearmind International, I am writing to inform you of my experience and submit an endorsement of the program.

The Practitioners Training program followed the course outline provided students each of the s.22 years I attended. I believe as an adult student, I was privileged to have experiential and educational knowledge in the field of psychology. The two methods of learning combined at the same time allowed me and opportunity to integrate the various modalities covered. In turn these produced immeasurable personal rewards otherwise non-existent in any other form of learning in this field.

In my opinion, I found the teachers professional and ethically sound in their approach to the students. The program is well thought out and introduced in chronological order providing the students a way to integrate the knowledge with the opportunity to experience the various modalities.

The student hand book, course material was well organized meaningful and presented. For the more serious student's were able to submit written exams testing our knowledge of material covered.

As a result of completing the program, my life experience has improved and my relationships are healthier and far more meaningful. I can honestly say that the Clearmind Practitioners Training program has improved the attitude and outlook I have on life for the better. The teachers are inspirational and Duane and Catherine are model instructors compared to any post secondary educators I have encountered as a student.

I do hope you reconsider your decision and re-instate Clearmind. I am available to answer any and all questions regarding the program and instructors.

Sincerely

s.22

## To Whom It May Concern,

I wanted to write and add my voice of support to this institution which has benefited me enormously over the past three years. I just completed s.22 and my years spent at Clearmind proved to be a wonderful training in how to be a great counsellor as well as how to be the best person I can be. The training has been far reaching and hugely impactful in my life.

At the beginning of each year all the students were given a written description of what would be taught every week. The teachers at Clearmind were excellent at achieving their targets. If some aspect was delayed due to a personal process by a student, the teachers made up that component during the next class. This happened without fail and the teachers were very knowledgeable and skilled. I was very impressed by their technical knowledge of processes and counselling abilities.

We were promised a certain number of hours for every class and the teachers we had were fabulous at making sure we had the maximum amount of class time. If we missed a class due to a snowstorm, for example, the time for this class was always made up at a later date. Clearmind was very responsible about this issue.

All materials and exams and assignments were very well explained and distributed with plenty of time for the students to prepare. There was ample time to discuss the upcoming project in class. As this is an experiential counselling college, some of the assignments created anxiety for the students. The teachers gave them a few opportunities to discuss this in class and, in addition, we were always part of a group with teachers input. In addition, the first year students could turn to their mentors in second and third year Prac class. The students always had someone to turn to and the program has been incredibly supportive for all the students.

The location of our Prac class is a beautiful sprawling series of rooms and buildings in Langley. It was very warm and cozy and inviting both physically and emotionally. The rooms were always kept neat and clean and welcoming. The rooms were at times a bit cool in the winter and we were offered fleece blankets to keep us warm.

The teachers were absolutely fabulous. I had Duane and Catherine Okane, Tasha Simms and Trevor Warren as teachers over the three years of Practitioners training. I found that they were gifted in the field of counselling and yet rather self depreciating with their talents. The most remarkable quality that they offered was how much they cared about each and every one of us. Although during the s.22 years I attended Prac, Clearmind got progressively bigger and bigger I always felt I could go to my teachers to ask them a question or share a concern. And I did this with outstanding results. The teachers at Clearmind are the pinnacle of integrity and professionalism. I felt their love and concern and this permeated to all the students who remarked on feeling the same way.

The student handbook was very useful to me during Prac and continues to be an excellent reference for me in my current practice.

The system of evaluation seemed to be fair and well thought out. Part of our grade came from class participation, some from attendance and some from various other activities including an exam at the end of the year. Ethics was taught very seriously at Clearmind. Some ethical issues came up with the students during the s.22 years I was in Prac and the school always attempted to be very transparent and open about what had happened and if there was a consequence it was explained thoroughly to all the students. We talked in class about any issue that may have come up and it was very useful for all the students to understand fully the professional responsibility a counsellor holds. Ethics was considered to be VERY important at Clearmind. There were no exceptions to the rules. They were consistently loving but firm about this issue.

The training at Clearmind was quite different than going to University in s.22 where I received my s.22. It was more casual in some ways and much more intense in others. Again, because of the experiential nature of this program, we went through a lot of emotional turmoil and then into a place of resolution and deeper understanding of self and others. This was a vital aspect to being a good counsellor. It is very important that counsellors have taken a good hard look at their own issues before attempting to help others look at their lives differently. We were encouraged to seek help from each other and from our mentors thereby avoiding a possible feeling of reliance on our teachers. There was much more emotional learning than book learning per se, but this is what I will remember with my future clients. I know where I can look up information when and if I need it, but most importantly, I know how it FEELS to expose myself to others, to be scared, to be vulnerable and to be loved. The training at Clearmind was outstanding.

I originally went to Clearmind because I wanted to be certified as a counsellor and a couple of my close friends were attending this institute. I also wanted my training to be based on a Transpersonal Psychology perspective. To be frank though, I went in with an attitude that I knew all this material and that I didn't need to be here. I REALLY had ATTITUDE! My teachers treated me beautifully and didn't seem at all perturbed or disturbed by my arrogance and waited with incredible patience until I came to realize that this place had a wonderful gift to give me. The gift was ME!!! It helped me to realize all that I could be and all that I actually am. My teachers did this with patience, tolerance and loving persistence. They literally held space until I was ready to ask for help and then they were there with their arms wide open.

What has changed in my life due to having completed Practitioners Training? So much has changed. I feel incredibly well prepared to counsel others. s.22

s.22 s.22 I felt confident and sure of myself. I knew what to do in situations which others may have perceived as being very difficult. I used many techniques that I have learned at Clearmind over the years. One of Duane's favorite phrases this year was, "When in doubt, care." This caring is self evident in his face very time he looks at his students or at participants in workshops or in me writing this letter. His caring has become my caring and I am incredible grateful for Clearmind and the lessons I have learned there.

It is hard for me to not believe that there was a tremendous error when the PCTIA decided to suspend Clearmind's membership. This institution is one which the PCTIA should be proud of having on their list of registered colleges. The directors at Clearmind have made many attempts this past year to become more concise and streamlined in their business practices which has benefited the students immensely. This is an honorable and respectable institution which offers an enormous benefit to prospective counsellors. The training program here is excellent and professional. It feels like a travesty to have had Clearmind taken off this list.

I hereby submit this email as a firm and resounding vote of confidence for the program, for the teachers and for the quality of education which is offered through Clearmind International. I respectfully request that you reconsider your decision to suspend Clearmind and allow them the chance to prove them selves by supporting them in becoming an accredited member. This would be acting in the best interest of the PCTIA as well as all current and future students.

Yours truly,

s.22

Dear Mr Wright (Registrar PCTIA),

I was very disappointed upon hearing your decision to cancel Clearmind's membership with the PCTIA. So much so, that I felt compelled to write. I have known Duane O'Kane and the Clearmind organisation for over 5 years. I have taken and

s.22

Program. I have previously attended in s.22

s.22

in downtown Vancouver. In

comparison I found the standard of education and teaching far superior at Clearmind than any of my previously attended institutions.

In Clearmind's 3 year Practitioner Training I found the educational content and teaching materials where to a very high standard. All of the scheduled material was taught according to timetable. The standard of teaching was very professional. Clearmind operates to the highest ethical standard to which all students are made aware of it's operating principles. I was presented with an incredibly thorough student handbook. And I found Clearmind's buildings and facilities more than adequate for the purpose of teaching. I would also add that they are always seeking to improve their standards.

As individuals I would describe the teachers at Clearmind to be more honest and in their integrity than any I have ever met. They put a lot of time and effort into considering the needs of all their students and always have time to spend time with them individually. It is very clear to me that they always have the student's best interest at heart.

Clearmind is both pioneering and unique being the only institute in Canada offering education in Transpersonal Psychology. I was so impressed with the work being undertaken here at Clearmind, and there being nowhere in s.22 that offers this kind of study, that I sold my house and gave away my possessions to come here to study. I am disappointed that other members of the public will no longer have the same choice as me, in gaining a Diploma in Transpersonal Psychology.

I have watched Clearmind over the past 5 years expand and grow and become more professional. Minor mistakes have been made (and let's face it, who hasn't made mistakes?) and these have been used for learning and to improve the overall quality and standard of teaching. I have seen so many people helped in so many ways by this program. Including myself, for which I will be eternally grateful.

I was also enrolled as a student with Rutherford College and Rutherford University. The situation was very clear to me. I would receive a diploma from Rutherford College (Vancouver) and the credits I earned from Clearmind would be added, by Rutherford College, to the credits gained with Rutherford College and sent to Rutherford University (Wyoming) - who would then grant me a degree. I was never under the impression, in any way, shape, or form, that Clearmind or Rutherford College would be granting me a degree.

I have always had a clear understanding that Clearmind and Rutherford are 2 separate organisations. Between a year and a half and two years ago - just after Rutherford University announced it had accreditation from Rutherford - Clearmind stopped advertising Rutherford and severed their connection with them. Feeling responsible for those students who were already half way through their degrees Clearmind continued to pass on student evaluations to Rutherford college so credits could be used as contribution to their degrees. Incidentally, there are no 1st Year students enrolled with Rutherford because Clearmind were no longer advertising a degree program.

Even after reading the by-laws on the PCTIA website it is still not clear to me exactly what your mandate is. It makes no sense to me if an institute is in breach of a by-law that it has it's membership revoked. Disciplinary reviews with conditions and recommendations designed to

improve the overall standard of an institute make far more sense to me - from this practice guidelines can be drawn up to help other institutes improve as well. This would serve the need of the student, so they may finish their education and the educational institute would then be able to offer the student a higher standard of education. This would also support the educational institute to expand and grow, and ultimately help prepare them for accreditation.

I sincerely believe that it is in the public's best interest if Clearmind is re-instated and indeed supported in gaining accreditation.

Yours Sincerely

s.22

Dear PCTIA,

I write this letter in response to the information that Clearmind International's Practitioners Training Course has had its membership cancelled as the result of a decision made by Jim Wright (Registrar of the PCTIA).

I have just completed s.22 I found the educational content to be everything that was promised, and beyond. The course outline during each of my s.22 years was followed and presented completely by the excellent teachers I was fortunate to have teaching me. The class hours were delivered each year as represented in the course outline.

I found the course materials and handouts to be of excellent quality and filled with useful information. The exams were distributed in a timely manner and were excellent in terms of testing my knowledge of the materials taught and provided by Clearmind.

As a student on Vancouver Island, I found the facilities rented each year by Clearmind to be of extremely high standard and remember the teachers taking the time to find facilities which met all our needs as students: clean, organized and on the Island. Teachers came to the Island for three years. s.22

s.22 Further, the teachers were of top calibre in terms of knowledge, skills and abilities. They came well prepared and maintained a high standard while delivering materials in a supportive, helpful manner.

Clearmind provided a Student Handbook which was organized, thorough and complete in every way. I found all the information useful and accurate as I followed through with assignments and submission of exams, requests for assistance, etc.

The system of evaluation of my work has been of high quality and I have found all teachers, facilitators and directors to have high ethical standards in every situation. I could not think of a safer environment in which to learn, where ethics and boundaries were not only taught but held in highest regard.

Having attended both the University s.22 s.22 I believe I have sufficient experience to state that Clearmind International's Practitioners Training Program is of equal calibre to my previous post-secondary training. Further, I have found the materials, knowledge, skills and abilities I have gained from Prac to serve me practically in my private and professional life.

s.22

s.22 The Awakening Workshop (ten months after the incidents) helped me get back on my feet, so to speak. It was at that Workshop I heard about Prac and met people who were enrolled in that training. I determined that the program would be helpful for me and I enrolled. The training met and surpassed all my expectations to the extent that it has transformed my life. s.22

s.22 They no longer affect me in such a way as did the earlier ones mentioned. I am able to work through events as they happen and there is no cumulative stress in my life as a result of the client group/atmosphere in which I work. This is a direct result of my training from Clearmind.

As a result of completing the Practitioners Training Course, s.22 s.22

I would urge PCTIA to reevaluate the decision previously made about Clearmind International and to rescind that decision.



If you have any questions, please do not hesitate to contact me. I await your reply.

Sincerely,

s.22

## RE: PCTIA ruling for Clearmind International

To Whom It May Concern,

I am a recent graduate s.22 year practitioner's training program at Clearmind International in Langley, and am writing in regards to the recent ruling of the PTCIA that the practitioner's training program be cancelled. I wish to express to you my surprise at such a decision, given that the education that I received at Clearmind far surpassed in quality that of any other mainstream post secondary institution that I've attended. I hold a s.22 and in many ways I found the training and service I received at Clearmind far superior to that which I received at the University.

Not only do the teachers at Clearmind do an outstanding job of teaching the material presented at the school, they do an exceptional job of living it. The nature of what we learn at Clearmind is how to be able to help people live healthy lives emotionally, spiritually and psychologically. This is learned in part by learning to do so ourselves. We are taught to be that which we are teaching, which is exactly what our instructors do. Over the course of my s.22 years at Clearmind, I have been able to walk into a classroom time and time again and be met with unfailing integrity by all of my instructors –the only time in the s.22 I've attended that I can make that claim. They taught me all that I was promised, and then some.

The instructors at Clearmind not only have a solid grasp of what they're teaching, but it's also obvious that they're passionate about what they teach. It's evident in sitting in on their classes that they are currently using the techniques that they teach and that they really know what they're talking about. Their skill in the techniques is most notable in how they can demonstrate the skill sets in so many different scenarios. They demonstrate a great balance between making techniques look easy, and being able to break down and describe exactly how it is they did it. The Clearmind teachers have an incredible knack for being able to bring out the best in their students. They're inspiring and encouraging and are able to instill a high quality of skill in their graduates. Also, the skill level that I have seen in my fellow students at the end of the s.22 years of studying is really impressive. When compared to other people I know who have graduated from more main-stream schools, my level of preparedness seems to far surpass them. A s.22 I know who was at s.22

s.22 has continually been surprised at how much more trained and prepared my training has left me versus where s.2 has left s.2. The quality of what I have taken away from this school is profound.

In terms of the support to my education, I found the school itself to be a perfect space to support the program and my learning. It's spaciousness and diverseness offered a great

environment for fulfilling the course requirements and inspired creativity. The rooms offered plenty of supplies for completing assignments and were clean and organized. The assignments were challenging and offered a number of different creative ways to learn the material.

I was very impressed by the thoroughness of the ethics teaching at the school. Ethics were not simply a course that one takes and then it's over: it became a constant question throughout the duration of the training. Throughout the entire 2<sup>nd</sup> and 3<sup>rd</sup> year of the program we were in supporting roles where we would always be questioning the ethical implications of situations that we were met with. By the end of my training I feel solid in my abilities to make sound ethical decisions and how best to proceed to ensure the interest of my clients is always put first. I would rate very highly the ethical training provided by Clearmind.

I chose to attend s.22 University because I knew the piece of paper that I would receive would be well viewed by employers and future colleges. I chose to attend Clearmind International because the quality of what I found at other schools offering counsellor or therapist training paled in comparison to what they offered. I gladly gave up a more recognized masters, diploma or certificate program (some of which would have been quicker and easier) for what I would get at Clearmind. When I have shared with others in my field who have received masters degrees from mainstream universities, they have been taken aback by how much more thorough the training that I have received is. They have not felt anywhere near as ready as I do to begin counselling.

Clearmind teaches more than just how to be a great counsellor. It teaches how to be an outstanding person, by showing up in the world accountably, responsibly and with great integrity. The change that I have witnessed in people both in their personal life and professionally is profound. They are people who have learned to show up strongly, solidly, and peacefully in their lives. And that in turn has a great effect on those around them –whether friends or family, client or colleague. And so when I hear that "it would not be in the best interest of the public for the practitioner program to continue" (as per the PTCIA ruling), I can't help but think that there has been a misunderstanding. Not only do I believe that this program is in the best interest of the public, but I also believe that I've never encountered another post secondary institute that offers as much of a service to the public as Clearmind does. What the public needs is more of what Clearmind has to offer.

It is for these reasons that I request that the ruling to cancel Clearmind's membership with the PCTIA be reversed. Not to do so is, in my opinion, a disservice to the public. The public would be better off if more schools were more like Clearmind.

Thank you for taking the time to review this testimony and request.

Sincerely,

s.22

Attention - PCTIA  
s.22

Tuesday September 18th, 2007

To Whom It May Concern,

As a recent graduate of Clearmind International Institute's s.22 Practitioner's Training Program (s.22), I would like to express my concerns about the suspension of Clearmind's registered status with the PCTIA.

During my s.22 years of study with Clearmind International in Vancouver, I found the delivery and content of their program (curriculum, educational materials, instructor skills, classroom setting, and practicum opportunities) to be professional and of high post-secondary quality.

My participation in the Practitioner's Training Program has enriched my life in many ways, both personally and professionally. In addition to being a happier and more passionate person as a result of the personal growth component of the program, I have also gained invaluable skills as a counselor and adult educator.

There is no question in my mind that the programs offered by Clearmind International are very much designed and delivered with the utmost concern for the interests of their students and workshop participants.

While it is true that I am not pleased with Rutherford University and it's lack of professionalism in the delivery of the MA program component that I was a part of, I have always understood that Rutherford and Clearmind were completely separate functioning bodies. As such, my concerns with Rutherford are being addressed with Rutherford. This distinction feels very clear to me.

In my opinion, Clearmind International is an organization of the highest integrity. I have witnessed this integrity repeatedly during my association with them s.22  
s.22

I ask that you consider reinstating Clearmind International's membership status with the PCTIA, so that other students may benefit from this ground-breaking transpersonal education program and apply their learning and experience to their careers and personal lives.

Sincerely,  
s.22

## Comments to Mr. Watson & the Ministry of Advanced Education

In his report, entitled *Access and Excellence: The Campus 2020 Plan for British Columbia's Post-Secondary Education System*, Geoff Plant writes:

'A belief in the fundamental importance of education is at the heart of the government's "Great Goal" to make BC "the best educated, most literate jurisdiction" in North America by 2015. This goal speaks directly to the enterprise of higher education. The implications of this commitment for Campus 2020 are clear and profoundly challenging. **We are not called to mediocrity.** We are called to be the best. Campus 2020 starts from and builds on that goal.' (My emphasis.)

Mediocrity occurs when a goal must be reached regardless of the methodology employed to achieve it. We need to be careful in our rush to become 'the best educated, most literate jurisdiction' in North America. This is a tall order and there is much work to be done in remedying the existing issues of regulation and quality assurance – particularly at the Private Post Secondary level of education. To set a goal where anyone purports to be the 'best' at anything opens doors for inflated egos, unnecessary and competitive conflict, and corner-cutting in an effort to meet the goal within the stated deadline.

We are fond of blowing our own horns to serve our own needs.

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On May 17<sup>th</sup>, 2007, while we were in class upstairs, a team of PCTIA inspectors, authorized by Mr. Wright, seized and removed from the school office at The Centre in Langley, the company's Central Processing Unit, taking with it many non-student (i.e. workshop clients, not Practitioner's Training Students') files of a highly personal and confidential nature.

As soon as the school's owners discovered the reason for the inspection and seizure, they shared their circumstances with the student body. This is typical of the school – transparency in all of its dealings is the number one value. They held nothing back and were open and honest about everything they knew at that point.

What became evident as more information came to us via the owners is that in the past, Clearmind had been associated with an institution operating in BC erroneously calling itself Rutherford 'University'. Throughout a short and complicated history with Rutherford (honestly and accountably documented by the school's owners Duane and Catherine O'Kane in a 15 page summary submitted to the PCTIA dated May 24<sup>th</sup>, 2007), the owners of Clearmind made some mistakes. They took at face value the claims to legitimacy of the 'Registrar and Chancellor' of that organization, noting that a well-respected Vancouver institution and PCTIA accredited school called Erikson College, was also at that time affiliated with Rutherford and offering degrees through them.

As time passed and faith in Rutherford dwindled, the school's owners gradually and eventually fully withdrew from the relationship. The owners wrote the following to the PCTIA in the above mentioned summary on May 24<sup>th</sup>, 2007:

"We admit that due to ignorance, we have been in contravention of these (PCTIA) Bylaws and Acts. Our Association with Senior (Rutherford) University began in 2002 and continued until 2005. The only exception to that is to assist our mutual students, we continued to send student evaluations (**at student's request**), even up to May 25<sup>th</sup>. **We have since discontinued this practice.**" (My emphasis.)

While Clearmind have made a number of mistakes in the growing phases of becoming an adult education provider, they have been accountable in the process with their student body and have remedied and/or rectified them all.

The cancellation of their registration with the PCTIA seems to the student body to be an extreme decision that takes no account of the needs and concerns of the students, whose education is incomplete, non-transferable and now worthless in academic circles without a diploma. While claiming to have undertaken this decision in the 'public interest' we the student body of Clearmind, protest that this is not the case. Below are some of the reasons why.

### **Concern #1: Composition of the PCTIA Board**

In the *Kingston Report*, Page 9, Section 26, we see the following:

'Indeed, B.C.'s industry self-regulating model, wherein the Registrar and the Agency staff are answerable to a Board which in the future will be elected by member institutions, is *unique in North America, if not the world.*' (My emphasis.)

While at the time this might have been seen as a unique and admirable step in self-government, in hindsight we see that perhaps a self-regulating body comprised almost entirely of owners of the very institutions being regulated by the agency, is perhaps – if not most definitely – a conflict of interest. Where are the public interest board members? Where are the student representatives?

I wonder at the wisdom of appointing so many owners of private career training institutions to the board of a self-regulating body whose interests must primarily be the welfare of private self-owned institutions. Who regulates a self-governing body? To whom is the body accountable? Who is watching the watch-dog?

If the agency is designated to watch out for the interests of the public and the students who attend these institutions, why are there no student representatives on the board?

On page 57 of his *Campus 2020* report (Quality and the Private Sector), Mr. Plant says:

‘So, while there may be a necessary role for a distinct regulatory agency such as PCTIA to provide for registration and accreditation for private non-degree granting institutions, I believe the PCTIA board should be expanded to include representatives appointed to represent the broader public interest in consumer protection and quality assurance. PCTIA is, by design, intended to function as an organization led by its members. In my experience, however, **it is helpful to have other voices in the room when questions of the public interest are being considered by industry organizations that also exercise regulatory powers.** The Law Society, for example, is much better able to uphold the public interest in the regulation of the legal profession because of the presence on its governing body of lay (non-lawyer) benchers. Taking a similar approach would improve public confidence in PCTIA, and **I urge government to take this step immediately**’. (My emphasis.)

Since Mr. Wright’s August decision to cancel Clearmind’s registration, public confidence in the PCTIA in the form of the students of Clearmind is indeed at an all-time low. Mr. Plant’s last line is not a suggestion and it is not a recommendation. It clearly states that this is an urgent matter and speaks, I believe, to the fact that the composition of the PCTIA Board currently reflects a serious conflict of interest. **I contest that it is not in the public interest to have the Board of a self-regulating body be comprised primarily of the owners of the body’s member institutions.**

In his Recommendation #28, Mr. Plant writes:

‘Expand the board of the Private Career Training Institutions Agency to include three members who are not associated with any private career training institute.

I fully concur with his recommendation and hope that this recommendation will be carried out immediately.

## **Comment #2: The Registrar of the PCTIA**

In Section 5 (5) of the **Private Career Training Institutions Act**, under Responsibility of the Board, it reads:

‘The board must appoint a registrar of the agency and establish the functions and duties of the registrar and the duties and responsibilities of the board in carrying out the objects of the agency.’

If the Ministry is to accept the urgent recommendation of the *Campus 2020 Report* and immediately alter the composition of the PCTIA Board, then it must also call into question the appointment of the Registrar by this very Board. The current Registrar of the PCTIA is Mr. Jim Wright, upon whose decision the Clearmind Institute lost its registration with the PCTIA on August 24<sup>th</sup>, 2007. **I contest that it is not in the public interest to have the Board of a self-regulating body that is comprised primarily of the owners of member institutions, appoint**

**the Registrar who has the power to cancel the registrations of another member institution. I believe this too constitutes a conflict of interest.**

### **Comment #3: The Nature of the Decision of Mr. Jim Wright concerning Clearmind Institution.**

As a student at the Clearmind Institute, and as a Representative of the Clearmind student body, I call for an immediate – and independent i.e. not a PCTIA Board panel – review of Mr. Wright's decision on the grounds that it is overly punitive.

His use of terminology such as Clearmind having been 'caught out' seems to belie an assumption on his part that Clearmind deliberately contravened the Acts and Bylaws. To know the owners of Clearmind as I do is to know that, while they may be guilty of misplaced trust in Rutherford University and naivety in their business dealings with that institution, they are certainly not guilty of deliberately seeking to outwit the PCTIA (as Mr. Wright's tone and language seem to imply) or to evade their jurisdiction. They have been deeply troubled by the plight of the remaining students who seek satisfaction from Rutherford University.

In the Institutional Accreditation Report (2007) it states:

"The PCTIA quality standards focus on evaluating *the effectiveness and continuous improvement* (**my italics**) of the institution relative to its own objectives and indicators and best national and international practice."

It is clear upon reviewing the owners' summary of their relationship with Rutherford University that Clearmind have absolutely employed 'continuous improvement' in terms of their operations. Upon every instance of uncovering Rutherford's mis-representations to them, Clearmind immediately took appropriate action and moved closer to ending the business association. The crowning 'proof' for Mr. Wright's decision rests in the fact that the Clearmind administration were still sending student transcripts to Rutherford at the student's request up to May 2007. He seems to imply that, since Clearmind was still doing that – regardless of the fact that they only did it at the student's request - they then must have lied about having ended their relationship with Rutherford in 2005.

Looked at with different glasses and a less biased filter, it might equally be assumed that the Clearmind owners were doing everything in their power to help their students complete the education they had paid for; it is clear that the owners of Clearmind felt a responsibility to facilitate the students in achieving what they had set out to accomplish. It is entirely possible that the very action that has now sealed the fate of the Clearmind Institute – undertaken in good faith - was the *only* thing the owners felt they could do to support students caught in the crossfire of an ill-fated business relationship.

Mr. Wright says near the end of his Decision:



‘Whether they were ignorant is suspect, (If it is indeed ‘suspect’ and not *fact*, does this not warrant further investigation?) but in any case it is a well founded principle in Canadian jurisprudence that ignorance of the law by a person who commits an offence is not an excuse for committing an offense.’

Indeed. It is also a well founded principle of justice in general, that a person is innocent until proven guilty.

#### **Comment #4: The Punishment Does Not Fit the Crime**

In reviewing the Clearmind history with Rutherford (the entire case against Clearmind appears to rest on their past relationship with Rutherford) and then reviewing Mr. Wright’s decision, there is a pervading sense that the decision does not fit the offence. His decision seems to take no account of the following:

- To the best of their ability as educational professionals, the owners of Clearmind Institute made every attempt to immediately comply with the Acts and Bylaws once they were made aware of any contraventions.
- To the best of their ability they attempted to fulfill their obligations to those students who had been caught in the mess created by their unwitting alliance with an institution that should have been – but wasn’t – regulated by established governing bodies.
- To the best of their ability they tried to interpret the Acts and Bylaws of the PCTIA in order to bring their operations into alignment with the legislation.
- To the best of their ability and within the limited services provided to member institutions by the office staff of the PCTIA, the Clearmind owners attempted on numerous occasions to acquire clarification around Acts and Bylaws.

In regard to this latter point, the following should be noted:

It is my understanding that the owners of Clearmind tried repeatedly to acquire accurate information, clarification and understanding regarding the interpretation of the Acts and Bylaws through their PCTIA Representative, Dr. Melodie Hainsworth. Their calls to her went mostly unanswered and unreturned. They then tried to acquire this information through emails – they have numerous documented ‘Sent’ emails to Dr. Hainsworth – which also went unanswered.

In a recent incident, Dr. Hainsworth is alleged by Clearmind to have mis-informed the owners regarding the understanding of a ‘train-out period’ for their current students; she was unavailable for comment or clarification after it was made clear in the August Decision of Mr. Wright that no former students could complete their diplomas. Mr. Wright dismissed Clearmind’s claim concerning the information obtained from Dr. Hainsworth in the ‘alleged’ phone conversation – claiming that Dr. Hainsworth doesn’t ‘remember’ this conversation.

**It is interesting to note that Dr. Melodie Hainsworth is no longer with the PCTIA.**

In their efforts to interpret the information themselves, the owners of Clearmind made mistakes, for which they are being accountable and **which they have now rectified.**

I have called the PCTIA myself to get clarification around sections and terminology of the Acts and Bylaws and have yet to receive *any* return communication from anyone in the office.

I have never actually reached a live person in the office anytime I have called.

A member of the student body eventually visited the office and asked for clarification on some of the terminology on behalf of the student committee. She received an email reply 10 days after her visit.

**Comment #4: Why didn't the PCTIA or some governing body shut down Rutherford in a timely manner and protect the PCTIA Registered Members from its (Rutherford's) misrepresentation?**

Who is accountable for the fact that an operation calling itself Rutherford University was allowed to operate in BC, calling itself a university, offering degrees and accepting alliances with PCTIA Registered institutions who believed that they (Rutherford) were operating according to BC standards, receiving no indication from any governing body to the contrary?

Who is accountable?

Clearmind were led to believe that Rutherford "University" - who appeared to be operating legitimately in the province of BC - were who they said they were.

Rutherford called itself a university - no BC Agency appeared to be challenging their claim to this title - until more recently. Why would Clearmind be expected to think they were not above-board? They were operating in full view of the PCTIA - just like Kingston College had been for so long.

For all intents and purposes, Rutherford was, as it claimed, a university permitted to offer degrees in the province of BC. The PCTIA was aware of Rutherford's operations as early as 2003. It wasn't until May 17<sup>th</sup> of 2007 that an audit of Rutherford was conducted. It was on the basis of documentation obtained during this audit - and the concurrent audit at the Clearmind Langley offices - that Mr. Wright concluded the following in his August 2007 decision:

*'A preliminary review of these materials, coupled with those removed from the premises of Rutherford College on the same day, provide evidence that Clearmind has had a long-standing association with Rutherford University, a degree granting institution that does not have Ministerial consent under the Degree Authorization Act to offer degrees in British Columbia.'*

Clearmind has never denied that it had an association with Rutherford University - the owners' assumed that since it was a university operating in BC, then it must be legitimate. As soon as

they began to suspect that Rutherford was not operating in a manner that matched the values of the Clearmind Institute they began the process of severing the relationship. They terminated this relationship in 2005.

This was not an easy task, with students still moving towards completion of programs that historically linked the two institutions. How would any institution know how to negotiate this process? Would Dr. Melodie Hainsworth have known how to guide Clearmind through this process so that it would not incriminate itself in its attempt to support its students?

It seems to me that, if Rutherford has been taken to task for their part in this process, Clearmind would no longer have been sending them student transcripts.

Why would the PCTIA expect that Clearmind would be conversant with the letter of the Laws and Bylaws that don't protect the general public from schools such as Rutherford mis-representing their right to offer degrees in this province?

With no government body or Agency running interference with Rutherford's operations; with no support from any legislative body available to warn schools such as Clearmind to not trust such a company, how then might a fledgling home-grown BC institution - trying to build a reputation and establish itself in its home province - be expected to detect the mis-representations of the Rutherford operation?

Might not the Agencies that have been directly charged with overseeing and enforcing this legislation also be responsible for what has transpired in these cases?

### **Comment #5: Who is accountable?**

In the Campus 2020 report, in the section entitled **The BC Brand: An Assurance of Quality**, Mr. Plant writes:

'Canada stands alone among the 30 member countries of the Organisation (sic) for Economic Co-operation and Development in not having a formal system for institutional accreditation.'

Should BC schools like Clearmind – and their students – pay the full price for this lack of formal systems? If the system of regulation does not exist that would protect private BC educational institutions from liaisons with unauthorized operations, should the institutions and their students pay the price?

Plant goes on to say:

'Canada's patchwork of quality assurance mechanisms is not only confusing, it is ultimately self-defeating. As Stephanie Oldford notes in her paper, *Exploring Options for Institutional Accreditation in Canadian Post-Secondary Education*:

*"To a lay person, such as a prospective student, plain explanations of which institutions are recognized for what and by whom are difficult to find. For educational professionals, these explanations are difficult to provide. (My emphasis.) In short, Canada lacks a consistent and comprehensive approach to quality assurance that:*

- includes a majority of institutional types offering programs at the degree level*
- enjoys the trust and support of post-secondary education stakeholders and the public*
- leads to an easily understood and recognizable statement of quality that students, parents and institutions can utilize in making comparative decisions of quality."*

It was this very confusion, this lack of plain explanations, this absence of a 'consistent and comprehensive approach to quality assurance' vis-à-vis Rutherford University's operations that has resulted in the cancellation of Clearmind's registration with the PCTIA.

Again, who is accountable?

I hear Clearmind being fully accountable for their ignorance and lack of knowledge, for their mistakes and naivety; for not withdrawing more fully and more quickly from the relationship with Rutherford. But should they - and by association the students - be punished for acting in good faith?

In our coursework at Clearmind, we were taught the following. There are 4 Stages of Learning in Competency. They are:

1. Unconscious Incompetence: I.e. Ignorance: I don't know what I don't know.
2. Conscious Incompetence: I.e. I now know what I don't know (the most painful stage).
3. Conscious Competence: I.e. I am consciously trying to practice the new skill.
4. Unconscious Competence. I.e. I am practiced and have integrated the skill and now do it effortlessly.

It seems to me that as an educational monitoring body, the PCTIA would do well to learn about this competency model. They find Clearmind to be most definitely in the 2<sup>nd</sup> stage – painfully aware of what they didn't previously know they needed to know. Now they do.

To cut them off from the 3<sup>rd</sup> and 4<sup>th</sup> stages of learning – namely the stages where they could acquire the skills necessary to continue as registered member in good standing of the PCTIA would defeat the entire purpose of learning and negate the first 2 stages they have now completed.

To exit the 2<sup>nd</sup> stage of learning necessitates making mistakes - otherwise it wouldn't be painful enough for us to move to the next stage. If students knew everything they were supposed to know before coming into an adult education institute, there would be no need for colleges,

schools and universities. It makes more sense to support and encourage an institution to move forward with the right guidance and support to complete a process already begun in good faith.

### **Closing Comments:**

The Campus 2020 goal is well-intentioned, but let us not lose sight of its focus and purpose.

“Campus 2020 is about trying to imagine what it is that B.C. needs to do now, **in order to make sure that students have the best possible post-secondary opportunities** when the time is right for them.”(My emphasis.)

Obviously it is not just about students – there are many stakeholders involved - but without the student body, there can be no teachers, no school administration and no skilled workforce.

### **What now?**

In the **Kingston Investigative Report**, under the section entitled, **Analysis, #78**, it says:

The object of registration under both the *Private Post-Secondary Education Act* and the *Private Career Training Institutions Act* is to provide consumer protection to students and prospective students of registered institutions. Under the earlier legislation, registered institutions were required to post financial security with PPSEC which was used to provide tuition refund payments to students in the event of the institution closing for business. Under the current legislation, the Student Training Completion Fund has been established and registered institutions are required to pay one percent of tuition into the Fund. In the event a registered institution ceases to operate, the board may authorize payments to be made from the fund to compensate students for **the uncompleted portion of their program.** (My emphasis)

Can Clearmind students - who are now unable to finish their ‘program of study’ as a result of Mr. Wright’s cancellation of the Clearmind registration - access this fund if they need to start over in the pursuit of this educational path? *No one from the PCTIA* has approached the students of Clearmind to advise them of any course of action that they might be entitled to take in this direction.

### **Finally:**

On August 24<sup>th</sup>, 2007, Mr. Wright of the PCTIA delivered his decision as follows:

“Having reviewed all of the documentation seized during the Clearmind site inspection, as well as that recovered from Rutherford College, and after taking into consideration the past conduct of the institution and its officers in misrepresenting the institution and misleading its students, I am satisfied that **it is not in the public interest** to renew the registration of Clearmind.”(P.13 PCTIA Inspection and Suspension document – my emphasis).

The students of Clearmind protest this decision and request a non-partisan review of it.

On Page 53 of the Campus 2020 Report, it says under the section entitled **The BC Brand: An Assurance of Quality:**

*"Quality – Regardless of the mode of delivery and the type of institution, organization or business providing lifelong learning, individuals must be provided with a learning experience that meets or exceeds provincial norms or standards for high-quality learning." (My emphasis.)*

In an attempt to demonstrate that the students of Clearmind's Practitioner Training Program have indeed been 'provided with a learning experience that meets or exceeds provincial norms or standards for high-quality learning, I am attaching the voluntary testimonials of some of those very students.

May they speak for themselves.

Sincerely and with respect,  
s.22

**MacLean, Madeline AVED:EX**

---

**From:** Brown, Susan B AVED:EX  
**Sent:** Tuesday, October 2, 2007 7:05 PM  
**To:** Rogers, Dorothy AVED:EX; Simmons, Vicki AVED:EX  
**Subject:** Fw: Rutherford Reconsideration  
**Attachments:** Reconsideration request Oct 2 2007.pdf

Am sharing for your info. Vicki you may want to chat with Jim about this as well as with Tony Loughran and Tony Fraser. Thanks.

----- Original Message -----

From: Jim Wright <jwright@pctia.bc.ca>  
To: Nazeer T. Mitha <nmitha@harrisco.com>  
Cc: Brown, Susan B AVED:EX  
Sent: Tue Oct 02 08:07:45 2007  
Subject: Rutherford Reconsideration

Naz:

The attached is a request from Rutherford's lawyer, Mark Perry, for reconsideration of the decision to cancel the institution's registration. Leaving aside the various arguments he makes, section 10 of the Private Career Training Institutions Act provides a person 30 days in which to request reconsideration. The decision to cancel Rutherford's registration was sent to Dr. Hassam on August 14, 2007, and the faxed copy of the reconsideration request was received on October 1, 2007.

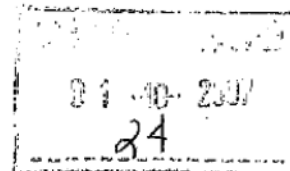
Would you please give me a call at 604 660-3366 so we can discuss how best to respond.

Thanks,

Jim

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**Mark G. Perry**  
Barrister and Solicitor



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**SENT BY FAX**

**FROM:** Mark G. Perry  
**DATE:** October 1, 2007  
**TO:** PCTIA  
**ATTENTION:** Jim Wright, Registrar and CEO  
**OUR FILE:** P00020 - Senior  
**FAX NUMBER:** 604-660-3312

NUMBER OF PAGES SENT (INCLUDING COVER): Six (6)

Please see the attached letter.

Thank you,

Liz Graham  
Legal Assistant to  
Mark G. Perry

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E-mail: mperry@mgperry.com



**KERR REDEKOP LEINBURD & BOSWELL**

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410-1555 West Broadway, Vancouver, British Columbia, Canada  
V6H 4C1 Telephone: (604) 734-1554 • Facsimile: (604) 734-5182

September 28, 2007

BY FACSIMILE (604) 660-8312

PCTIA  
#300 - 5172 Kingsway  
Burnaby, B.C.  
V5H 2E8

Attention: Jim Wright, Registrar and CEO

Dear Mr. Wright:

Re: Rutherford College

I have been instructed to request a Reconsideration of your August 14, 2007 decision to cancel the registration of Rutherford College ("Rutherford").

In your letter you make extensive reference to a report written by Ms. Lovett ("the report") on behalf of the Minister of Advanced Education. You also make reference to my letter written in response to the report. In order to have a complete understanding of the situation you ought to also consider the July 27, 2007 letter written by Mr. Fraser acting on behalf of the Minister.

I point out that having reviewed my client's response Mr. Fraser tacitly concurred that Rutherford's situation was both unclear and ambiguous. Indeed Mr. Fraser conceded many of the points I raised in my response. The main thrust of Rutherford's response to the report was in fact that the report writer erred in applying regulations retroactively to past conduct of Rutherford.

A second element of Rutherford's response was with respect to the finding that the existence of a corporate university entity did not change the essential fact that the principles behind the corporation, lived and did corporate work within British Columbia. In our response to the report I wrote the following which equally applies to the conclusions you draw in your decision from the report:

*The essential finding in the Report would appear to be that Rutherford University is a "front" for SUI Inc. and the Hassams and further that based on a recent 2007 Court decision SUI Inc. and the Hassams are therefore in breach of the DAA. In response it is critically important to note that contrary to the improper implication set out in the*

*Kerr Redekop Leinburd & Boswell is an association of independent lawyers & law corporations.*

*Report the separate corporate structures (SUI Inc. Wyoming, SUI Inc. BC) were not created to evade or avoid the DAA. In fact, SUI Inc.'s corporate structures predate by many years the proclamation of the DAA Act. Further no attempt was made to hide or mislead who the shareholders or officers of these corporations are. In the Inspector's Report it was pointed out that the shareholders or directors of SUI Inc. DBA Rutherford College and SUI Inc. Wyoming are the same. It was also stated that the directors reside in B.C.. These facts have been known to PPSEC ab initio. There is also an implied suggestion in the Report that Rutherford University Inc Wyoming was not a legal corporation when in fact at all material times it has been a legal corporation properly constituted pursuant to the laws of the state of Wyoming.*

*In point in fact there was absolutely no need for there to be a "raid" on the offices of SUI Inc. in order to discover these facts regarding the Hassams being the officers, directors, and shareholders of SUI Inc. and Rutherford University Wyoming. All of this information was already in the public domain and as stated in no manner whatsoever concealed or hidden by the Hassams.*

*Similarly, the fact that officers and directors of Rutherford University resided in BC and carried out administrative tasks for the Wyoming corporation here in British Columbia was information which my clients would have readily admitted to on being asked. In fact as noted on page 12 of the Report Dr. Hassam acknowledged these facts in his May 28, 2007 letter to PCTIA.*

*The crucial component of the report is the conclusion somewhat based on the Rodgers case that where a corporation although registered outside of British Columbia is conferring degrees but the operating minds of the corporation reside in British Columbia and carry out corporate functions in British Columbia there is a breach of the Act.*

*I point out that the applicability of the Rodgers decision to my client's situation is less than clear as each case is different. Yet I am puzzled as to why your Ministry chose the route of raiding my client's offices and conducting an expensive and unnecessary investigation as opposed to simply forwarding to my client a letter enclosing a copy of the Rodgers decision and asking my client questions regarding its activities.*

*In summary, there was no intention on the part of Rutherford to deceive or mislead the Ministry of PCTIA regarding its corporate structure and activities and the corporate structure and activities of related corporations. These facts are evident from the fact that the corporate structure pre-date the proclamation of the Degree Authorization Act and indeed in many respects pre-date the ever changing regulations under the auspices of PCTIA and its predecessor PPSEC. Similarly, the fact that there was no intention to deceive or mislead is proven by the fact that directorship, officers and shareholders of Rutherford and related corporate entities was at all times available on request and as a matter of public record.*

I point out that there is absolutely nothing nefarious or devious about incorporating an entity in order to conduct a legitimate business. Prior to the Court's decision in the Rodgers case finding that where the operating minds of a corporation reside and carry out corporate functions in British Columbia the corporation is in breach of the Act it was an extremely reasonable interpretation that the Act did not apply to a foreign corporate entity. As stated the Ministry tacitly has accepted this point and accepted that there was no intention to mislead or deceive on the part of my client. In regards to the Ministry and its position pursuant to the Degree Granting Authorization Act I would characterize the situation as both the Ministry and my client not wishing to re-litigate the Rodgers decision again but instead my client in a spirit of cooperation and wishing to move forward agreed to provide a series of undertakings in response to Mr. Fraser's detailed and comprehensive letter.

Your decision, on the contrary, appears to be founded upon the incorrect premise that Rutherford has acted deceitfully and that there is no ambiguity in the finding that they are in breach of the Act. It is clear that my client has not acted deceitfully in this matter. Indeed the reliance on the Report as a basis for your decision is problematic as we have already pointed out the report is flawed with a substantial number of comments being beyond the remit and competence of the investigator. Without the finding of deliberate deception the characterization of Rutherford's conduct appears to be very different and while it can be debated Rutherford's conduct might be worthy of sanction the cancellation of its licence is too onerous a penalty.

Turning to specific aspects of your decision my client points out that in point 10 of your decision you omit recording that in 2001 Rutherford had authority to provide degree related programs as part of the teach out granted by PPSEC. In points 64 -69 of your decision you further comment on the "teach out" provisions. Unfortunately, yet again as in the flawed report there is an attempt to apply current PCTIA regulations retroactively to past conduct. Specifically, your comment in point 69 that replacement of PPSEC by PCTIA automatically rescinded and rendered void the teach out granted by PPSEC is without legal substance.

Rutherford was sui generis in so far as this institution had in 1993 been granted authority to deliver degree related programs. In 2001 and previously when students were enrolled in for example a BA degree related program they completed an application and entered into a valid contract that applied to the specific program of study. As previous stated these were distance learning students in self paced programs. There was no requirement to complete an annual contract.

You cite in point 70 an excerpt from PCTIA bylaws which purport to provide that students must annually enter into enrollment agreements and then extrapolate from this bylaw that since students in the teach out were not enrolled to new enrollment agreements Rutherford was in breach of the direction from PPSEC. With respect the flaw in your analysis and conclusion is that it is not at all clear that the new bylaw would affect those students in the teach out program. In other words, my client's

interpretation that the requirement for an annual enrollment agreement would not apply to those students who prior to 2001 entered into a contract for a degree related program and that per your May 2001 were permitted to complete their program is perfectly defensible.

I point out that in your May 2001 letter you did not qualify the teach out by stating that those Students enrolled in degree-related programs as of May 3, 2001 must complete their degree course within a specified period of time or qualify it by stating that if in the future annual contracts are required those students in the teach out would not be able to complete their degree. The subsequent sentence in your May 3, 2001 letter clearly applies to new students and not students covered in the teach out provision.

The finding that Rutherford is breach of a PPSEC Directive by combining the prohibition in your May 3, 2001 letter on not entering into new contracts for degree related programs with the subsequent 2005 enactment of new bylaws requiring annual contracts is not erroneous but disingenuous.

In this regard I note that in April 2006 Ms. Sue Williams, institution officer of PCTIA asked for and was provided with a list of students still in the teach out program along with other college documents. If it was the case that my client was in breach of the PPSEC directive contained in your May 2001 letter why was no mention made of this point to my client over the past year?

The only conclusion that can be drawn is that PCTIA as of April 2006 reasonably interpreted the teach out provision as my client did as permitting my client to teach out students in degree related programs. It is apparent that only now a year later PCTIA is attempting to reconstruct history to substantiate a decision to cancel my client's registration.

As stated a critical finding appears to be that my client has deliberately mislead and acted deceitfully. It is our position that this incorrect finding has negatively influenced you in making the decision to cancel Rutherford's registration. Instead of assessing facts fairly and objectively the decision combined with the conduct of PCTIA's officers appears to be an exercise in characterizing facts to support a decision which has already been made.

In point 26 of your letter you make reference to a response from Mr. Sherwood to Ms. Hassam. Contrary to the implication you wish to put on the response there is in fact nothing improper in the response. Mr. Sherwood is simply making a statement of fact ensuring that any possible misconception as to the nature of the program the student was enrolled was promptly corrected.

Under the heading of **Deliberate Deception** you cite my letter of July 20, 2007 suggesting that it contradicts an internal memorandum of March 9, 2005. My client

fails to see how this can possibly be an example of a deliberate deception. My client points out the March 9, 2005 memorandum was in effect a description of the then present situation while in my July 20, 2007 letter I was reporting that since 2005 my client had been focusing on addressing the problem or situation described in the memorandum. The way you have chosen to portray these facts under the heading of Deliberate Deception illustrates the bias inherent in the decision.

In regard to point 42 my client points out that subsequent to Mr. Sherwood's letter in August 2005 no further enquiries was forthcoming from PCTIA. Why then now are further questions being raised 2 years later and inferences being drawn without further investigation?


My client refutes the incorrect and inaccurate statement contained in point 46 of your letter citing the report.

I note that in your incorrect recitation of the events of March 24, 2006 set out in point 53 you have omitted mentioning Mr. Sherwood letter written immediately subsequent to the site inspection offering full access and cooperation which letter was never responded to and now is not mentioned in your decision.

In summary, it is our view that the decision based as it is on the incorrect finding that my client deliberately deceived PCTIA is incorrect. Moreover, the obvious bias and hostile attitude of PCTIA towards my client has negatively affected the ability of PCTIA to make a decision on the cancellation of my client's licence.

We ask at this time before possibly further appealing that you carefully review the facts and objectively make a decision in your reconsideration reversing the cancellation of my client's licence.

Yours truly,



Mark G. Perry

MGP

P00020/07Sept28

cc: client

**MacLean, Madeline AVED:EX**

---

**From:** Brown, Susan B AVED:EX  
**Sent:** Wednesday, October 10, 2007 3:40 PM  
**To:** Rogers, Dorothy AVED:EX; Simmons, Vicki AVED:EX  
**Subject:** FW: Clearmind Reconsideration  
**Attachments:** Wright to D O'Kane re reconsideration.pdf

FYI

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**From:** Jim Wright [<mailto:jwright@pctia.bc.ca>]  
**Sent:** Wednesday, October 10, 2007 3:25 PM  
**To:** Nazeer T. Mitha  
**Cc:** Cotie, Kate L AVED:EX; Brown, Susan B AVED:EX  
**Subject:** Clearmind Reconsideration

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TOLL FREE: 1-800-661-7441  
www.pctia.bc.ca



October 10, 2007

Mr. Duane O'Kane:  
Clearmind International Institute  
22778 72<sup>nd</sup> Avenue  
Langley BC V2Y 2K3

Dear Mr. O'Kane:

**Re: Reconsideration Request**

In response to your letter of September 17, 2007 wherein you requested copies of all materials on which the decision to cancel the registration of Clearmind International Institute was based, please find attached a set of the documents you requested.

You will find that all of the documents are provided in full; with the exception of a July 20, 2007 letter from a lawyer representing Senior University, operating as Rutherford College. Only that portion of the letter that was relevant and considered in coming to the Clearmind decision is included.

I trust that the provision of these materials will allow you to proceed with the preparation of your arguments for reconsideration, and I look forward to receiving a fully documented reconsideration request at your earliest convenience.

Yours truly,

Jim Wright  
Registrar and CEO

**MacLean, Madeline AVED:EX**

---

**From:** Brown, Susan B AVED:EX  
**Sent:** Wednesday, October 10, 2007 3:41 PM  
**To:** Loughran, Tony D AVED:EX; Fraser, Anthony AG:EX; Barnes, Natalie AG:EX; Rogers, Dorothy AVED:EX; Simmons, Vicki AVED:EX  
**Subject:** FW: Rutherford reconsideration  
**Attachments:** Letter to Mark G Perry October 9 2007.pdf

FYI

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**From:** Jim Wright [<mailto:jwright@pctia.bc.ca>]  
**Sent:** Wednesday, October 10, 2007 3:27 PM  
**To:** Cotie, Kate L AVED:EX; Brown, Susan B AVED:EX  
**Subject:** Rutherford reconsideration

FYI

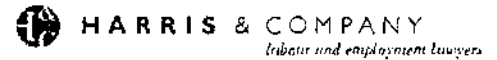
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Nazeer T. Mitha  
Direct No. 604 891 2223  
nmitha@harrisco.com  
Our file 003184.022

October 9, 2007

By Fax



Kerr Redekop Leinburd & Boswell  
Barristers & Solicitors  
410-1333 West Broadway  
Vancouver, BC V6H 4C1

Attention: Mark G. Perry

14th Floor Bentall 5	T 604 684 6633
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Dear Sirs and Mesdames:

Re: Rutherford College

We are legal counsel for the Private Career Training Institutions Agency (the "Agency") and have been instructed to reply to your letter of September 28, 2007.

In your letter, you request a Reconsideration of the Agency's decision of August 14, 2007 to cancel the registration of Rutherford College. Unfortunately, your application is outside the time limit provided for under the *Private Career Training Institutions Act* (the "Act") for making such a request. Section 10 of the *Act* provides as follows:

10 (1) A person who is affected by any of the following decisions under this Act may request, within 30 days of receiving written notice of a decision, a reconsideration of the decision by the registrar:

(c) the suspension or cancellation of registration or accreditation.

As a statutory body, the Agency has no jurisdiction to act outside an express restriction on its power to reconsider its own decisions. For the foregoing reasons, we are instructed by the Agency's Registrar, Mr. Jim Wright, to deny your application for Reconsideration.

Please contact the writer should you have any questions or concerns.

Yours very truly,  
Harris & Company

Per:

A handwritten signature in black ink, appearing to read 'Nazeeh T. Mitha', written over a horizontal line.

Nazeeh T. Mitha

NTM/sam

cc Client

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