

## REPORT OF THE OMBUDSPERSON

In accordance with its terms of reference, this end of semester report of the activities and observations of the Ombudsperson is respectfully submitted to the Algonquin College Ombudsperson Review Committee. The report covers the period from June 23, 2003 to December 31, 2003, the period of time I have occupied the office. I understand the previous incumbent, George Anderson, provided a separate report for the relevant period of time during which he was acting. This report will include a brief message, reference to the members of the Ombudsperson Review Committee and its activities, my activities during my tenure to date, statistical summaries, accounts of selected cases, and a few recommendations.

## MESSAGE

I wish to extend my heartfelt thanks to the many members of the College community who have been so warm in their welcome to me as I began my duties as Ombudsperson. George Anderson introduced me to many people during my first week on campus. The overwhelming impression I had was that Algonquin College is a community of people who are extremely proud of their work and the part they play in the lives of students. This first impression has only been enhanced in the time since. I have felt a definite energy among the many people who I am in contact with on a regular basis, which makes working here an experience which is both exciting and dynamic.

One of the messages I have been giving to students is that the College is interested in their success and wants their College experience to be a positive one. I tell them the College has demonstrated its sincerity in this regard by putting in place policies and personnel which give the students a voice with respect to their student life. The fact Algonquin College has an Ombudsperson clearly supports this statement. It is also supported in the way I have been received by those whom I have had to approach with respect to the various issues raised by students. There has been no hesitation in providing requested information or documentation. My requests for meetings have been accommodated within a reasonable time and, in many, cases immediately. Where it is apparent an error has been made changes have been made. Where doubt exists with respect to certain decisions, that doubt has been resolved in favour of the student. There are students who come to my office disillusioned by their College experience. Fortunately, these are the exceptions and in some cases of this sort, their dissatisfaction stems from difficult life circumstances which are not the responsibility of the College. In other cases they have very special needs and, despite the many resources available to address them, the individuals have somehow not had their needs met. In one instance the student did not disclose a disability which had behavioural implications. The student was afraid of the stigma attached to the disability and was also in fear of being compromised both here at the College and in future employment situations should others become aware of it. This posed a very difficult situation for faculty who were not informed and interpreted the behaviour as deserving of discipline. Nevertheless, lessons were learned from this experience and there exists a will among those involved to work towards developing procedures that will help prevent this occurrence in the future. This positive attitude and approach to situations of this sort is prevalent throughout the College in my experience and is consistent with the expressed interest in promoting student success.

Prior to coming to Algonquin College I spent 30 years in the practice of law. During the last 10 years I have concentrated my efforts in the areas of alternative dispute resolution, mediation and teaching. The Ombudsperson position has provided me with an opportunity with which to utilize my experience and skills in a student centered environment. I feel very fortunate in having this opportunity and being able to work with so many competent and well intentioned people.

## OMBUDSPERSON REVIEW COMMITTEE.

The members of the Committee are Marilyn Stratton-Zimmer, Director of Student Services, Co-Chair; Adam Gal, President of the Students' Association, Co-Chair; Jack Doyle, General Manager of the Students' Association; Luc Presseau, Director, Human Resources; Odette Regimbal, Academic Administrative Representative; Leo Comunale, Community Representative; Sherryl Booth, Faculty

Representative; Katie Kells, S.A. Student Director; Vanessa Chan, Student Representative; and Shirley Schiavo, Student Representative. The committee has met on two occasions to date. The Organization of the Committee in my opinion has been well thought out. It is balanced so that students are well represented. From the College side various interests are represented and therefore a variety of perspectives are available for any given issue. I very much appreciate the assistance of the committee members especially that provided by Marilyn Stratton-Zimmer, Adam Gal, and Jack Doyle.

## MY ACTIVITIES

During my first days at the College I began to familiarize myself with the various directives and policies that govern the workings of the College. I was invited to meetings with members of the College community so that I would better understand the various schools and departments. It was, to say the least, overwhelming. The College is a complex place and learning about it provides a stimulating and challenging experience.

Physically, I changed the office significantly. The office consists of two rooms, one of which opens to the corridor leading from C to B building. The office furniture and equipment were modernized and I placed my desk in the outer room so I would be more visible to students passing by. I receive a large number of students who simply drop in and so I believe the move was an important one. The room has been repainted and I believe the changes provide a welcoming atmosphere. The drapes remain closed and when the door is shut students have privacy while in the office. When students are not with me, I generally leave the door open and have a sign that invites students to come in. In order to ensure students feel the office is easily accessible I have arranged so that students can book appointments immediately by going to either the Students' Association Office or to Student Services. Both offices have access to my Netscape calendar and can book appointments at times that are available.

The Web site has been redesigned and enhanced so that students can obtain information about the office and my mandate. It includes a short biography and a picture in order that students can recognize me and know something of my background. Contact information is also provided with an explanation of how students may make appointments. There is a help section which provides students with information on how to communicate effectively when presenting a complaint. Also included are links to the College directives most utilized by students and an intake form to be completed by students before arriving for an appointment. During the 2004 year I will be adding the criteria I use in determining whether students have been treated fairly by other members of the College community. As well, students will be able to access various guides to assist them in making decisions on whether to file an academic appeal or apply for a review of a final grade etc.

Since July, I have visited the offices of the Ombudspersons at Carleton University, Ryerson University, Western University and Fanshawe College. The purpose of my visits was to establish a relationship for consultation and to identify some of the best practices for my office. This has proven immensely valuable and the advice I have received on approaching various issues has been extremely useful.

In order to ensure a clear understanding of my mandate and the approach I take to complaints received from students, I have offered to make presentations at academic councils for the various schools within the College. To date I have made presentations at the Police and Public Safety Institute, the School of Academic Advancement and Languages, the School of Health and Community Studies, the School of Media and Design, and at Algonquin College in the Ottawa Valley. I will be presenting at the other schools as opportunities arise during the winter semester. The message I am attempting to convey is designed to emphasize my role as one of objectivity and not of advocacy. In this way I hope to ensure I am not seen as a threat and faculty will realize they will be treated fairly when approached about a complaint.

With the assistance of the Director, Student Services and the General Manager of the Students' Association, a marketing plan for the office has been devised and is now being implemented. The average

number of files opened each year during the past 16 years was 253. The purpose of the marketing plan is to increase awareness so that issues are resolved closer to their point of origin and at an early stage. An increase in the number of files opened during the year is expected to follow this initiative and, for the reasons stated, will be a positive result. The length of time between the opening and closing of a file will be monitored as a benchmark for promptness in handling complaints. In the second year of my incumbency I intend to survey students and other members of the College community on their experience with this office in order to assess what works well and where improvements may need to be considered.

A new database system has been implemented using Microsoft Access to facilitate the tracking of complaints using a number of criteria. The results obtained so far are contained in this report and will assist in fulfilling the mandate of the office to keep the Ombudsperson Review Committee apprised of statistics, trends and the emergence of any College wide problems through end of semester reports. A number of the Deans have expressed an interest in the statistics for their respective schools and I will be sharing this information with them and asking for suggestions on what additional information they would like me to track for future reference.

### STATISTICAL SUMMARIES

Since June 23<sup>rd</sup>, I have opened 172 files. 54 matters representing 31% of the files were handled by providing information to the students. 50 matters representing 29% of the files were handled by providing students with advice or referring them to another resource either within or without the College. The balance of the files, 68 matters representing 39%, required some sort of intervention on my part either in the form of clarifying facts, facilitating discussions between students and other members of the College community, or an investigation. The attached reports provide more detailed information on the matters dealt with by my office.

### CASE SUMMARIES

The following illustrates some of the complaints received by this office during the reporting period.

1. A student came to the office complaining that she had been disciplined as a consequence of forwarding a letter of complaint to the President of the College. The matter was investigated and it was determined the student had initially complained to her professor by email and when that email was not responded to, the student sent a letter to the President. The student's letter of complaint was eventually referred to the Chair of the student's program and was investigated by the Chair using a fact finding process. The Chair's report on the matter was sent to his Dean and the Chair felt the report would eventually find its way to the student, although it did not. The professor involved was upset because of the student's actions and filed a complaint of student misconduct. The Chair reviewed the matter and determined the student used wording in her letter which was intemperate and reprimanded the student. The student was unsure whether the reprimand formed a part of her permanent record at the College and felt she had been retaliated against as a consequence of making the complaint.

Following my review of the matter I recommended the professor withdraw the complaint. If the professor was not prepared to withdraw the complaint voluntarily, I recommended the Chair remove the letter of reprimand from the student's file and provide the student with a copy of the Chair's report which the student had not received. Unfortunately the professor did not respond to the recommendation. The Chair accepted the recommendation and the student is satisfied with the result. I felt the student would benefit from coaching on how to communicate a complaint for future issues she may be involved with. However, despite the fact the student may not have articulated her concerns in the most appropriate manner, the reaction on the part of the professor was, in my opinion, extreme and unreasonable. Had the professor responded to the complaint in the first instance or at least referred the student to the complaint policy, it could have prevented the matter from escalating to such a level. I was also of the opinion the reaction on the part of the

- professor was at odds with the intent and purpose of the policies of the College giving students a voice with respect to all aspects of their student life. The College has taken great pains to ensure mechanisms are available to allow students to raise issues which may concern them and to be able to do so without fear of reprisal. Despite these efforts, students are still reluctant to make complaints. They fear they will be labelled as troublemakers or worry that they will be treated differently in some respect by the person who is the subject of the complaint. Although this fear may not be warranted in the vast majority of cases, the fear exists and is difficult to overcome. The professor's complaint under these circumstances risked increasing the fear of reprisal that students have which discourages them from raising issues they are concerned about. There may be circumstances where a student complaint might justify disciplinary action, for instance, where the complaint is vexatious or made in bad faith. These circumstances were not proven to exist in this case. Professors are in a much more powerful position than are students. In the professor's response to the student's complaint and in the complaint made by the professor pursuant to the student misconduct policy, the professor took an extreme position which included threats and unfair criticisms. In my opinion this was undesirable from the standpoint of the College community for the above reasons. I am grateful to the Chair for his cooperation and acceptance of the recommendation. A number of other recommendations were included in my final report on the matter and will appear in the recommendation section to this report.
2. Two students came to the office seeking help with respect to a course in which they felt they were failing. During the course of the interview it was determined the students were taking the course as a substitute course for one they were each given a failure in as the result of an allegation of academic dishonesty. Failure in this course meant the students would be prevented from continuing in their program of study. The students indicated the allegation was incorrect and the failure was not justified. The students were questioned on the procedure that followed the allegation. From their version of events they were not given a hearing with respect to the allegation and were not aware of a right to appeal the findings and sanctions imposed. I subsequently met with the Coordinator and eventually the Chair of the program. It was determined Directive E16 on Academic Discipline had not been followed and the students had been sanctioned by a part time professor without involving the Chair and without a hearing. If a hearing had been conducted by the Chair and the students given the opportunity to present their version of the matter, it was possible the evidence would not have been clear and convincing and the Chair may reasonably have concluded the burden of proving the allegation had not been met. I recommended to the Chair that the students receive the grade that would have been assessed for the assignment but for the allegation of academic dishonesty. In my opinion it would have been unfair to the students to have a hearing after such a long delay and after being sanctioned without the benefit of a hearing. The Chair agreed with the recommendation. Receiving a grade on the assignment resulted in the students passing the course and being able to continue with their program. The Chair also took the initiative to ensure faculty were reminded of the need to follow Directive E16 for future situations of this sort.
  3. A group of students approached the office complaining about the teaching methods of one of their professors. The students were upset as the professor was using overheads which were simply excerpts from their text and the students were required to copy these into their notebooks. The entire lecture was taken up in copying these notes. The students complained to the professor directly and she then changed the methodology by asking the students to highlight portions of their text rather than copy the material into their notebooks. The students felt this was a waste of time and wanted the professor to do more to make the material more interesting and understandable. After meeting with the students I made an appointment to meet with the professor to convey the students' concerns and to obtain her perspective. Although the professor was qualified to teach the material, she was new to the teaching role. She was also aware of the students' dissatisfaction and was at a loss as to what to do. Further, she was not the faculty member responsible for preparing the exam and was therefore concentrating her efforts on ensuring all of the material she felt would appear on the exam was highlighted. She was worried

about how the students would do on the exam and afraid that if they did poorly, it would be a reflection on her for not having covered all of the material.

I then arranged a meeting with the students and the professor during which they were able to express their concerns and expectations. The students got a much better understanding of the professor's perspective on the matter and understood she was very interested in their welfare. They in turn were able to articulate their desire that the professor present more of her real self and convey her passion for the subject matter. In a word the students wanted to be stimulated. Following this meeting the professor and I met to discuss how she might benefit from some of the professional development resources that were available within the College. Arrangements were made for the professor to meet with Diane Bloor of Learning and Teaching Services to discuss this further. The students reported that following these meetings the sessions were much better and they were all working to support the teacher in her effort to ensure their success.

4. A faculty member brought a student to the office who was complaining of being harassed by two female students. I interviewed the student to determine what had transpired and to understand his concerns. I also wanted to know what the student hoped to achieve with respect to the situation. Once I had all the information the student and I developed a list of options that were available to the student and we reviewed the advantages and disadvantages of each option. At the request of the student, the faculty member remained in the room throughout the interview. Following the interview, the student asked to have some time to think the matter over more fully. I was careful during the interview not to comment on whether the facts alleged by the student amounted to harassment or not, but did review with the student the definition of harassment and left it to the student to reflect on this further. Following the meeting the student advised the faculty member he may have overreacted to the situation and, having had this time for further reflection, decided not to pursue the matter any further. The student expressed his satisfaction with having had an opportunity to discuss the matter and to feel that his concerns had been heard in a non judgemental way.
5. A student accompanied by his mother came to the office complaining the student had been treated unfairly by his professor in that the professor gave the student a zero on assignments the student had passed in. The student admitted the assignments were passed in late but felt he should have received a mark for the assignments in any event and that assessing a zero failed to recognize the work the student had completed and was too harsh a penalty. I advised the student with respect to the policies available to him, if he chose to follow a formal appeal. I also suggested I could review the matter with the professor and the student authorized me to do this. The professor and I met and I was provided with the course outline and the documentation provided to students which set out the marking scheme for assignments. The professor had clearly set out the due dates for assignments and the penalties for filing assignments late. The professor had even prepared a graph in order that students would understand the implications of not filing assignments on time. Penalties were structured so that the later the filing of the assignment, the greater the penalty and zero was only given as a last resort. Out of ten assignments, the student had only filed one on time and the rest were all filed long after they were due and following the completion of classes. I then met with the student to review this information and to ensure the student was well aware of the policies. The student admitted that he was aware of this and that his assignments were filed as indicated by the professor. The student also agreed he was the person responsible for the resulting situation and was now prepared to accept the grade. The student and I then discussed what led to his inability to file his assignments on time and the student was referred to Student Services to get help with his situation.

## RECOMMENDATIONS

1. Professional development available to professors includes training with respect to dealing with student complaint issues. A course in this regard could be made available online and include progressive modules. An awareness campaign could be organized to educate professors on the benefits of taking the course.
2. Neither the President of the College, nor any other member of the College community, should be off-limits to student concerns. It is indeed natural for people who are upset about matters to want to address the one person who, in their mind, is the head of the organization. The executive of the College want students to understand they are cared about. In one of the cases referred to previously, the complaint was made directly to the President. The President referred the matter to the Vice-President, Academic. The matter was eventually referred to the Dean and then to the Chair of the student's program. The Chair investigated the matter, but did not do so in accordance with the student complaint policy. Instead, the Chair conducted a fact finding process and reported his findings to the Dean. The Chair indicated he did not deal with the matter in accordance with the student complaint policy as this was not made clear to him when the matter was referred to him from the Dean. As the matter was referred to the Chair by his superior, the Chair felt he should report back to his superior. It is important that members of the College community feel the President is accessible. However, it is equally important this openness on the part of the President not be abused by students to the point the student complaint policy is ignored in favour of what is perceived by students as a more expeditious process. Further, students who follow the student complaint policy may perceive they have not been treated in the same manner as someone who complains directly to the President. In order to ensure student complaints are dealt with in a consistent manner, complaints received by the President can best be dealt with in accordance with the student complaint policy unless, in the opinion of the President, there exists exceptional circumstances warranting a deviation from that policy. It is appropriate for complaints to be referred along as it was in this case as, each level of authority should be aware of complaints made directly to the President. However, with due respect, it is recommended that the President, or Vice President, Academic, provide clear instructions to the academic Chair, with a copy to the Dean of the School, indicating that the Chair is to follow the policy in dealing with the complaint and the student is to receive a copy of these instructions together with a copy of the student complaint policy. This will better ensure all students are treated in the same manner and the integrity of the student complaint policy is maintained.
3. Mediation training be made available to program Chairs in order to ensure effective execution of the policy directives that Chairs facilitate discussion between professors and students by utilizing mediation. As well, Chairs should also receive training with respect to conducting investigations and fact finding.
4. A meeting between members of the Centre for Students with Disabilities and the Deans of the various schools take place with the aid of a facilitator. The purpose of the meeting would be to generate options for improving communication between the Centre and the Schools and to ensure the needs of students requiring accommodation are reasonably met. This may not be an easy situation to resolve as there are competing interests which may have equal merit. In the case of the School, faculty want to know when a student has special needs especially if they relate to behavioural issues. On the other hand, if the student insists on not disclosing the disability there is little the Centre can do at the moment without breaching the student's right to confidentiality.
5. Student complaints related to course concerns in 59 instances, 34% of the total number of complaints received. The mid-year Strategic Plan Review identifies as one of the Academic Area goal statements, "support a professional development strategy that focuses on effective teaching and client service". I understand that participation in the Focus on Learning program has become a condition of employment for new full time faculty. Due to the heavy reliance on part time staff for course delivery, it is recommended all new part time faculty receive an appropriate orientation

to teaching as a condition of their employment and have access to ongoing support from an experienced teacher the first time they teach a course.

#### CONCLUSION

The types of complaints I receive appear, at this time at least, to follow a pattern which depends upon the point in the semester at which they arise. In the early part of the semester the complaints tend to relate to admissions and program issues. Later, students are seeking refunds for late course withdrawal and so on. As the semester progresses I receive complaints relating to course concerns. Finally, the complaints relate to final grades, academic decisions and academic dishonesty. As a consequence of this pattern, my first exposure was to the personnel in the Registrar's office. I appreciate the patience shown me in my early days by the Registrar's staff, especially to Norma Haddad and Susan Lomas, with whom I was in constant contact for the initial weeks. I have not reported on any cases of this sort at this time but can assure the reader that when something could be done by the Registrar's Office to alleviate a student concern it was done promptly. The publications emanating from the Registrar's Office are quite clear and have been developed over time to address concerns expressed in the past. In many cases I was satisfied that had the student read what the student was given, the difficulty they were encountering would have been avoided. I strongly advise students to read the material they have been provided with in order to avoid these unfortunate situations.