

Office of the Ombudsman

Annual Report 2014-2015



ALGONQUIN
COLLEGE

Algonquin
Students'
ASSOCIATION

The Office of the Ombudsman is jointly supported by Algonquin College and the Algonquin Students' Association.

About the 2014-2015 Annual Report

In accordance with the Terms of Reference, SA02 Ombudsman, the Office of the Ombudsman presents this annual report of the activities and observations of the Ombudsman for the period May 1, 2014 to April 30, 2015. This report marks the thirty-sixth year of the role and service of an Ombudsman at Algonquin College.

This report presents my recommendations as Ombudsman and details of our case distribution during the reporting period. The report also addresses the principles of “fairness” that inform my evaluation of the matters that come to the attention of our Office. As the College continues to meet the needs of students from more diverse economic, demographic, geographic and cultural backgrounds, the question of “fairness” often arises in my conversations with members of the College community. There is an opportunity to begin a dialogue regarding a shared understanding of fairness within our context, in order to better manage expectations and continue to enhance our learning and working experience. I hope this year’s annual report will lead to further dialogue on the issue of fairness.

Respectfully,

George Cole

Ombudsman, Algonquin College



Recommendations

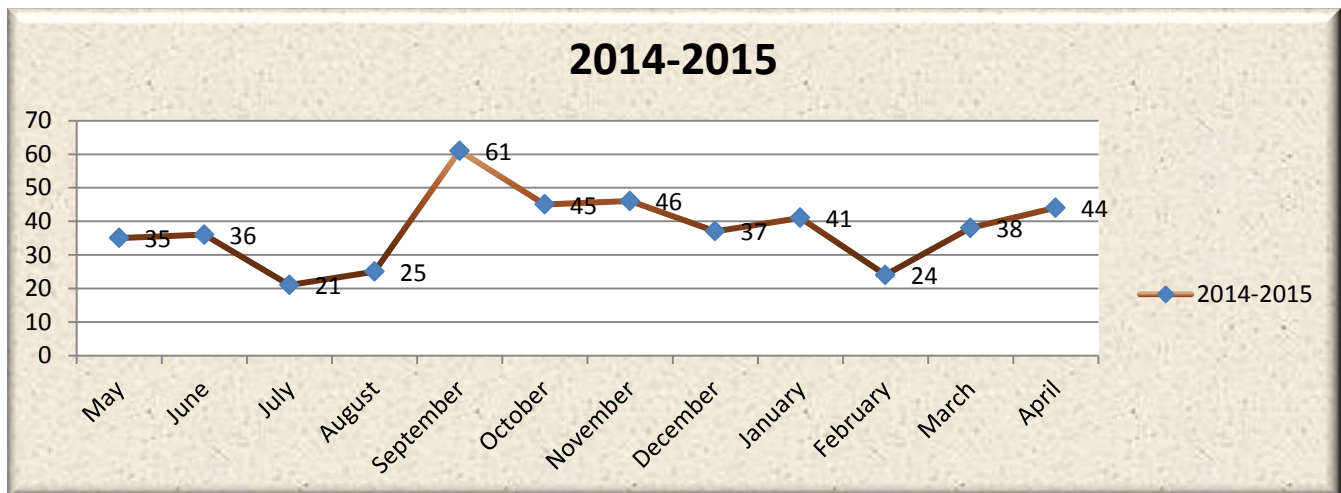
- 1) The Office of the Ombudsman commends the College for its many initiatives to enhance the overall student, faculty and staff experience; improve student retention and graduation rates. Particular reference is the initiative to improve and increase academic advising. I **recommend** that the College continue to provide targeted academic advising to ensure that students are tracking towards completion of their programs of study.
- 2) I **recommend** that the Students’ Association review the Board policies governing the electoral process to expand the options for addressing unanticipated issues that arise during an election.

Case Distribution

In this reporting period, the Office of the Ombudsman opened 453 files (338 students and 115 non-students); 422 were closed by the end of the reporting period and the remaining files were matters pending that were later addressed accordingly.

Files Opened per Month

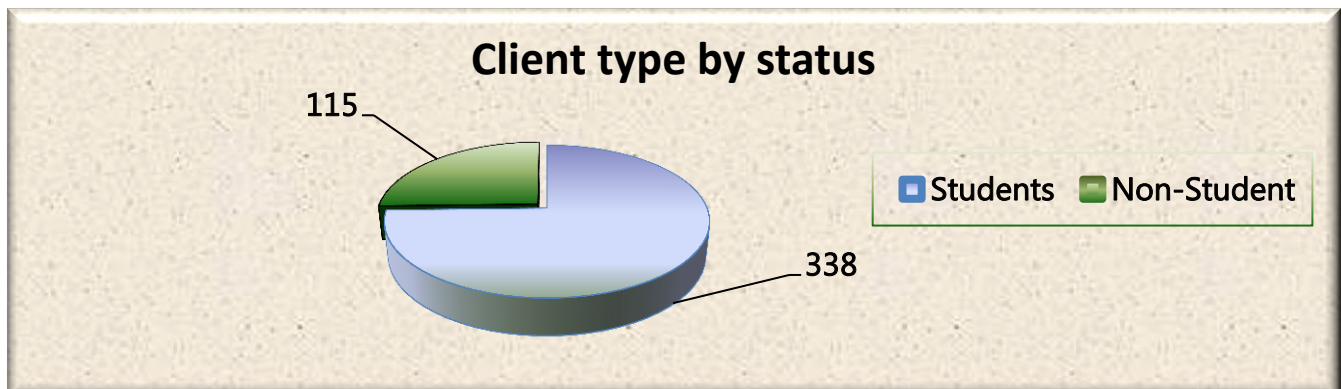
Figure 1 below, shows the files opened per month from May 2014 to April 2015.



The month of September is usually busy because of appeal related matters from the Spring Term and transition related matters at the beginning of the Fall Term. The month of February is usually less busy because most students are away during the spring break.

Client type by status

Figure 2 below, shows the profile of our clients by status from May 2014 to April 2015.



Client type by student status

Figure 3 below, shows the breakdown of our clients by student status, 2014-2015.

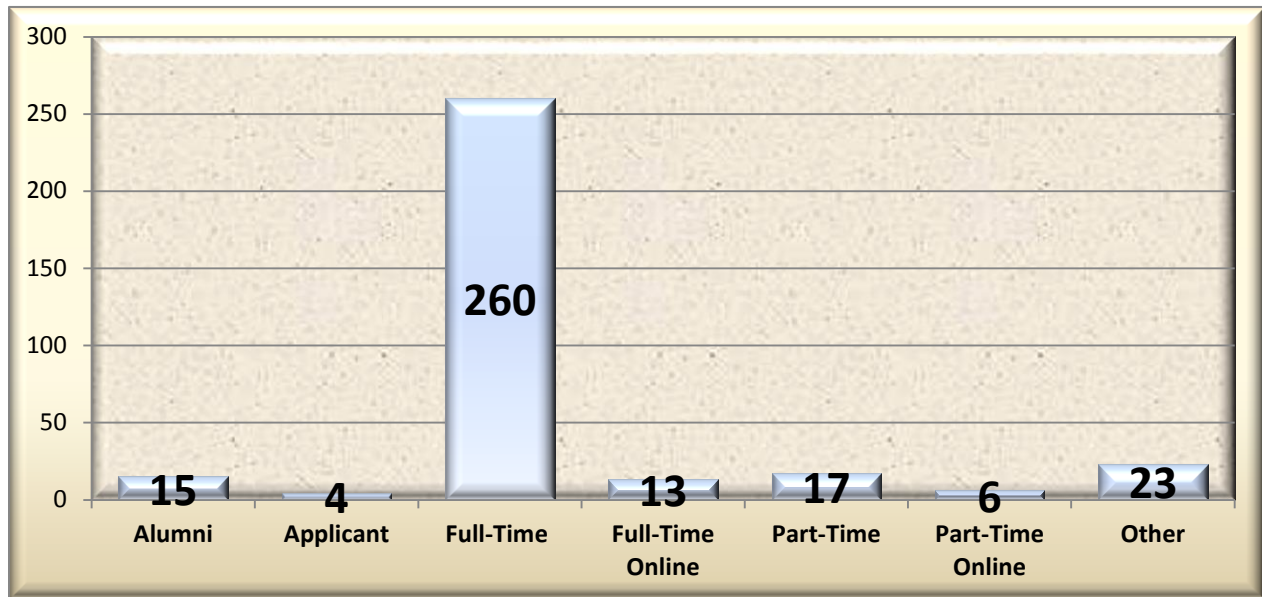
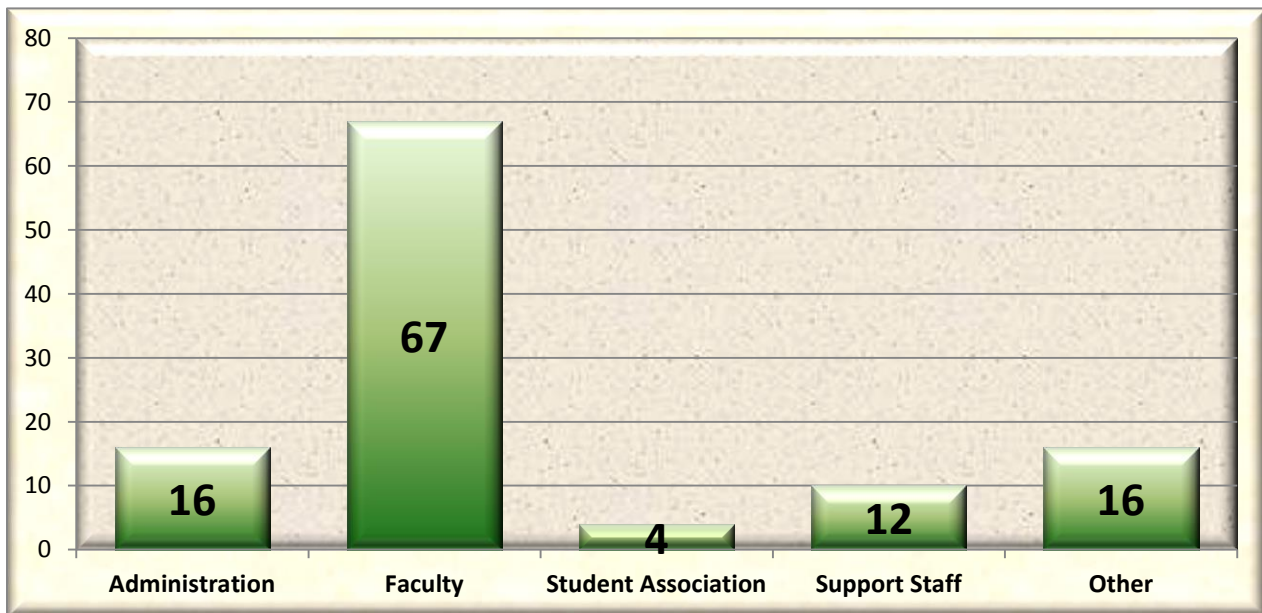


Figure 4 below, shows the breakdown of our clients by non-student status, 2014-2015.



Our office has observed a steady increase in the number of faculty and staff who consult us on College policy related matters. We welcome this proactive approach. It is more efficient and less stressful for students, faculty and staff when all options are reasonably explored before decisions are made. Our office provides confidential assistance in exploring options.

Clients by affiliated Academic Units/Departments

Table 1 below, shows the profile of our clients by affiliated academic units, 2014-2015.

Academic Unit/Department	Number of files
School of Advanced Technology	36
Algonquin Centre for Construction Excellence (ACCE)	24
School of Business	95
Career and Academic Access Centre	3
General Arts and Science	6
School of Health and Community Studies	111
School of Hospitality and Tourism	22
Language Institute	6
School of Media and Design	34
Centre for Continuing and Online Learning	18
Police and Public Safety Institute	25
Algonquin College in the Ottawa Valley – Pembroke Campus	4
Algonquin College Heritage Institute – Perth Campus	1
Other: (Support/Admin Staff, Students' Association/Ancillary etc.)	68
Total	453

Types of Concerns

Table 2 below, shows the types of concerns we received, under broad headings. Similar interests have been combined under single headings.

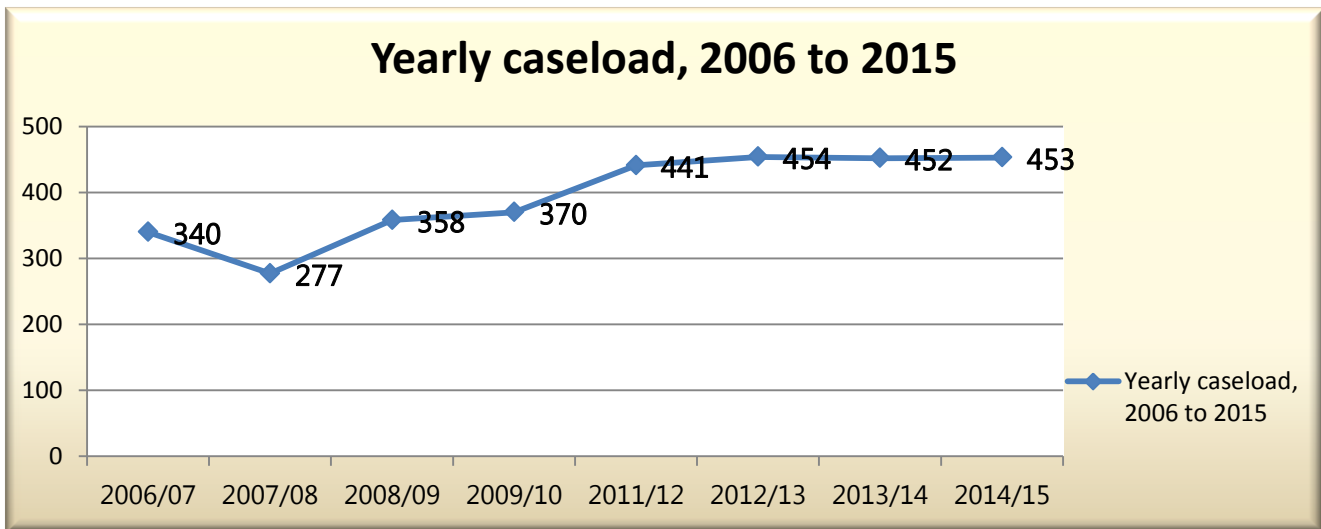
Please note that the number of concerns identified in Table 2 exceed the number of actual files handled, as multiple concerns can be associated with a single file. Often, each file entails several concerns that equally require resolution.

Table 2: Types of Concerns 2014-2015

Type of Concern	Number of Occurrence
Academic	693
Human Rights / Student Rights	12
Non-Academic Student Conduct	31
Services	220
Algonquin Students' Association	18
Other (Interpersonal Conflict, External - Landlord/Tenant, CO-OP, Notary, etc.)	188
Total	1162
Academic	
Academic Appeal / Review of Grades	66
Academic – Examinations	15
Academic Integrity - Discipline/Plagiarism	24
Accommodation of Disability / Special Allowance	49
Course Management - Teaching/Delivery	65
Course Management - Course Outline	16
Course Management- Course Policies	19
Course Management- Classroom Management	19
Course Management- Pedagogical Support	2
Course Management- Professor Bias/Treatment	35
Exemptions/Advanced Standing/PLAR/Transfer Credit/Other	14
Practicum / Clinical Placement / Field Placement	86
Progression / Graduation	124
Other (Access to information/Confidentiality, Grading/Evaluation, Advising, etc.)	159
Total	693
Services	
Parking/Lockers	4
Ancillary Other - Campus Stores, etc.	5
Residence	17
Financial Aid	36
Registrar's Office	83
Safety & Security	38
Other (Student Services, Health Services etc.)	37
Total	220

Yearly Comparison of Caseload from 2006-2015

Figure 5 below, shows the yearly comparison of caseload from 2006 to 2015.



A vast majority of our caseload is academic related. This is consistent with previous years. Tables 1 and 2 above provide further details of our academic related caseload in this reporting period.

Summary of Services Provided

Table 3 below, shows the summary of services provided, 2014-2015.

Services offered	Number of services
Coaching/Advice	194
Fact Finding/Investigation	49
Information	266
Intervention - Dialogue Facilitation/Mediation	16
Intervention - Problem Resolution	55
Intervention - Shuttle Diplomacy	39
Referral	154
Other	22
Total	795

Please note that the number of services offered exceed the number of files handled, as multiple services can be associated to a single file. Often, each file entails several issues that require different services. Depending on the nature of request(s) for our assistance, we provide an array of services within the broader spectrum of Dispute Resolution. Although our services range from informal to formal processes, most of our processes are informal.

Fairness for a “connected campus”

The question of fairness¹ is often addressed in my conversations with students, faculty, staff, parents and other stakeholders of the Algonquin College community. Fairness can mean different things to different people, at different times, under different circumstances, and for different reasons. To some people, it is an internalized conviction of being wronged in a given situation. To others, it is culturally specific and/or shaped by their perception of reality based on ideological differences, experience, and other factors. Some people do not believe the outcome of a given situation is “fair” unless the decision is rendered in their favour. Being treated fairly does not necessarily mean that one gets what one wants.

Black’s Law Dictionary² defines the word *fair* as “characterized by honesty, impartiality and candor; just; equitable; disinterested; free of bias or prejudice.”

In two landmark cases³ on the duty of fairness, the Supreme Court of Canada identified three elements that necessitate the general duty to act fairly on a public decision-making body. They are:

- 1) “the nature of the decision to be made by the administrative body;”
- 2) “the relationship existing between that body and the individual;” and
- 3) “the effect of the decision on the individual’s rights.”

As a publicly-funded and a student-centered institution, Algonquin College has promoted the concept of fairness for many years. Fairness is rooted in the values of the College. It is also not surprising that the word “fairness” is specifically identified in many of the College policies and directives. As the College continues to welcome students from more diverse economic, demographic, geographic and cultural backgrounds, there is an opportunity to begin a dialogue regarding a shared understanding of fairness within our context, in order to better manage expectations and continue to enhance our learning and working experience.

The Fairness Triangle⁴, developed by Ombudsman Saskatchewan, has become a useful method of evaluating fairness by many Ombudsman/Ombudspersons across Canada. These lenses of fairness, among others, are tools used to review complaints that come to my attention. The three aspects of **The Fairness Triangle** are procedural, substantive, and relationship/equity.

¹ Disclaimer: The definitions of fairness in this report are commonly held definitions within the ombudsman field of practice but do not constitute an exhaustive legal interpretation.

² Black’s Law Dictionary, 715 (10th ed. 2014).

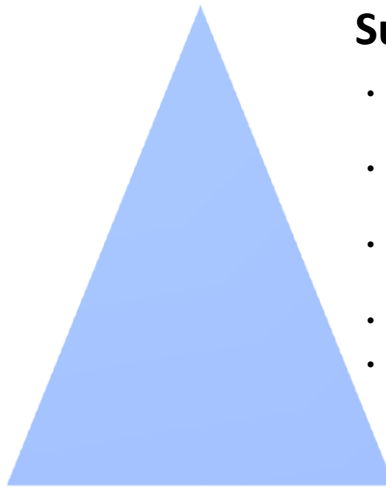
³ Board of Education of the Indian Head School Division 19 of Saskatchewan v. Knight [1990] 1 S.C.R. 653; Cardinal v. Director of Kent Institution, SCC

⁴ Adapted with permission of Ken Fenwick, Ombudsman Saskatchewan.

The Fairness Triangle

Procedural Fairness

- Providing notice that a decision is to be made and sufficient information for an affected person to know that is required or what is at stake
- Providing an appropriate forum for an affected person to present his or her views and to be heard
- Being impartial and unbiased
- Making a decision in a reasonable time
- Providing clear and appropriate reasons for decisions



Substantive Fairness

- Having the appropriate authority to make a decision
- Ensuring that decisions are based on relevant information
- Ensuring that decisions are not unjust, oppressive or discriminatory
- That decisions are not wrong in fact or law
- Ensuring that decisions are reasonable

Relational Fairness

- Being approachable
- Listening
- Respecting confidentiality
- Being honest and forthright
- Making information clear and easily available
- Providing accessible problem-solving options
- Being clear about what you can do and cannot do
- Offering an apology if a mistake is made

Procedural Fairness focuses on the procedures entailed in the decision-making process. Questions asked include how the decision was made? What procedures, policies/regulations guided the decision making process? "Procedural fairness includes the duty to be fair which affords members of a given community the right to notice that a decision is going to be made; the right to respond to the decision maker; and the right to an unbiased decision".⁵

Substantive Fairness "focuses on the fairness of the decision itself and recognizing that decision-making is a fluid process that includes initial contact with the person(s) involved in a situation and carefully reviewing the relevant information that informs the decision."⁶

Relationship Fairness, also referred as "equitable fairness" at some institutions/organizations, is about how decision makers treat the parties involved in a situation.⁷

In my opinion, the Fairness Triangle is an effective tool, and I welcome the opportunity for further dialogue on evaluating the myriad issues we handle through these lenses.

⁵ Crean, F. (2010) "Defining Fairness" *The Office of the Ombudsman City of Toronto website, Resources and Publication*, [online]. <http://ombudstoronto.ca/publications> (Accessed August 24, 2015).

⁶ Ibid

⁷ Ibid

How We Operate

The Office of the Ombudsman is guided by several ethical standards of practice, including:

- Confidentiality
- Independence
- Impartiality
- Informality

Detailed explanation of the above can be found at www3.algonquincollege.com/ombuds/ethics-standards-of-practice/. Furthermore, details of the Ombudsman's Terms of Reference are available at <http://www3.algonquincollege.com/directives/policy/ombudperson/>. The Ombudsman reports to the Ombudsman Review Committee (ORC).

The Office of the Ombudsman employs several approaches in its work. This includes:

1. Pro-active Approach/Orientation

- Consult on policy development; present Algonquin College and/or applicable guidelines/legislations in classrooms and/or at department meetings to inform students, faculty and staff about existing policies.
- Provide detailed information on our website, which is updated regularly, on how to access policies, procedures and relevant forms.

2. Individual and/or Group

- Discuss concerns or complaints; review relevant options.
- Assist in the assessment of options so students can decide, in an informed manner, as to the viable routes for going forward.
- Coach people on how to approach the resolution of a dispute in a kind, calm, and respectful manner.
- Contact appropriate stakeholders to provide clarification if a student has tried without success to resolve a problem, and there appears to be a gap in information or understanding.
- Engage in shuttle diplomacy or mediation when the potential for a mutually satisfactory and fair outcome emerges.

3. Systemic and System-wide Analysis

- Review concerns and complaints to identify common trends.
- Analyze individual complaints to see if they are indicative of a potential systemic or system-wide concern(s).

Other activities

Presentations/Outreach

Our Office organized and facilitated several professional development sessions for faculty and staff. Topics included conflict management strategies, having difficult conversations, and conflict style mastery. We also presented to students in the classroom. We value these sessions and presentations, and consider it as a proactive approach to addressing potential conflicts.

Professional Development

The Ombudsman continues to be an active member of the Association of Canadian Colleges and University Ombudspersons (ACCUO). In April 2015, our office hosted a web-based professional development training for ACCUO.

Thanks!

Thank you to members of the Ombudsman Review Committee (ORC). The Office of the Ombudsman is truly grateful for your commitment, support and wise advice.

I simply cannot find the right words to thank my colleague, Carolyn Livingstone, for her professionalism and the difference she makes daily in the lives of the people who contact our office. Our office would not be the same without her!

A special thank you to Maureen Gauci for serving as the Acting Ombudsman in Fall 2014, while I was on a leave of absence. The College community was well served by Maureen's diligence, professionalism and expertise.

Our sincere thank you to those who sought our assistance and trusted us with your concerns. Thank you for the opportunity to serve you, to learn from you and to use your situation/matter, in whole or in part, as a catalyst to improve the learning and working experience of members of the Algonquin College community.

To all the students, faculty, staff, members of the Algonquin Students' Association and other stakeholders within and outside the College, who patiently and professionally work with us to resolve the matters that come to our attention, thank you.

To the leadership of Algonquin College and to the Algonquin Students' Association, thank you for understanding the unique role of our office and for supporting the confidential, impartial, and independent nature of our operations.



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MEMO

Date: December 17, 2015

To: George E. Cole, Ombudsman

From: Claude Brulé, Senior Vice President, Academic
Laura Stanbra, Vice President, Student Services



Cc: Shelley Styles, Director of Student Support Services & Co-Chair, Ombudsman Review Committee
Sara Granger, President, Students' Association & Co-Chair, Ombudsman Review Committee

Subject: Ombudsman's Annual Report 2014-15

This is to acknowledge receipt of the annual report of the activities and observations of the Ombudsman for the period of May 1, 2014 to April 30, 2015. This report was provided for review to President's Council on October 21, 2015 as well as to the sub-committee of the Board of Governor's (Academic and Student Affairs Committee, ASAC) on November 20.

The Executive team and ASAC found your report a useful summary of your activities, and the following comments are offered regarding your recommendations as well as to the content of future reports.

With regard to the two submitted recommendations of:

- 1) I recommend that the College continue to provide targeted **academic advising** to ensure that students are tracking towards completion of their programs of study.
- 2) I recommend that the Students' Association review the Board **policies governing the electoral process** to expand the options for addressing unanticipated issues that arise during an election.

Academic advising

The College agrees with the Ombudsman that continuous enhancement of student success strategies lead to improved student retention and therefore increased graduation rates. Our particular focus on academic advising, an effort that began in 2014-15 with the drafting of a 'current state' report, and the development of an institution-wide strategy and implementation plan, is one of the major strategies in our 2015-16 Business Plan aimed at increasing our student retention rates.

Our implementation plan included:

- Awareness campaign through stronger communication and messaging to students and faculty;
- Training workshops for faculty in August 2015 (a total of 217 full-time and part-time faculty participated) to increase college capacity to deliver a more consistent and institution-wide academic advising experience to students;
- Improved governance through review of college policy AA40 on Academic Advising, as well as re-instatement of an academic advising steering committee that now reports through to the College's Strategic Enrolment Management Committee (SEMC);
- Planned improvements to academic advising recording and tracking tools, to ensure evaluation of initiative and measures of success are in place to benchmark progress against metrics and targets.

Policies governing the electoral process

Given that there was no context in the body of the report provided to support this recommendation, it was accepted based upon the general principles of continuous quality improvement related to the electoral process.

Content of future reports

Both President's Council and ASAC have requested the following items for future reports:

- All charts to have the following information:
 - Sorted from highest to lowest occurrence (with an additional category for percentage of total occurrence).
 - Multiple year data of occurrence to determine upward/downward trends or status quo.
 - A short narrative for each chart to highlight the top 3 items so that context can be provided and recommendation on how to provide pro-active solutions to the top presenting issues.
- Inclusion of significant anonymized cases to support recommendations.
- Overall, a stronger alignment between evidence-based statistics and recommendations.

Should you wish to discuss this further, please advise us and we will schedule a meeting.

Please accept our appreciation for your report and the duties you provide to the College community, this work is valued and provides a significant alignment with the College's core values of caring, learning, integrity and respect.





January 23, 2017

Dear Mr. Cole, Ombudsman:

The 2014/15 Annual Report of the Office of the Ombudsman recommends that "the Students' Association review the Board policies governing the electoral process to expand the options for addressing unanticipated issues that arise during an election."

In response to this situation, and to your recommendation, the SA Board of Directors conducted a full review of its Election Process Policy with regards to how the Board should respond to alleged infractions of the elections policy. A corporate lawyer was also retained to advise the board during its deliberations and policy development. The net result was that the Board strengthened both the content of the policy and the prescribed process to ensure procedural justice throughout. An excerpt from the policy follows:

"6. Any member of the Corporation who has reason to believe that an infraction has been committed during the campaign, must notify the PEO immediately and then must submit the specifics of the alleged infraction, in writing, to the Primary Electoral Officer within 24 hours of learning of the alleged infraction.

- a) *The PEO shall conduct a preliminary fact finding on behalf of the Board;*
 - i) *If there is not sufficient evidence to pursue the matter further, the PEO shall notify the person who brought forward the allegation and the Board.*
 - ii) *If the PEO has reason to believe that an infraction has been committed, he/she shall as part of the investigation notify the candidate in question that a complaint has been made and will meet with the candidate to present all evidence and relevant information.*
 - iii) *Subject to paragraph 6a)v) below, if the complaint is made during the voting period the election shall continue as normal until the PEO has completed the investigation and presented his/her findings to the Board and the Board has made a decision whether an infraction has occurred.*
 - iv) *If any investigation is not completed by the end of voting week, election results will be announced following completion of the voting period but with the proviso that they are 'unofficial' pending the results of an ongoing investigation and until the Board reaches a decision on the matter.*
 - v) *Following the completion of an investigation under paragraph 6a)iii) above, the PEO shall inform the Chair of the Board who will then schedule a board meeting and invite the applicable candidate to attend to answer to the allegations, after which the Board shall hold an in camera session to deliberate on the matter.*

- a. *The Board must have general counsel present at the meeting.*
- b. *The candidate may bring in a legal representative or a person to provide such other support or representation as the candidate may deem appropriate.*
- c. *The Board shall reach a resolution within 7 days of the allegation being submitted to the Board, which may occur after the last day of the voting period.*
- d. *The Board may apply any discipline it deems reasonable, which may include disqualification of the candidate from the election.*
- e. *The Board shall inform the candidate and the membership of its decision in a timely manner.”*

Subsequently, the Board went one step further and separated the Director Election Process from the Election Process for President and Vice-president resulting in more clarity for all involved.

Kindest regards,



Jack Doyle
General Manager