



Office of the Ombudsman

Annual Report
2017-2018

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

ALGONQUIN
COLLEGE

Algonquin
Students'
ASSOCIATION

9 November 2018

Ombudsman Review Committee (ORC)
Algonquin College of Applied Arts and Technology
1385 Woodroffe Avenue
Ottawa, ON K2G 1V8

Dear Members of the ORC,

In accordance with section 3, subsection (3.11) of [SA02: Ombudsman](#), Terms of Reference, the Office of the Ombudsman (the "**Office**") presents this annual report of our activities and observations for the period 1 May 2017 to 30 April 2018.

In this reporting year, the College Employer Council (CEC) and the Ontario Public Service Employees Union (OPSEU) had a breakdown in the collective bargaining process. OPSEU Academic elected to exercise their legal right to strike, resulting in an academic work stoppage from 16 October 2017 to 17 November 2017. All Algonquin College campuses remained opened; however, all classes except continuing education (classes after 6:00 PM) were suspended from 16 October 2017 to 20 November 2017. Although many students contacted the Office regarding their general frustrations about the work stoppage (suspension of classes), only matters requiring the direct intervention of the Office resulted in actual files in our caseload. Matters pertaining to the work stoppage (suspension of classes) were some of the primary causal variables of the cases we handled.

Part I of this report presents two recommendations and rationale thereof (see pages 2 and 3).

Parts II and III outline the mandate and statistical overview of the activities of the Office. Overall, 466 files were opened. Of these, 412 were student files and the remaining 54 were non-student. The 412 student files reflect a 23% increase in our student files over the 2016-2017 reporting year.

In Part IV, the case summaries provide insight into some situations requiring the involvement of the Office. Part V advances the discussion of the fairness triangle featured in previous reports.

Finally, but no less importantly, Part VI of the report concludes with an expression of appreciation to the ORC, the College leadership, the Algonquin Students' Association, and the entire College community for the support and collaboration in finding resolutions to the applicable matters we handled, and for advancing the success of our learning and working experience at the College.

Respectfully,

Office of the Ombudsman, Algonquin College.

I - Recommendations:

The Office of the Ombudsman recommends that the College:

1. Ensures the consistent application of the Academic Appeal, Review of Final Grade, Academic Dishonesty, and Plagiarism policies across Algonquin College.

Rationale/Background:

Throughout the reporting year, the Office referenced many of the Algonquin College policies in the caseload handled. The Office observed a certain level of inconsistency, and in some instances confusion, in the application of some policies, particularly – the Academic Appeal, Review of Final Grade, Academic Dishonesty, and Plagiarism policies. This includes:

- Inconsistent practices in some programs resulting in different outcomes in some appeals.
- Determining the appropriate grounds for an academic appeal, under certain circumstances.
- The timeline(s) required in the application and/or processing of applicable submissions. This includes finding a reasonable balance of flexibility in deadlines from the side of the College (as a recipient/processor of a submission), and from students (as applicants or respondents).
- Confusion regarding the application of some policies, namely –
 - questions about whether there are two-tier processes in the procedural implementation of the review of final grade and academic appeal policies;
 - questions about whether applications for academic appeals should be initiated at the end of the academic term or continually throughout the term;
 - determining whether to apply the plagiarism policy or academic dishonesty policy, under certain circumstances;
- Procedural implementation of academic appeal hearings (including the role and scope of authority of members of the academic appeal committee; and training for the membership).

The Office also observed that most of the students we interacted with had limited understanding and awareness of their rights and responsibilities in the application of these policies.

2. Reviews existing strategies or initiatives for supporting students during a work stoppage to minimize the potential impact on students, in the event of a future work stoppage.

Rationale/Background:

This recommendation is based on the experience the Office gained in our interactions with students/visitors while working on our caseload. It is not intended to criticize the CEC or OPSEU; neither is it meant to be used as such. Rather, it arises from a genuine interest in expanding any existing strategies or initiatives to minimize the impact of a work stoppage (suspension of classes) on students and other stakeholders, with a focus on sustaining a positive academic environment for all members of the Algonquin College community.

The Office of the Ombudsman recognizes that the academic work stoppage was an exercise of a legal right in the collective bargaining process between the CEC and OPSEU. In all our interactions, the Office remained neutral in the respective positions of the CEC and OPSEU.

One of the primary causal variables of our caseload were matters pertaining to the academic work stoppage (suspension of classes). The students who contacted us described, in their respective circumstances, the challenges they encountered due to the work stoppage (suspension of classes). The Office observed that each person's circumstances, and the extent of its impact on them, influenced their perception of fairness regarding their experience during and/or after the work stoppage (suspension of classes). Some of the experiences/matters the students presented include:

- Uncertainties about the length of the work stoppage (suspension of classes);
- Feelings of powerlessness in the outcome of the work stoppage, although they were directly impacted by the outcome (i.e. third parties with interest in the outcome).
- Concerns about the impact of the work stoppage (suspension of classes) on:
 - Graduation plans, future studies, employment, and travel plans, among others.
 - Financial implications, immigration implications (international students).
- Concerns about the implications of their choices regarding their options after the work stoppage (i.e. would a withdrawal from the 2017 Fall Term amount to a guaranteed seat in 2018 Fall or they need to compete again with a new set of applicants in 2018).
- Concerns by students who were supposedly doing well, until a reduced number of classes and/or labs left them feeling unprepared to write final exams or go on placements.
- Missed opportunity to provide feedback, constructive or otherwise, for consideration in the development of additional strategies or initiatives in the event of a future work stoppage.

Further, while we recognize the variability and unpredictability of labour strikes/work stoppage, we anticipate that there may be some benefit or an opportunity to augment existing remediation strategies or initiatives by;

- Reviewing the nature or types of remediation introduced into courses (including, revisions of course outlines, making up missed assignments, extended deadlines for assignments, cancellation of exams/tests/quizzes, and grading on a pass/fail basis) and developing other innovative strategies, where necessary, for future implementation.
- Examining the effect of remediation initiatives on the quality and/or academic integrity of the program(s) of study. The outcome might be helpful in the future.
- Examining the remediation initiatives or strategies regarding service delivery, with a focus on augmenting existing strategies for a future work stoppage (i.e. communication with students, and the general College community, before, during and after a work stoppage; collaboration with external institutions or organizations, who have articulation agreements with the College, to effectively communicate and/or support students (i.e. students in joint collaborative degree programs, apprenticeship programs, and programs that are accredited by Regulatory Bodies).

II - About the Office of the Ombudsman

Per the Terms of Reference, [SA02: Ombudsman](#), the Office of the Ombudsman is to provide an independent, impartial and confidential process through which students of the College may pursue the resolution of any College-related concern.

Specifically, the Ombudsman has the mandate:

1. To investigate, at the absolute discretion of the Ombudsman, any student(s) complaint about aspects of student life, including:
 - a. academic matters;
 - b. services provided by the College or the Students' Association;
 - c. the operations of the College or the Students' Association;
 - d. the treatment received from other students;
 - e. the treatment received from staff and faculty.
2. To provide information to students on College policies and procedures, the rights and responsibilities of students in College situations, and to provide advice on where and to whom complaints and inquiries are to be directed.

The Office of the Ombudsman adheres to the standards of practice that guide the work of all Ombudsman/persons across Canada and other parts of the world. These standards of practice include the following (see our [website](#) for further information):

- I. Independence,
- II. Impartiality,
- III. Confidentiality,
- IV. Accessibility, and
- V. Informality.

The principles of fairness, natural justice, and credibility are essential to these standards of practice.

In fulfilling our responsibilities, the Office of the Ombudsman uses methods of intervention, including:

- Coaching/Advice,
- Dialogue Facilitation/Mediation,
- Fact Finding/Investigation,
- Problem Resolution,
- Providing information on policies and procedures,
- Referral, and
- Shuttle Diplomacy.

III - Caseload Distribution

In this reporting year, the Office of the Ombudsman opened **466** files. Of these, **412** were student files and the remaining **54** were non-student files (i.e. faculty, staff, and Algonquin Students' Association; see Table 2, Figure 2, and Figure 4 for further details). All the data in this report includes our caseload from the Pembroke and Perth campuses, as well as continuing education programs.

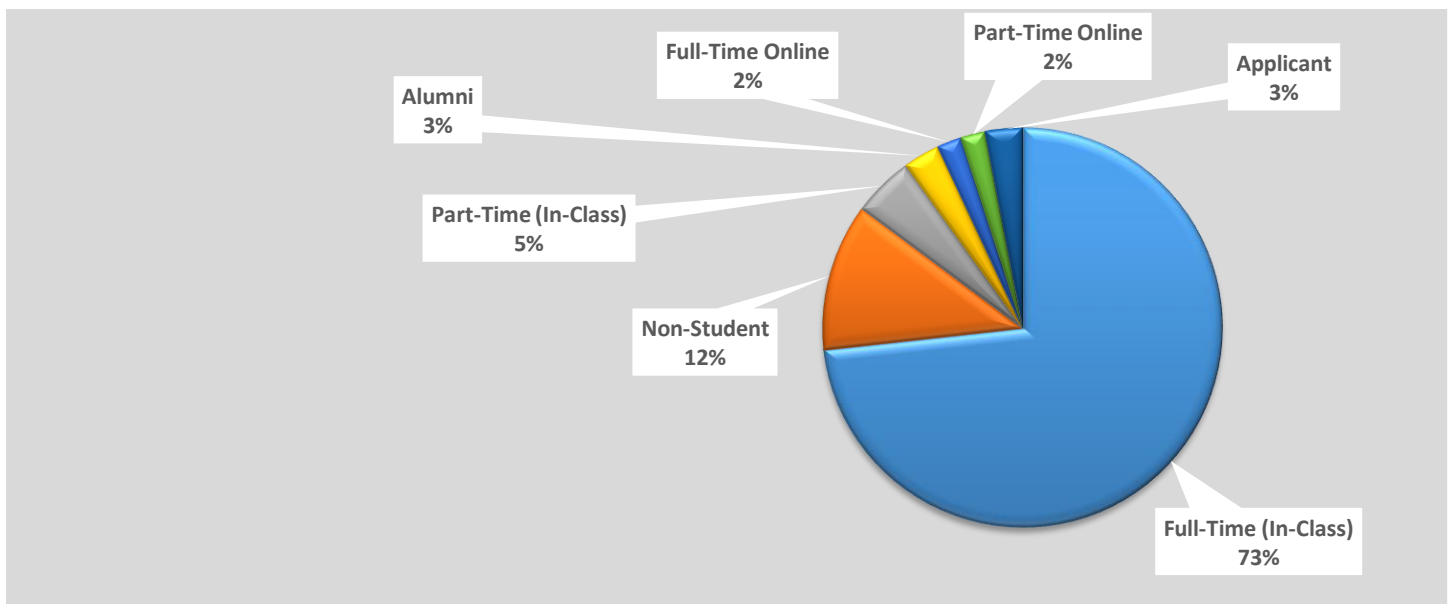
It is important to note that the number of **services offered** exceed the number of **files handled**, as multiple services may be associated with a single file. Often, each file entails several concerns that require different services. Depending on the nature of a request(s) for assistance, the Office provides an array of services within the broader spectrum of dispute resolution. Although these services range from informal to formal processes, our processes are mostly informal (see pages 13-14).

Profile of our Clients

Out of the total **466 caseload**, the **412 student files** reflect a 23% increase in our student files over the 2016-2017 reporting year. This increase is presumably associated with matters relating to the academic work stoppage, as well as the general increase in student population. **Figure 1** and **Figure 2** provides further details of our client type by student and non-student status.

Client Type by Student Status

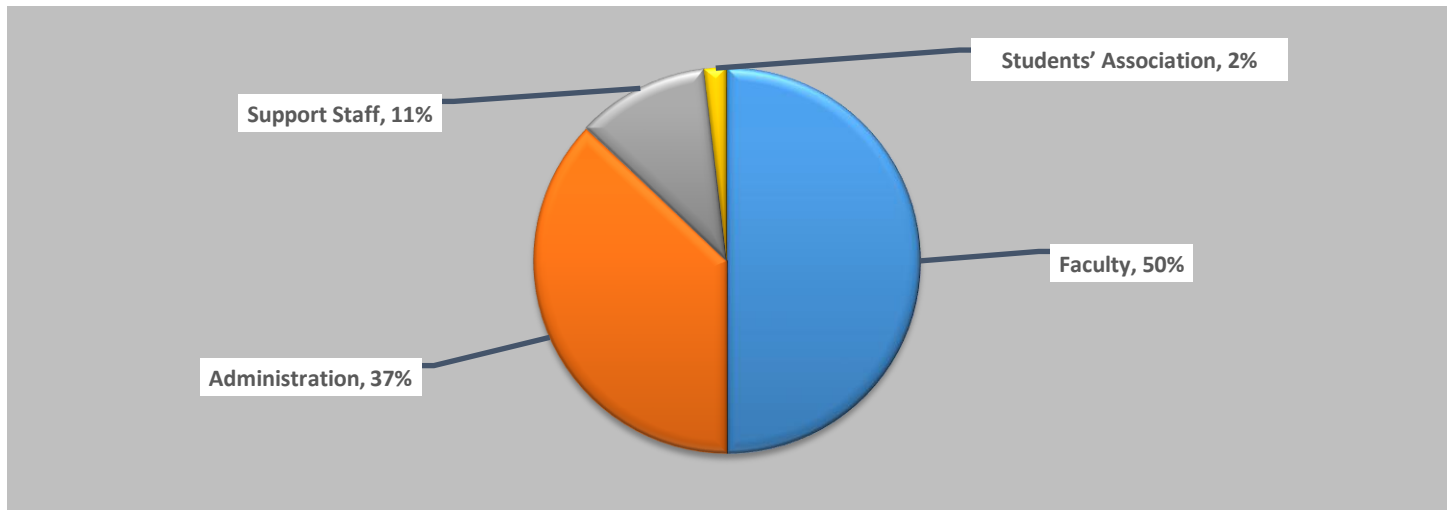
Figure 1: Client Type by Student Status, 2017-2018.



Although the overall number of **student files** is higher than in 2016-2017, the categories of our student sub-groups, as shown in Figure 1, is consistent with our data from previous academic years.

Client Type by Non-Student Status

Figure 2: Client Type by Non-Student Status, 2017-2018.



The **54 non-student files** in this reporting year, reflect a 54% decrease in our non-student files over the 2016-2017 reporting year, and lower than any previous academic year since 2011. This decrease is presumably associated with the academic work stoppage.

Yearly Comparison of Client Type by Student and Non-Student Status

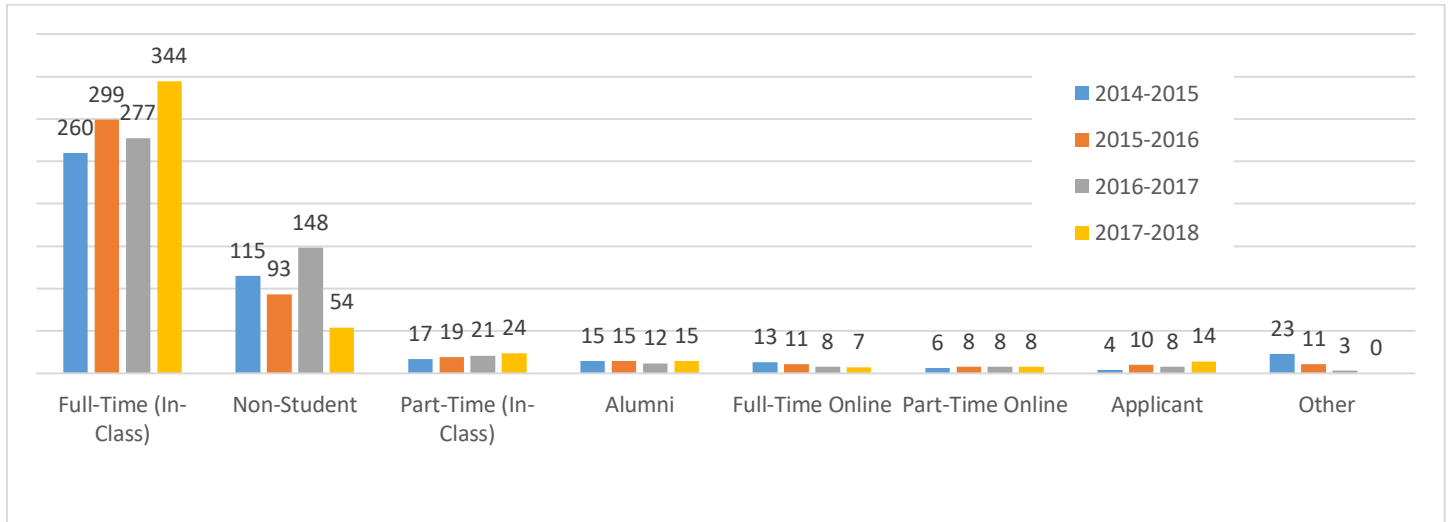
Table 1 shows the yearly comparison of our client type by status from 2014 to 2018.

Table 1: Client Type by Status, 2014 to 2018.

Client Status	Number of Cases							
	2014-2015	%	2015-2016	%	2016-2017	%	2017-2018	%
Full-Time (In-Class)	260	57	299	64	277	57	344	73
Non-Student	115	26	93	20	148	31	54	12
Part-Time (In-Class)	17	4	19	4	21	4	24	5
Alumni	15	3	15	3	12	2	15	3
Full-Time Online	13	3	11	2.5	8	2	7	2
Part-Time Online	6	1	8	2	8	2	8	2
Applicant	4	1	10	2	8	2	14	3
Other	23	5	11	2.5	3	1	-	-
Totals	453	100	466	100	485	100	466	100

Generally, **full-time (in-class)** students account for majority of our caseload by student status, followed by **part-time (in-class)** students, then **full-time online** and **alumni**. As shown in the Table 1, there is a higher proportion of full-time (in-class) students, who were primarily affected by the work stoppage (suspension of classes), compared with the other student sub-groups.

Figure 3: Client Type by Status, 2014 to 2018.

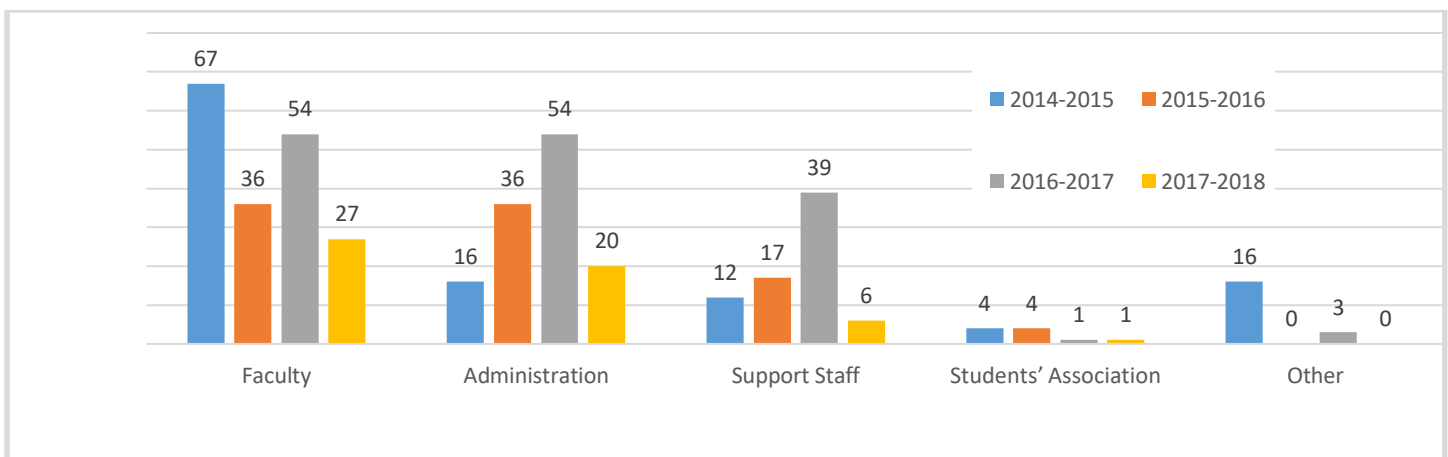


The non-student clients are primarily faculty and staff members who consult with us on a broad range of student-related matters. Table 2 provides further information on the non-student clientele.

Table 2: Client Type by Non-Student Status, 2014 to 2018.

Client Status	Number of Cases							
	2014-2015	%	2015-2016	%	2016-2017	%	2017-2018	%
Faculty	67	58	36	39	54	36	27	50
Administration	16	14	36	39	54	36	20	37
Support Staff	12	10	17	18	39	26	6	11
Students' Association	4	4	4	4	1	1	1	2
Other	16	14	-	-	3	2	-	-
Totals	115	100	93	100	151	100	54	100

Figure 4: Client Type by Non-Student Status, 2014 to 2018.



Files Opened per Month

Table 3: Files Opened per Month, in Descending Order, 2017-2018.

Month	2017-2018	%
January	85	18
April	78	17
September	64	14
March	48	10
May	42	9
February	32	7
October	29	6
December	28	6
November	27	6
June	14	3
July	10	2
August	9	2
Totals	466	100

Historically, on average, November is our busiest month, followed by April, January, March and September. See Figure 5 and Appendix A for a yearly comparison of our caseload per month.

However, in this reporting year, the pattern of our monthly caseload was unusual. The highest number of files were opened in January 2018. The percentage of files opened in January 2018, in relation to our total number of files in this reporting year, was the highest since 2011.

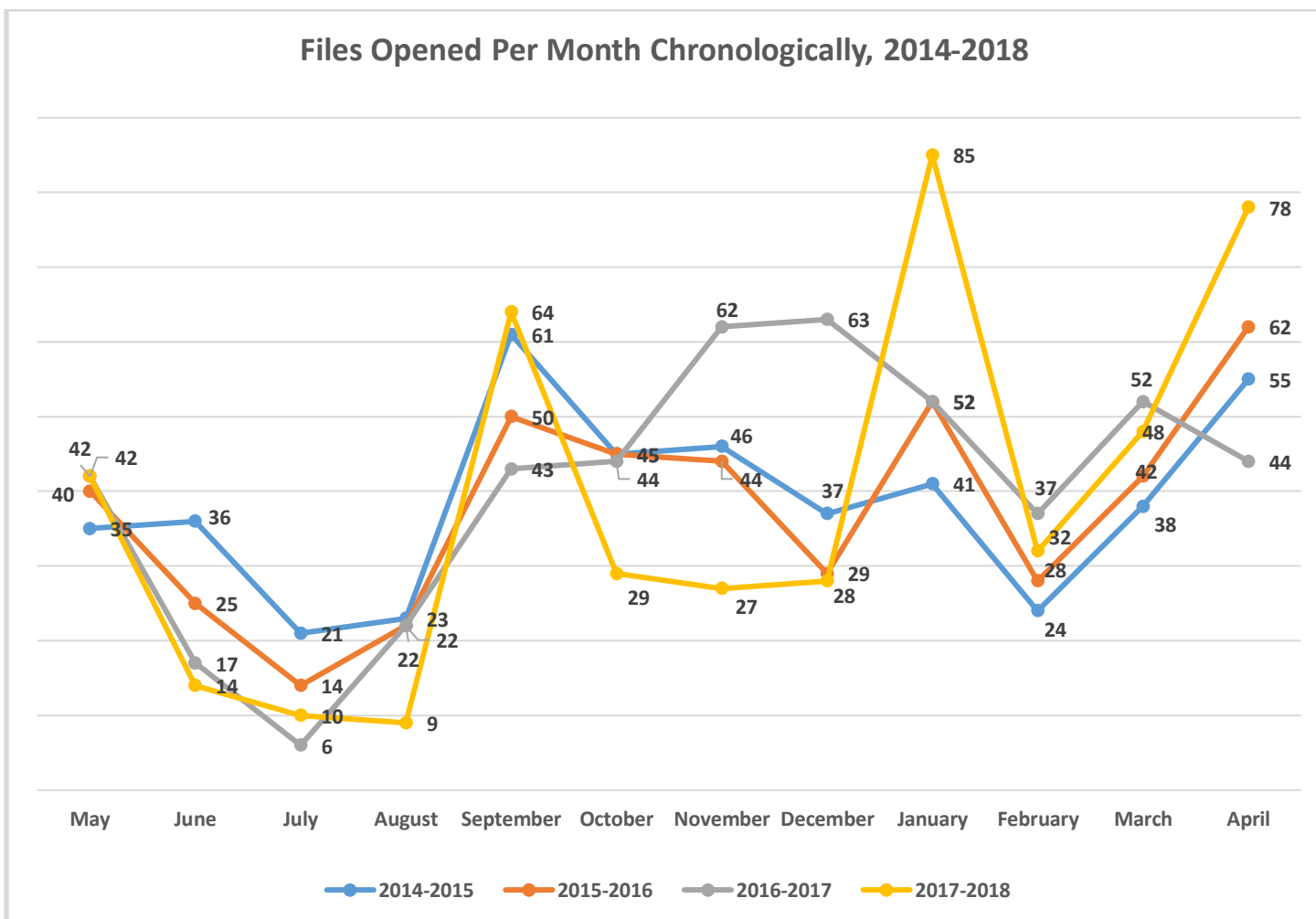
Matters of concern associated with these files included:

1. Course Management (in relation to revised plans/schedule after the work stoppage)
 - a. Course outlines and policies
 - b. Pedagogical support
 - c. Teaching and delivery
 - d. Field placements/clinical placements/practicums
2. Progression and graduation
 - a. Academic Appeals
 - b. Review of Final Grades
 - c. Accommodations (including retroactive accommodations) and special allowance in relation to the revised academic schedule/calendar after the work stoppage
 - d. Withdrawals and re-admission into preferred programs of studies
3. Financial (strike relief funds and/or associated refunds for withdrawing from the 2017 Fall Term; matters relating to funding for completing their studies (the Ontario Student Assistance Program))

Overall, the volume and nature of our caseload in January 2018 is explained by the academic work stoppage (suspension of classes), and the resulting revisions to the academic calendar whereby the

end of the Fall 2017 academic term was shifted from December to January, 2018 and the start of Winter 2018 academic term was then moved to mid-January.

Figure 5: Trend of Number of Files Opened per Month from 2014-2015 to 2017-2018.



Further, although April is on average the month in which the second highest number of files are opened since 2011, the total number of files opened in April 2017 was exceptional. Again, the volume and nature of the caseload in April 2017 is presumably linked to the work stoppage (suspension of classes) and subsequent revisions to the academic calendar.

As shown in Figure 5, on average, the Office handles fewer complaints/concerns in June, July and August. This is primarily because most students take time off for the summer break. Nonetheless, the Office sometimes handles the most complex cases during the summer break. These are usually cases that have lingered over a long period of time, and are referred to us when they become intractable.

NOTE: Given the strategic direction of the College for a year round semester model, it is anticipated that in subsequent academic years, our caseload in the Spring and Summer may change accordingly.

Clients by Affiliated School / Academic Department(s)

Table 4: Profile of our Clients by Affiliated School / Academic Department(s) in 2017-2018.
(See Appendix B for a comparison of previous years, from 2014 to 2018).

School / Academic Department	2017-2018	%
School of Business	97	21
School of Health and Community Studies	92	20
School of Advanced Technology	64	14
School of Media and Design	45	10
Algonquin Centre for Construction Excellence	36	8
Other: (Admin/Support Staff, Students' Association, Ancillary etc.)	33	7
Police and Public Safety Institute	24	5
Centre for Continuing and Online Learning	16	3
School of Hospitality and Tourism	15	3
General Arts and Science	14	3
Algonquin College in the Ottawa Valley – Pembroke	11	2
Algonquin College Heritage Institute – Perth	11	2
Language Institute	7	2
Career and Academic Access Centre	1	0
Totals	466	100

It is cautioned that the data in Table 4 is not mistakenly interpreted as academic department(s) with more files are problematic. It is important to note that academic departments with more students and/or programs, as well as departments with unique program requirements such as placements/work practicum/internships which invariably involve stakeholders outside the College, are likely to have more interaction with the Office of the Ombudsman than other departments.

Types of Concerns

Generally, the types of concerns we handled in this reporting year were similar to previous years, except that the academic work stoppage (suspension of classes) became a significant causal variable. These included academic matters (i.e. course management: course outlines and policies, pedagogical support, teaching and delivery, field placements/clinical placements/practicums); financial (including strike relief funds, refunds and financial aid); student academic records; and progression and graduation matters (i.e. academic appeals, review of final grades, academic accommodations including retroactive accommodations and special allowance, withdrawals and re-admissions). The non-academic matters pertained to services provided by the College and the Algonquin Students' Association, the effects of the academic work stoppage, and violations of the Student Conduct policy.

Table 5: Types of Concerns

Types of Concern	Number of Occurrences							
	2014-2015	%	2015-2016	%	2016-2017	%	2017-2018	%
Academic	693	60	805	70	845	73	820	74
Other (Interpersonal Conflict, External - Landlord/Tenant, Co-op, Notary, etc.)	188	16	168	14	139	12	78	7
Services	220	19	124	11	112	10	138	15
Human Rights / Student Rights	12	1	8	1	33	3	15	1
Non-Academic Student Conduct	31	3	36	3	20	1.7	16	2
Algonquin Students' Association	18	2	6	1	3	0.3	6	1
Total	1162	100	1147	100	1152	100	1073	100

It is important not to confuse the **number of files opened** with the **number of concerns (complaints)**. As shown in Tables 5 and 6, the number of concerns (complaints) exceeds the number of actual files handled, as multiple concerns can be associated with a single file. Often, each file entails several concerns, each requiring different services. A single file may entail the following concerns/complaints:

- a financial aid (or OSAP-related matter) affecting the student's ability to remain in school or progress to the next level (academic term),
- an alleged plagiarism in a group project/assignment,
- an ongoing conflict with other group members,
- course management, delivery, and associated policies or expectations,
- a disability or medically related accommodation that raises some concerns, and
- a U-Pass related concern arising from inadequate OC Transpo service in their suburb.

Further, similar matters/interests are combined under single headings, although they may require distinct attention.

Table 6: Types of Concerns (Academic and Services), 2014/15 to 2017/18

Academic	2014/15	%	2015/16	%	2016/17	%	2017/18	%
Academic Appeal / Review of Grades	66	10	102	13	132	16	152	18
Progression / Graduation	124	18	151	19	132	16	113	14
Other (Access to information/Confidentiality, Grading/Evaluation, Advising, etc.)	159	23	68	9	87	10	103	13
Accommodation of Disability / Special Allowance	49	7	58	7	83	10	66	8
Course Management - Teaching/Delivery	65	9	73	9	78	9	89	11
Course Management- Professor Bias/Treatment	35	5	57	7	56	7	61	7
Course Management- Course Policies	19	3	31	4	49	6	42	5
Course Management- Pedagogical Support	2	0	48	6	49	6	50	6
Course Management - Course Outline	16	2	15	2	41	5	22	3
Course Management- Classroom Management	19	3	48	6	35	4	26	3
Academic Integrity - Discipline/Plagiarism	24	4	59	7	34	4	31	4
Practicum / Clinical Placement / Field Placement	86	12	68	9	31	4	41	5
Exemptions/Advanced Standing/PLAR/Transfer Credit/Other	14	2	17	1	20	2	16	2
Academic – Examinations	15	2	10	1	18	2	8	1
Total	693	100	805	100	845	100	820	100
Services	2014/15	%	2015/16	%	2016/17	%	2017/18	%
Registrar's Office	83	38	74	60	62	55	98	71
Financial Aid	36	16	13	11	27	24	30	22
Safety & Security	38	17	5	4	8	7	2	1
Residence	17	8	3	2	5	4	2	1
Other (Student Services, Health Services, Mamidosewin Centre, etc.)	37	17	20	16	5	4	1	1
Parking/Lockers	4	2	5	4	4	4	4	3
Ancillary Other - Campus Stores, etc.	5	2	4	3	1	1	1	1
Total	220	100	124	100	112	100	138	100

Nature of Services Provided

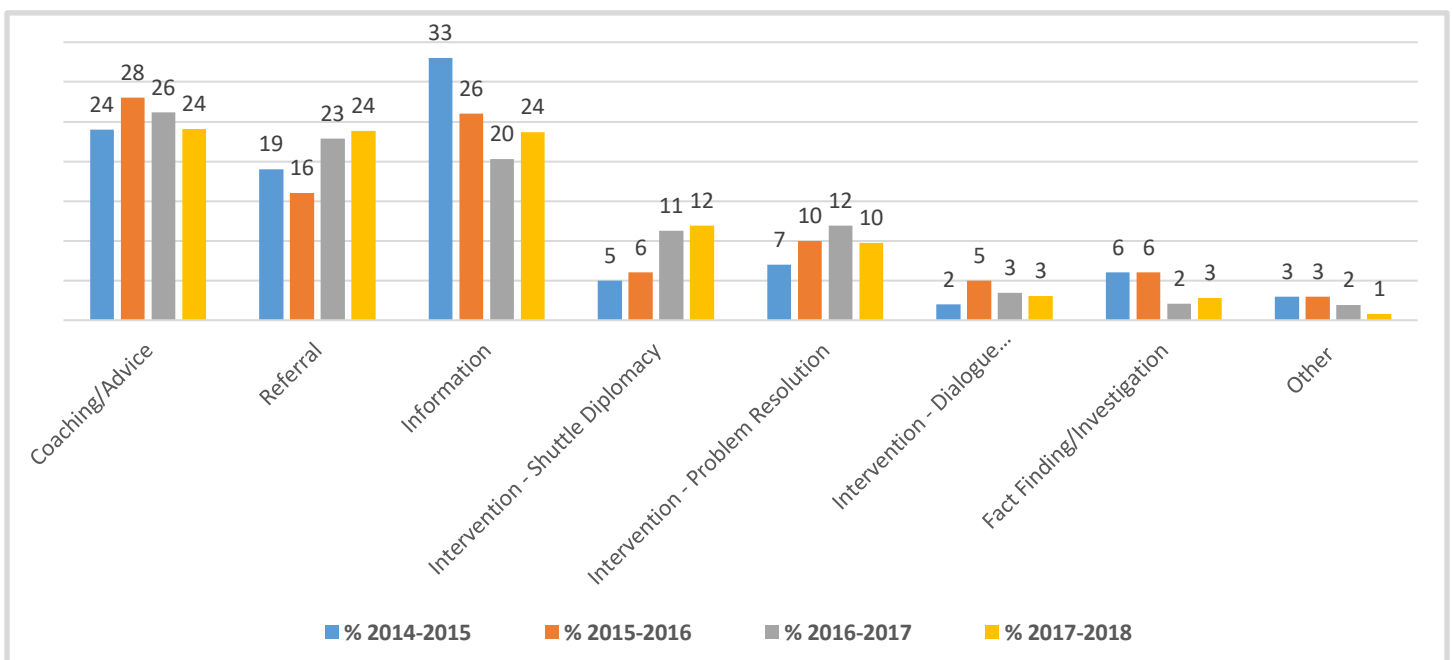
The Office of the Ombudsman takes the approach of proactively assisting with the resolution of student-related concerns. Nonetheless, the Office works to ensure that existing recourse mechanisms for resolution are reasonably exhausted. Note that the number of services offered exceeds the number of files handled, as multiple services can be associated with a single file.

Table 7: Nature of Services Provided from 2014/15 to 2017/18.

Services Offered	Number of Services							
	2014/15	%	2015/16	%	2016/17	%	2017/18	%
Coaching/Advice	194	24	297	28	359	26	292	24
Referral	154	19	177	16	314	23	289	24
Information	266	33	277	26	279	20	287	23
Intervention - Problem Resolution	55	7	110	10	164	12	118	10
Intervention - Shuttle Diplomacy	39	5	60	6	155	11	144	12
Intervention - Dialogue Facilitation / Mediation	16	2	58	5	47	3	37	3
Fact Finding / Investigation	49	6	61	6	29	2	34	3
Other	22	3	33	3	26	2	10	1
Total	795	100	1073	100	1373	100	1211	100

As shown in Table 7 above, our role is consistent with the types of client needs/services we provide. Our top three services are consistently coaching, referring visitors to the appropriate departments or contacts, and providing information about rights, responsibilities and applicable policies.

Figure 4: Nature of Services Provided, by Percentage of Total Caseload, 2014-2015 to 2017-2018.



Often, each file entails several concerns/complaints that require different services. Depending on the nature of the 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.

As summarized in **Table 7**, our services are categorized under eight sub-headings.

- 1. Coaching/Advice** - Listening, understanding a client's perspective on an issue, and assisting the client to explore his/her options for resolution. In most cases, this requires an identification of the bigger picture, in order to help the client make a reasonable decision to address the issue/matter.
- 2. Fact Finding/Investigation** – Responding to issues ranging from an informal inquiry into a situation, to a full-fledged formal investigation. Most services in this category are informal inquiries, and review of relevant documents/files in order to obtain a better understanding of a situation and make the appropriate recommendation.
- 3. Information** - Providing information on policies, procedures/directives, and channels of appeal.
- 4. Intervention: Dialogue Facilitation/Mediation** - Facilitating a dialogue between the parties in conflict and/or for all the stakeholders in a dispute.
- 5. Intervention: Problem Resolution** - Engaging directly with the appropriate authorities and/or parties in a dispute/conflict in order to find a resolution.
- 6. Intervention: Shuttle Diplomacy** - Serving as the intermediary to maintain the lines of communication, when the identified parties in a dispute are unwilling to engage in direct dialogue or when it is not appropriate to engage them in direct communication.
- 7. Referral** - Listening (and sometimes helping to explore options) and directing the client to the appropriate authority or office.
- 8. Other** - Addressing any issues that do not fall within the above categories.

One or a combination of the services described above was provided in all the cases we handled in this reporting year. The Ombudsman made monthly visits to the Pembroke and Perth campuses. Additionally, the Office provided the necessary services to our distance education students who contacted us.

IV - Case Summaries

Obtaining the Necessary Assistance

Siri withdrew from the 2017 Fall Term after the academic work stoppage (suspension of classes) due to concerns about the condensed academic workload and his prospect of success. Fortunately, the academic program was being offered in the 2018 Winter Term, although online only but not on campus. Siri asserts that he was informed that his tuition from the 2017 Fall Term would be applied to his registration in the 2018 Winter Term. Siri later discovered that he did not have a secured seat in the Winter Term because he had not paid the required \$500 deposit. Siri was under the impression that, due to the tuition deferral, the \$500 deposit was already accounted for.

Siri received funding from the Ontario Student Assistance Program (OSAP) for a portion of his required College fees in the 2017 Fall Term. When refunds were issued for academic work-stoppage-related withdrawals, Siri's entire refund was returned to OSAP instead of separating the portion paid by OSAP from the amount Siri paid out of pocket. Siri asserts that he was unaware that other fees, such as ancillary service fees, parking and bus pass, were non-refundable. Siri contacted his academic department regarding reimbursement of the program fees but did not know whom to contact for special requests about the fees he paid for parking or bus pass.

Additionally, Siri was in the process of applying for OSAP funding to resume his studies in the 2018 Winter Term. OSAP requests were backed up and it was unknown how long it would take for any reimbursement or approval of his funding for the 2018 Winter Term to be approved. Siri spoke to a representative at the Registrar's Office who offered to lower the required deposit from \$500 to \$200. Siri could not afford this payment without receiving his OSAP funding or tuition re-imbursment from the previous term. Siri was advised to contact OSAP to inquire about the status of his refund from the previous term and funding for 2018 Winter Term. Siri felt overwhelmed, and was frustrated about getting the run around. He contacted the Office of the ombudsman for assistance in this matter.

Upon calling the Registrar's Office, Siri's status was changed to "Fee Deferral", which means he was not required to pay the deposit until his OSAP arrives. This addressed the immediate concern to secure his spot in the program for the 2018 Winter Term. Siri was also advised regarding the necessary contacts for addressing the remaining matters about his OSAP funding.

Comment(s)/Feedback:

When students returned to school after the academic work stoppage (suspension of classes), some service areas (including OSAP) had a back log due to the sheer volume of students who required assistance. While this was understandable, for some students, it amounted to frustrations. In some instances, the necessary information had been circulated but there appeared to be an information overload that overwhelmed some students.

Can I get a parking lot closer to my classes on campus?

The Apprenticeship program begins a week later than other classes and runs five days a week for eight weeks each academic term. Because of the late start and the overall limited availability of parking on campus, parking is reserved for Apprenticeship students in Lot 12.

In her first Apprenticeship academic term, Sam parked in Parking Lot 12 but by the second term and now more familiar with campus, Sam realized that she could park closer to her classes in another lot, which was a few dollars cheaper. She called Parking Services to inquire about her options, and was told to bring in her Lot 12 pass and exchange it for the closer lot. However, when she tried to do this, she asserts she was told that part-time students can only park in Lot 12. Further, she alleged being advised that because apprenticeship students had *reserved* parking in Lot 12, requests for parking from students who had no parking spot at all would be given priority. [Adding to the parking challenge was the fact that, due to the academic work stoppage the preceding Fall Term, additional students completing their Fall Term courses were being given first priority for parking spots.]

Sam perceived that she was being disrespected; she had not asked for a spot in Lot 12. She believed that parking passes should be issued on a “first come, first served” basis; she was in a full-time program, and had not received a reply to her follow-up email voicing her disagreement and renewed request for parking in the closer lot. The Office of the Ombudsman was consulted for assistance.

The Office of the Ombudsman met with Parking Services to understand how the parking system works, and then arranged a joint meeting with Sam and Parking Services in which Sam’s concerns could be heard and addressed. After explaining that the system was set up as it was with the intention of ensuring that students starting College later in the semester were provided a parking spot and not inadvertently disadvantaged, Sam had a better understanding of the process and an appreciation for the intent to preserve a spot for students in her circumstances. It was determined that there had been some miscommunication, despite an earlier commitment to Sam for parking in a closer lot. The commitment was honoured.

Comment(s)/Feedback:

The Office frequently deals with situations in which, despite the best of intentions, miscommunication and lack of information leads to frustration and hurt feelings, even in situations where everything has been done to ensure a positive College experience by the student, service or department. In cases such as this, understanding how and where the miscommunication arose just by listening to the concern(s) and perspectives of both the student and the service/department often leads to opportunities where the matter can be resolved constructively.

Finding a Reasonable Balance in an Accommodation Related Matter

Kim was registered in XYZ, a certificate program requiring demonstration of six competencies, each of which included theoretical and practical elements. While the theoretical aspects posed no problem, Kim, because of a disability, was unable to manage one of the practical elements without which the certificate could not be completed. Complicating matters, Kim felt that she was under a tight deadline to complete the certificate before the relevant licensing body expanded its requirements and for reasons related to her disability, put hope of ever achieving the certificate beyond her grasp. Kim hoped that the College could find a way for her to obtain the certification despite her disability. The academic department wanted to find a way to support Kim in achieving success without compromising the academic integrity of the certificate. After exhausting their attempts to find a resolution, the Office of the Ombudsman was consulted to assist in the resolution process.

The Office of the Ombudsman worked with Kim and the academic program to find a resolution which represented a reasonable balance in ensuring that the evaluative process was fair, that the program's academic integrity was maintained, and that the student was not disadvantaged. Ultimately, through a facilitated discussion involving several stakeholders, we discussed not only the functional limitations arising from Kim's disability but also her abilities, and discovered a means of modifying the approach to skills testing without compromising its validity. The academic program also offered to provide Kim with additional opportunities to practise the skill before the final evaluation to increase the likelihood of her success.

Finally, as Kim's disability prevented her from taking advantage of the free evening parking, then available to other students in her class, at a relatively further distance from her classroom, the Office of the Ombudsman assisted in Kim's request for an alternative parking in a nearby parking lot. This arrangement provided an equivalent opportunity to the free evening parking then available to other students in her class.

Comment(s)/Feedback:

The Office of the Ombudsman is often involved in helping to resolve situations where the accommodation of a disability must be balanced with the need to ensure that academic integrity, as well as fairness to other students, is not compromised. Early identification of the concern, sensitivity, creativity and goodwill by the academic and service departments, and the student, always play a large role in achieving successful outcomes. Accommodation is a collaborative process.

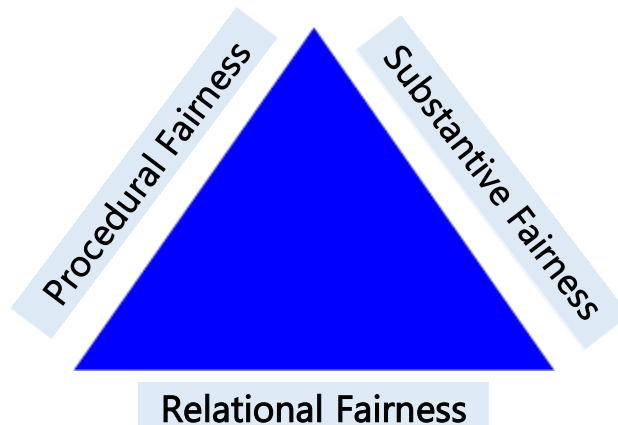
V - Advancing Fairness

In the 2014-2015 Annual Report, I stated how often the topic of *fairness* comes up in our conversation with students, faculty, staff, parents and other stakeholders. This year, it seems appropriate to again reference **The Fairness Triangle**¹, with its procedural, substantive, and relationship aspects.

Procedural Fairness *focuses on the procedures entailed in the decision-making process. Questions asked include how the decision was made, and what procedures, policies and regulations guided the decision making process.*

Substantive Fairness *pertain to 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.”²*

Relational Fairness, *also referred as “equitable fairness” at some institutions, is about how decision makers treat the parties involved in a situation.³*



“Fairness” became a crucial touchstone in the interpretation of policies and procedures in the context of their application during and/or after the work stoppage. Would students withdrawing from College be again guaranteed the seat they had earned for Fall 2017, or would they have to take their chances competing again with a new set of applicants in 2018? Was reimbursement for tuition and ancillary fees sufficient for students who were contractually obliged to pay rent under leases entered into in anticipation of a non-interrupted academic year? What would happen to students who were doing well, until a reduced number of labs and classes left them feeling unprepared to write final exams or go on placements? Was it reasonable that students who stayed but failed, and had to wait for the 2018 Fall Term for the next offering of that course, were now in course overload situations and had to pay to take that course? These and many other issues arose (and continue to arise) in the handling of our caseload. Our approach is to step back, look at the bigger picture, and identify options to tie the pieces together.

¹ Developed by Ken Fenwick, former Ombudsman, Saskatchewan.

² Crean, F. (2010) “Defining Fairness” *The Office of the Ombudsman, City of Toronto, Resources and Publication*, [online]. <http://ombudstoronto.ca/publications> (Accessed August 24, 2015).

³ *Ibid*

VI – Appreciation

The Office of the Ombudsman expresses sincere appreciation to members of the Ombudsman Review Committee (ORC) for their continued support and counsel, when applicable.

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.

Our sincere thanks to those who sought our assistance and trusted us with their 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.

Respectfully.



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Appendices

Appendix A: Files Opened per Month

Graph A1: Files Opened per Month, Chronologically, 2017-2018

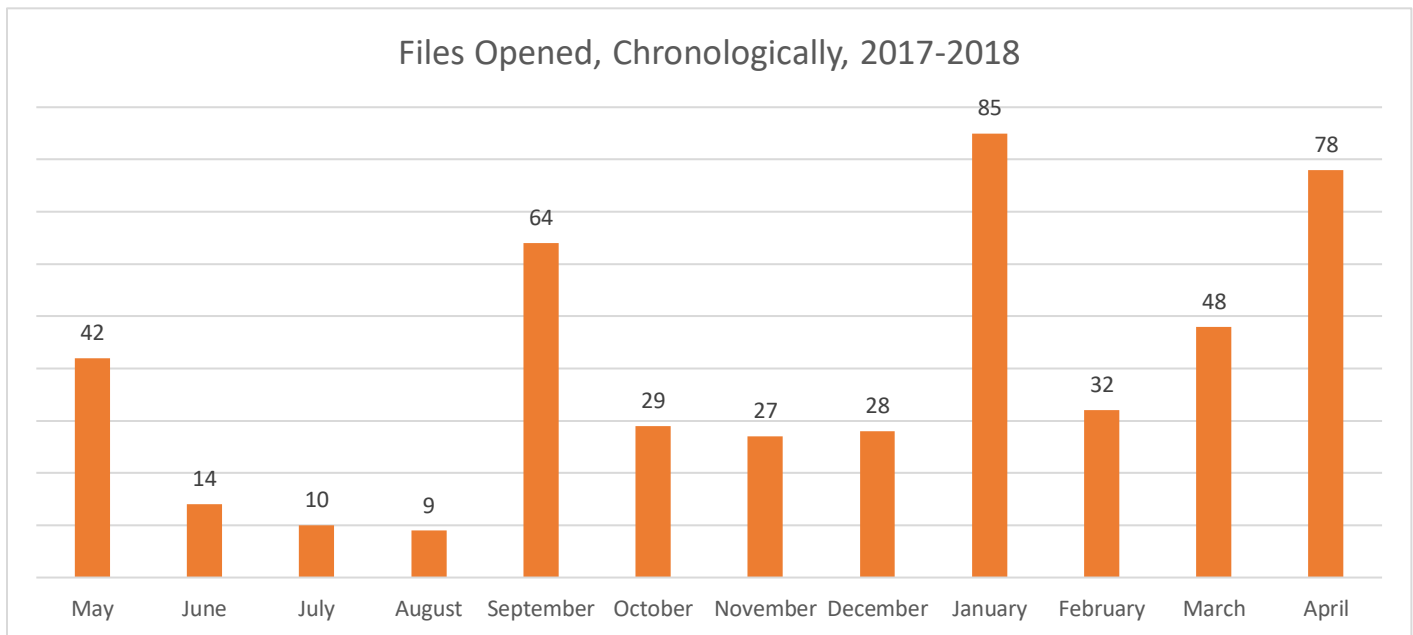
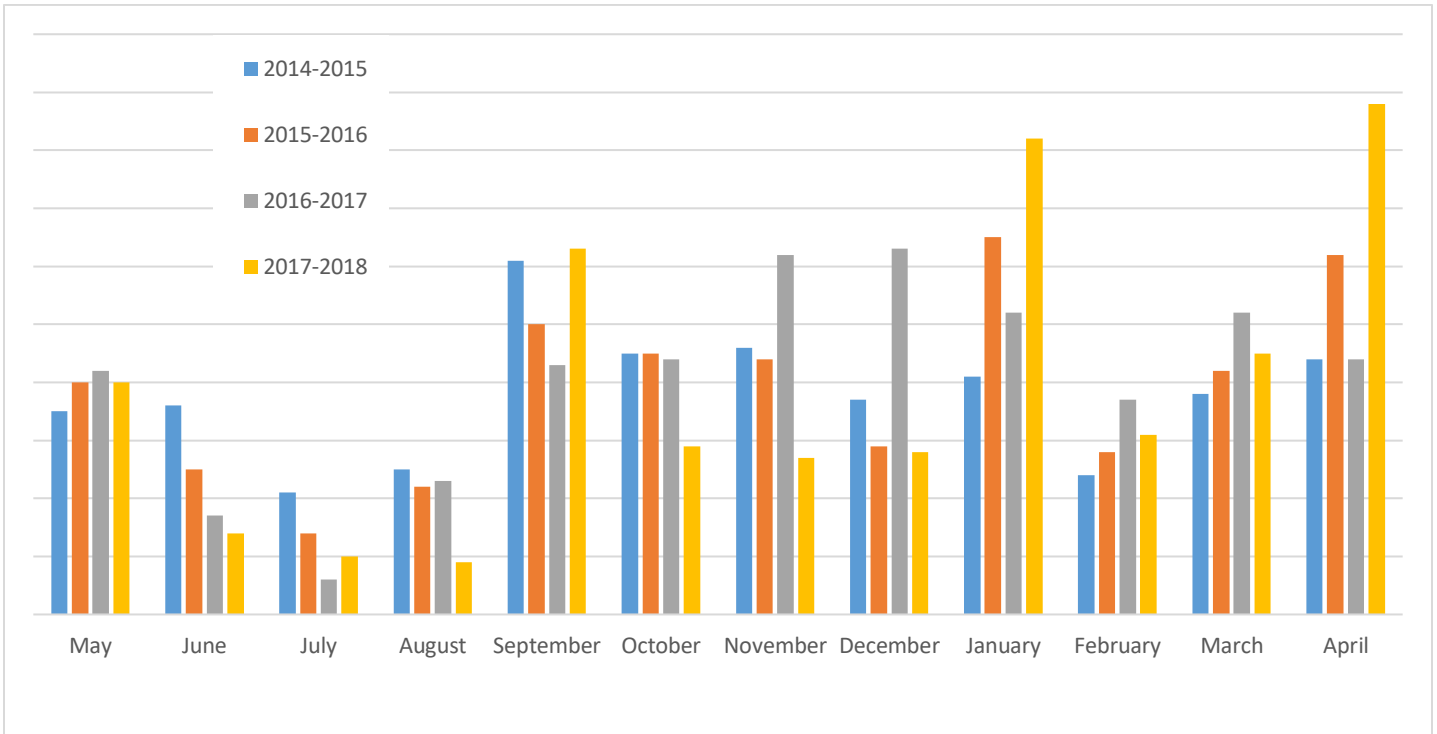


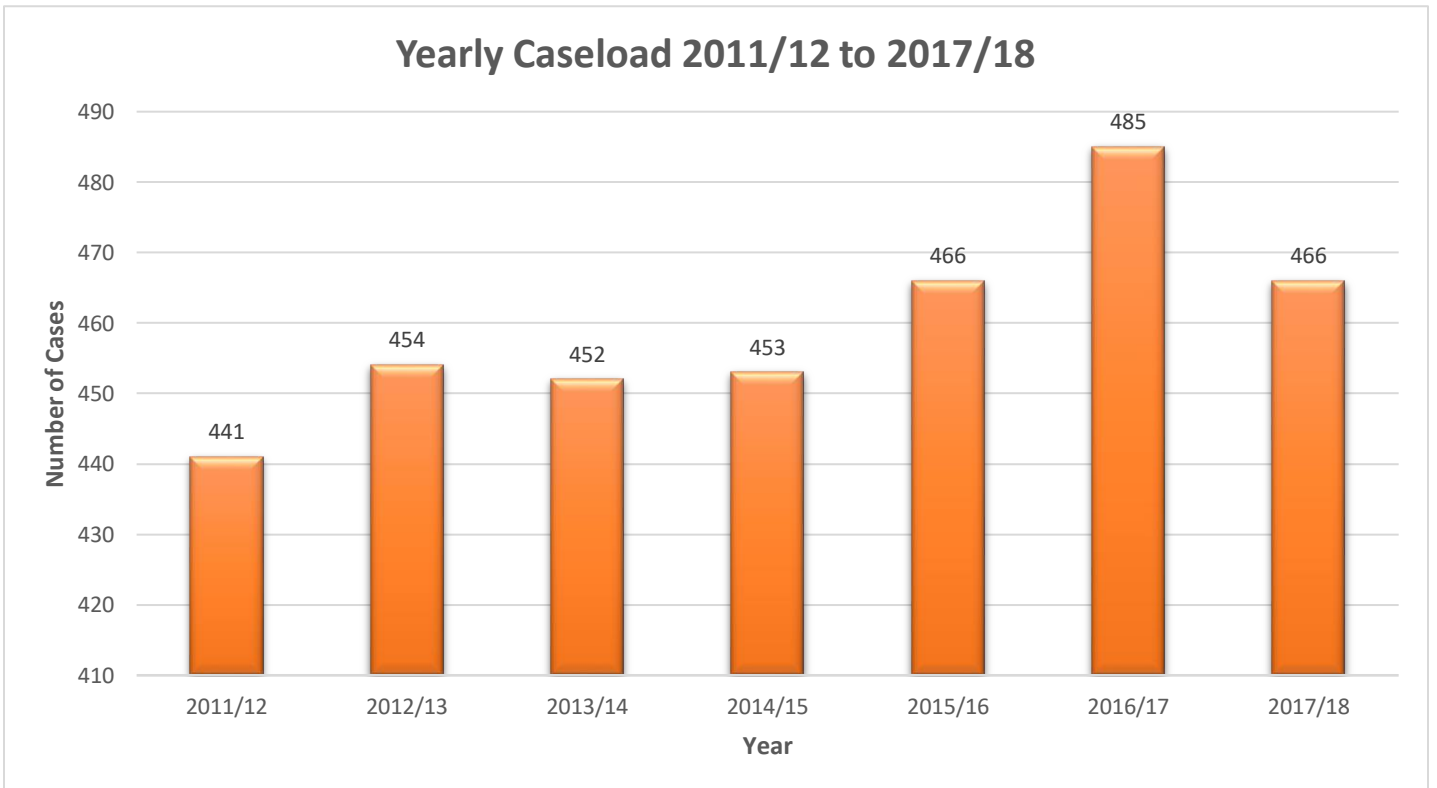
Table A: Files Opened per Month, Chronologically, 2014 to 2018.

Month	2014-2015	%	2015-2016	%	2016-2017	%	2017-2018	%
May	35	8	40	9	42	9	42	9
June	36	8	25	5	17	4	14	3
July	21	5	14	3	6	1	10	2
August	25	6	22	5	23	5	9	2
September	61	14	50	11	43	9	64	14
October	45	10	45	10	44	9	29	6
November	46	10	44	9	62	13	27	6
December	37	8	29	6	63	13	28	6
January	41	9	65	14	52	11	85	18
February	24	5	28	6	37	8	32	7
March	38	8	42	9	52	11	48	10
April	44	10	62	13	44	9	78	17
Totals	453	100	466	100	485	100	466	100

Graph A2: Trend of Number of Files Opened per Month, 2014 to 2018.



Graph A3: Yearly Comparison of Caseload, 2011/12 to 2017/18.

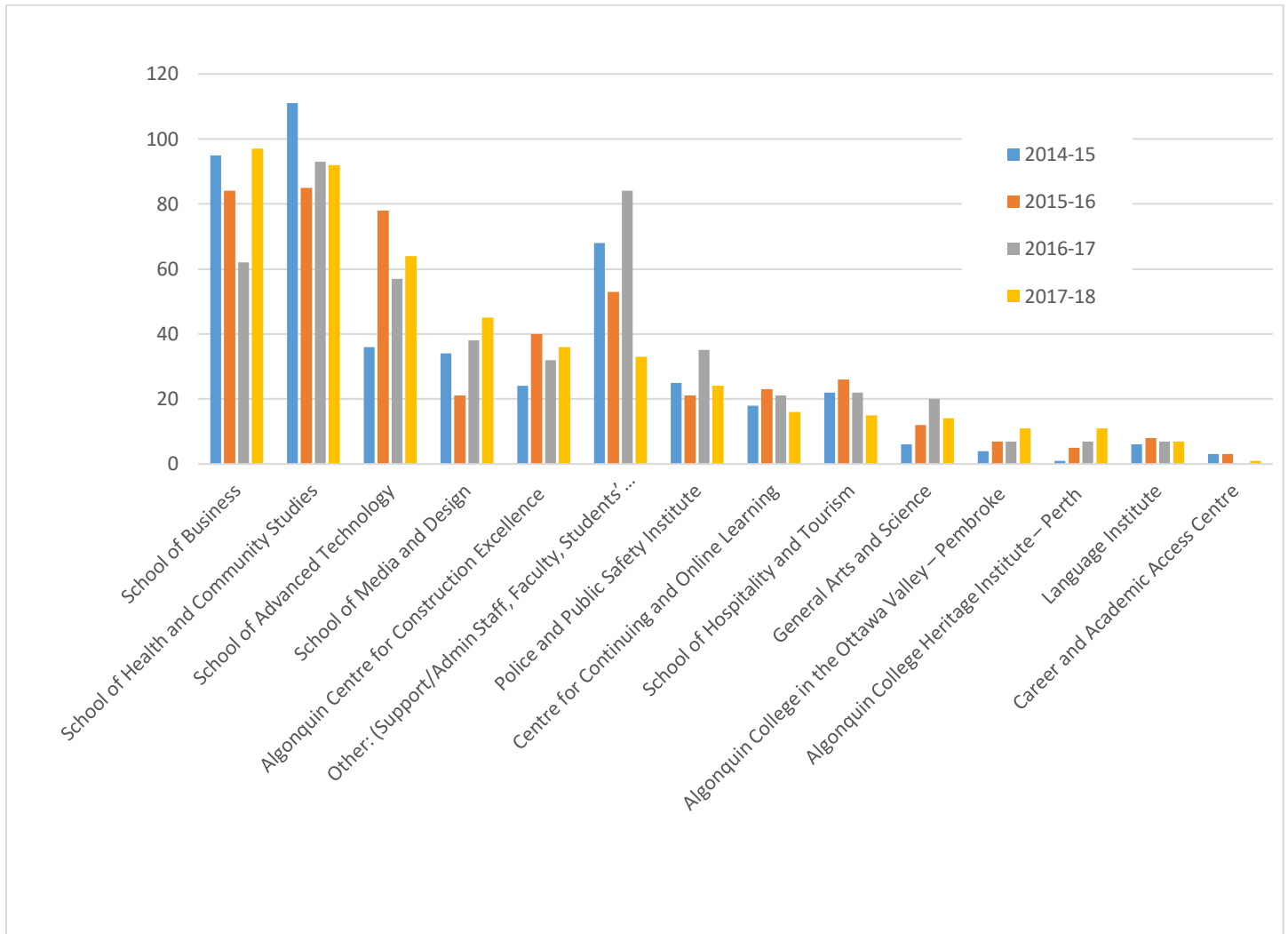


Appendix B: Clients by Affiliated School / Academic Department(s)

Table B: Annual comparison of our Client Profile by Affiliated School / Academic Department(s), in descending order: 2014 to 2018.

School / Academic Department	Number of Cases							
	2014-15	%	2015-16	%	2016-17	%	2017-18	%
School of Business	95	21	84	18	62	13	97	21%
School of Health and Community Studies	111	24.5	85	18	93	19	92	20%
School of Advanced Technology	36	7.9	78	17	57	12	64	14%
School of Media and Design	34	7.5	21	4	38	8	45	10%
Algonquin Centre for Construction Excellence	24	5.3	40	9	32	7	36	8%
Other: <i>(Support/Admin Staff, Faculty, Students' Association/Ancillary etc.)</i>	68	15	53	11	84	17	33	7%
Police and Public Safety Institute	25	5.5	21	4	35	7	24	5%
Centre for Continuing and Online Learning	18	4	23	5	21	4	16	3%
School of Hospitality and Tourism	22	4.9	26	6	22	5	15	3%
General Arts and Science	6	1.3	12	3	20	4	14	3%
Algonquin College in the Ottawa Valley – Pembroke	4	0.9	7	2	7	1	11	2%
Algonquin College Heritage Institute – Perth	1	0.2	5	1	7	1	11	2%
Language Institute	6	1.3	8	2	7	1	7	2%
Career and Academic Access Centre	3	0.7	3	1	0	0	1	0%
Totals	453	100	466	100	485	100	466	100

Graph A4: Annual comparison of our Client Profile by Affiliated School / Academic Department(s), in descending order: 2014 to 2018.

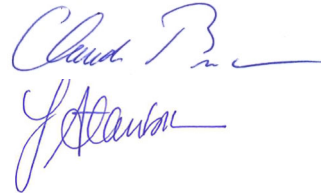


MEMO

Date: December 3, 2018

To: George E. Cole, Ombudsman

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



Cc: Ben Bridgstock, Director, Student Support Services & Co-Chair, Ombudsman Review Committee
Deijanelle Simon, President, Students' Association & Co-Chair, Ombudsman Review Committee

Subject: Ombudsman's Annual Report 2017-18

This is to acknowledge receipt of the annual report of the activities and observations of the Ombudsman for the period of May 1, 2017 to April 30, 2018. Thank you for providing a presentation of this report to the Algonquin College Executive Team on November 14, 2018.

On behalf of the Executive Team, we would like to thank you and your staff for this report and acknowledge the value of your work in support of the College community, guided by the College's core values of caring, learning, integrity and respect. As always, the Executive Team welcomes suggested proactive solutions to reoccurring issues in the Ombudsman's reports.

We recognize that the 2017-18 academic year was singular in several respects. The 2017 Fall term faculty work stoppage was disruptive and your report speaks to the challenges faced by some students with the recovery plans that were developed to complete the term. College management always reviews and debriefs following such events, and collects lessons learned in order to enhance its business continuity plans and procedures. We will ensure, through stakeholder consultation, that this review leads to enhancement of support systems to students in the event of future disruptions to College operations.

Your observations regarding consistency in the procedural implementation of policies across the College is noted, in particular as they apply to academic appeal, review of final grade, academic dishonesty, and plagiarism policies. The Academic Area will review and adjust departmental-level practices and operating procedures to ensure consistent application of College policies and procedures.

Once again, thank you for this year's report. Your report, as well as this response will be provided for information, to the Academic and Student Affairs, sub-committee of the Board of Governors, on January 24, 2019.