



OFFICE OF THE
OMBUDSMAN

CONFIDENTIAL • IMPARTIAL • INDEPENDENT

2022-2023 Annual Report



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



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Introduction

Dear Members of the Ombudsman Review Committee (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 for the period 1 May 2022 through 30 April 2023.

The format of the Report this year slightly deviates from past practice based on: the nature of feedback received; a comparison of our report with those of some counterparts; and a cost benefit analysis of the time needed to develop, analyze, and produce detailed reports as in the past, competing with time pressure to meet steadily expanding student and stakeholder needs and expectations.

Our activities in the reporting year encompass the handling of **613 files** of increasingly complex and sensitive matters, the highest academic year caseload. Not reflected in these statistics is the extensive advisory support to students, faculty and staff; proactive training workshops across the College, including the Algonquin Students’ Association; serving on committees/working groups to assist in the development and/or review of policies and protocols to enhance the learning and working experience of the Algonquin College community; determining appropriate referrals for matters external to the College; and participation in related events at the College.

We remain encouraged by the collaboration across the College to find meaningful resolutions to matters that arise and welcome the increased referral of students by faculty and staff to the Office of the Ombudsman, as well as the ongoing invitations to assist the College community in proactive interventions, policy/protocol development, and other such opportunities.

The Report provides an update on our previous recommendations but does not present any new recommendation. We continue to observe and learn from our caseload and activities and will present recommendations when we have enough information to support it.

Respectfully,

Office of the Ombudsman at Algonquin College.



“Algonquin College campuses (Ottawa, Pembroke and Perth) are located on the traditional unceded, unsurrendered territory of the Anishinaabe Algonquin People. The Algonquin People have inhabited and cared for these lands long before today. We take this time to show our gratitude and respect to them and to the land for all that it provides us: trees to give shade, water and food to sustain us, and paths to connect us. As a post-secondary institution, we embrace the responsibility to help ensure that the next generations of land stewards are respectful and grateful for the bounty of this land on which we all live, work, play, and study.”





Who We Are

Since 1979, the Office of the Ombudsman has played a unique role in the Algonquin College community. The Office is jointly supported by Algonquin College and the Algonquin Students' Association without any compromise of the Ombudsman's autonomy. As identified in the [Ombudsman \(SA02\) Policy](#), 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.

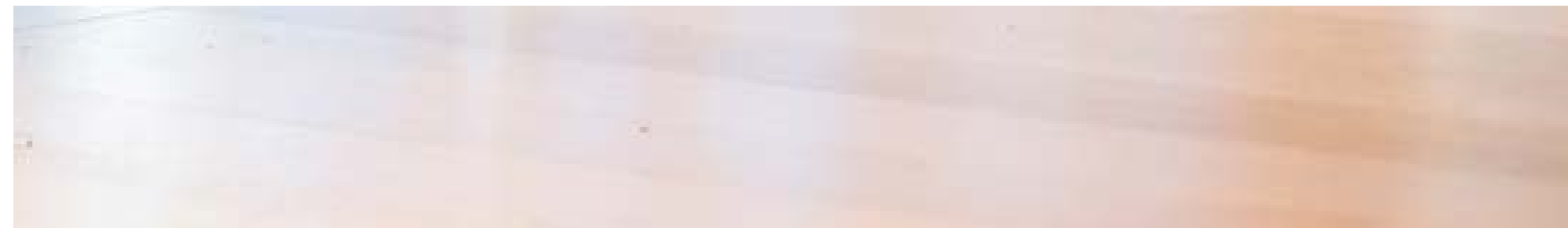
Specifically, the Office of the Ombudsman has the mandate:

1. To provide information to students on College policies and procedures, the rights and responsibilities of students in College situations, and provide advice on options for the resolution of College-related concerns, including where and to whom concerns should be appropriately directed.
2. 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, and
 - e) the treatment received from employees.

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 more details](#)):

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

The principles of natural justice and fairness are vital to these standards of practice. While our services range from informal to formal processes, our processes are mostly informal.





Our Activities

As in previous years, the Office of the Ombudsman continued our practice of proactive, constructive, and collaborative ombudsmanship to promote fairness to enhance the overall learning and working experience of the Algonquin College community. Due to the limitations of confidentiality, much of the important work that we do to promote fairness occurs behind the scenes and are not reflected in the statistics. Overall, our activities in the reporting period included:

1. Handling of 613 files of increasingly complex and sensitive matters. It was the highest number of files handled in the history of this Office. Additional statistical information can be found on the next page (i.e. page 8),

It is important to note that the number of services offered far exceeds the number of files handled, as multiple issues and services may be associated with a single file,

2. Reviewing College policies to ensure alignment with procedural fairness; monitoring the implementation of selected policies to identify gaps arising from the evolving needs of the College community; providing advisory roles on several ad-hoc committees to update College policies and ensure compliance with regulatory requirements, including the Sexual Violence Prevention Working Group,
3. Offering proactive training workshops on procedural fairness, effective decision making, conflict resolution and academic accommodations. This involved training workshops for stakeholders across the College, including the Algonquin Students' Association, academic and other departments,

4. Providing extensive consultation and reciprocal communication with stakeholders who sought our proactive interventions in several highly complex matters,
5. Referring students and other members of the College community whose matters do not fall within our mandate to more appropriate contacts, such as: Landlord Tenant Board, Legal Aid, OSAP, Second Career, Community Associations, and helping other stakeholders (including parents and other support people) to better understand College organization, and
6. Participation in several events at the College, and with the professional community of Ombudsman/persons across the country.

The scope and reach of our activities, which far exceeds the number of files handled, deepens our observation and understanding of systemic issues and/or trends, and collectively informs the assistance and recommendations we provide to the Algonquin College community.

A Look At Our 2022-2023 Data

Overall, we opened 613 files. Of these, 464 were student files; 116 non-student files (faculty, staff, and the Algonquin Students' Association), and 33 files involved other stakeholders (parents, other support people, and interested external parties). The 613 total files reflect a 10% increase over the 2021-2022 reporting period and a 52% increase from 2020-2021. Similarly, the 464 student files reflect a 15% increase from the 2021-2022 reporting period, and a 57% increase from 2020-2021. The 116 non-student files reflect a 4% decrease over the 2021-2022 reporting period, but a 29% increase from 2020-2021. Also, our files on 'other stakeholders' was 33, reflecting a 3% increase over the 2021-2022 year, but more than octuple the 2020-2021 reporting year's total. Figure 1 presents the number of files opened per month.

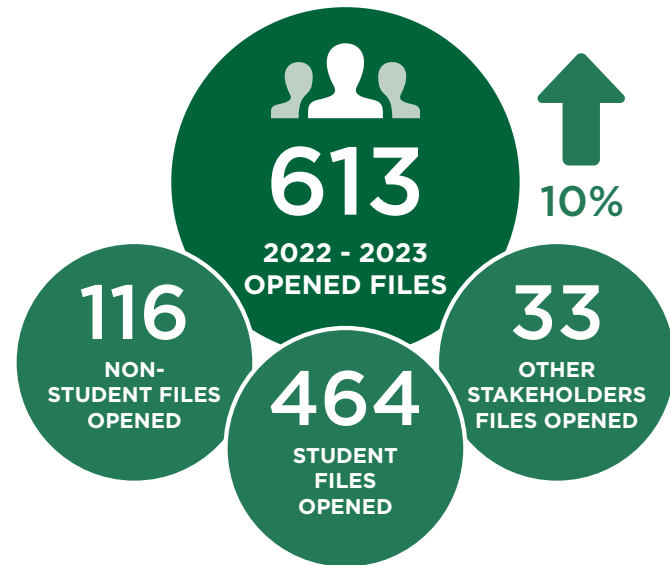
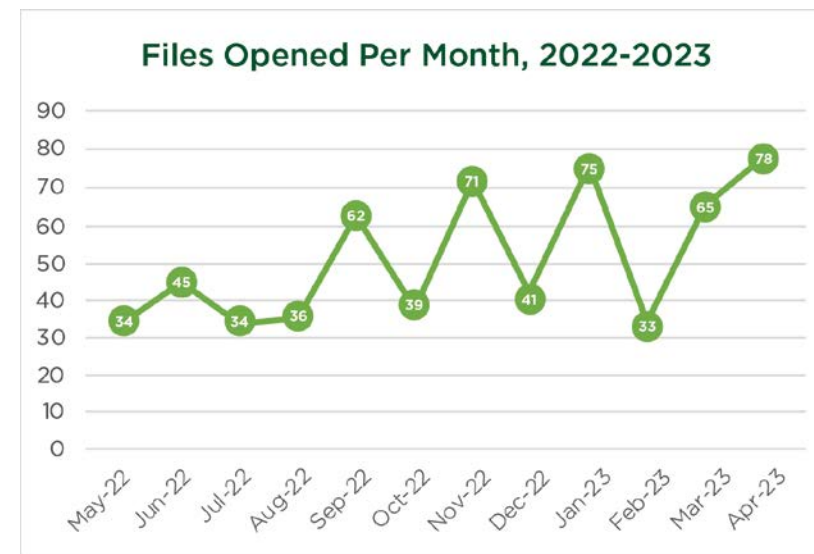


Fig 1: Files Opened Per Month, 2022-2023



We recognize that our observations are only based on our work with students, faculty, support staff, administration (and other stakeholders), and may not necessarily reflect the experience of all members of the Algonquin College community. However, we are always mindful of the fact that students (and other interested stakeholders) usually contact us under unique circumstances, including where they perceive unfairness and have not found a satisfactory resolution within the College; where there are no clear or known processes for addressing their concerns; and when they feel aggrieved and seek to raise concerns that sometimes reflect the sentiments of many other students/people who may not want to come forward for reasons best known to them.

Based on our caseload, we identified the following top presenting concerns:

1. **Course Management and Classroom Management**
2. **Academic Appeals** – subsuming academic integrity, and review of final grade related concerns
3. **Academic Progression**
4. **Academic Accommodations**
5. **Evaluation**
6. **Student Fees, including Financial Aid related matters.**

The Report elaborates on these concerns under four (4) broad categories, viz: **Course Management** (including interpersonal conflicts among students, and in group work settings); **Academic Appeal** (including academic integrity, review of final grade, evaluation, and progression related matters); **Academic Accommodations**; and **Student Fees**, including financial aid and refund exception related matters. Case summaries are presented at the end of each category to provide insight into the kind of concerns that were raised. While confidentiality prevents us from providing the details of specific cases, we hope these examples are useful to a better understanding of the range of issues we handled.



Course Management and Classroom Management

Course Management and Classroom Management in this Report generally comprises matters arising from teaching and delivery, course-related learning resources, course outlines, course section information, scheduling and schedule changes, course policies, group work, and other things connected to the learning process. In this reporting period, there were course management-related matters that evolved into disputes. The phrase “classroom management” applies to both in-person and remote learning delivery platforms. Course and classroom management-related matters intersected with interpersonal conflict, academic accommodation, academic appeal, evaluation, and academic progression.

It should be noted that course management and classroom management-related concerns were the highest category of cases that were brought to our attention. It was the top-presenting concern among students who contacted our Office, just as in the previous reporting period.

Case Summary: Handling ‘Classroom Management’

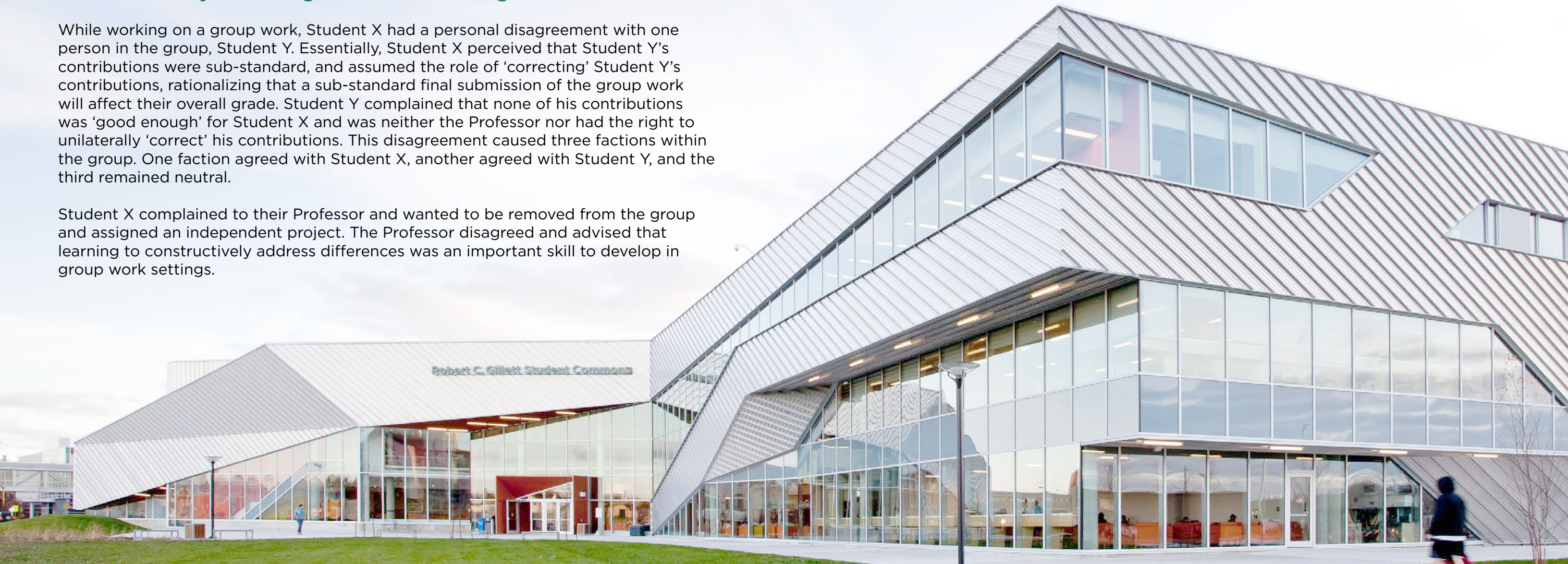
While working on a group work, Student X had a personal disagreement with one person in the group, Student Y. Essentially, Student X perceived that Student Y’s contributions were sub-standard, and assumed the role of ‘correcting’ Student Y’s contributions, rationalizing that a sub-standard final submission of the group work will affect their overall grade. Student Y complained that none of his contributions was ‘good enough’ for Student X and was neither the Professor nor had the right to unilaterally ‘correct’ his contributions. This disagreement caused three factions within the group. One faction agreed with Student X, another agreed with Student Y, and the third remained neutral.

Student X complained to their Professor and wanted to be removed from the group and assigned an independent project. The Professor disagreed and advised that learning to constructively address differences was an important skill to develop in group work settings.

Unbeknown to Student X, Student Y also complained to the Professor and had been similarly advised. The Professor provided suggestions to the entire class on how to address disputes within their groups and offered to directly intervene only after the students had attempted, without success, to address their own disputes.

At some point in the semester, the students were supposed to individually submit peer evaluations privately to the Professor. Student X mistakenly posted the evaluation on a shared drive; hence, all the members of the group saw Student X’s unflattering evaluation of the group. This drew a strong reaction from the other group members, resulting in Student X’s allegation of being isolated and bullied by the group, through comments on a private social media platform.

Unfortunately, Student X made a drastic decision to withdraw entirely from the program, explaining their wellbeing was a priority and that the stressors arising from the alleged dysfunction in the group had triggered an underlying medical condition.



Academic Appeal

As in our previous reports, this category broadly addresses matters associated with application of the Academic Appeal Policy (AA19), Review of Final Grade Policy (AA37), and the Academic Integrity Policy (AA48). Precisely, it comprises findings/academic sanctions associated with alleged academic integrity violations; academic decisions on academic progression, non-reviewable grades, matters arising from clinical and/or field placements, academic accommodations, classroom and course management; and other special circumstances.

Case Summary: Procedural Fairness Concerns

A student submitted an assignment in which they were required to find a drawing and duplicate it as closely as possible. The student originally received a very high grade, only to learn a few months later that the grade had been reduced to zero arising from an alleged plagiarism, based on a decision by the Professor and Academic Administrator. The student was frustrated that they had not been notified of the alleged plagiarism, had not been provided any evidence of alleged violation, and did not get an opportunity to present their perspective before the decision was made. The student expressed an utter lack of trust in the process and contacted the Office of the Ombudsman for advice regarding their options.

Following a meeting with the student, the Office of the Ombudsman contacted the Academic Administrator regarding procedural concerns identified throughout the process: lack of opportunity for the student to hear the case against them; the substitution of suspicion for evidence; and the onus having been wrongly placed on the student to disprove the allegations, contrary to the policy.

Concluding Remarks

In the reporting year, the Office of the Ombudsman participated in multiple committee meetings and extensive consultation with stakeholders to update the academic appeal, academic integrity and review of final grade policies. As we write this Report, it is our understanding that the updated 'draft policies' are working their way through the designated approval processes at the College. We are encouraged as we see our input reflected in the updates, and hope that the final updates and subsequent implementation of these policies, will continue to advance fairness at the College.

Case Summary: Not this Grade

A student was unsuccessful in a course and asserted that the evaluation of their final project/assignment was unfair. The student wanted to appeal the grade and was advised to contact the Office of the Ombudsman for advice regarding the appeal process. The student's original explanation was that they cannot financially and emotionally afford to fail the course and wanted an opportunity to resubmit a portion of the assignment in the hopes it would be sufficient to pass the course. The student was advised that while their financial and emotional wellbeing was important, it was not a reason to be granted an opportunity for resubmission of their final project/assignment. Subsequently, the student asserted that a particular section of the final project/assignment had not been graded fairly, as the evaluation was neither consistent with the course syllabus (course outline, course notes, and textbook) nor with the specific instructions for completing the project/assignment.

Following a discussion with our Office about the difference between Review of Final Grade and Academic Appeal, as well as an explanation of the eligible grounds for Academic Appeal, the student opted to appeal on compassionate grounds, explaining a number of extenuating circumstances that affected their performance in the course. Eventually, the student pursued a Review of Final Grade but was unsuccessful.

Concluding Remarks

There are instances where extenuating circumstances directly impairs a student's ability to be successful in an evaluation. Should that happen, and with the necessary supporting documentation, the College policies has procedures for the necessary arrangements, provided the applicable ground(s) are met.



Academic Accommodations

Concerns under this category were primarily based on disability (medical) and other protected grounds under the Ontario Human Rights Code, such as, family status and creed (religion/faith).

For the third year in a row, Academic Accommodation was the top presenting concern being raised by faculty and staff who contacted us for assistance. Refer to our 2021-2022 Annual Report for an explanation of the general theme of concerns we usually handle.

Case Summary: Backdated Withdrawal for Medical Reasons

A student wrote to the Ombudsman immediately after the end of a semester, when their final grades were released. She had received an “A” in the first of three courses, but had received two “F’s” for the remaining two courses because she had gone into premature labour with twins and had been unable to complete her course work. The deadline for withdrawal without academic penalty was long past.

The student was referred to the designated administrator who arranged for a backdated withdrawal from the two courses, on medical grounds, in lieu of the failing grades which would have been unfairly reflected in the permanent historical record of her transcript.

Case Summary: Death of a Parent

A student learned the night before a final exam that a parent had passed away. The student was not aware of the Deferred Evaluation policy, so wrote the exam but was unsuccessful by one percent (1%). She was told by classmates she would be eligible for a supplemental privilege exam, but because she has previously written a supplemental in the course, was not eligible. In seeking a solution, the student wrote to the faculty that in addition to the bereavement, she was struggling with mental health issues; as she was registered with CAL, she was encouraged to pursue retroactive accommodation.

When the student met with the Office of the Ombudsman, she was advised that she could provide documentation of the loss and the date of the exam to the Academic Chair, preparatory to an appeal. In the circumstances and the efforts by the student to find a remedy, the Academic Chair was able to approve the request to rewrite the exam.

Concluding Remarks

Academic Accommodations involves the principle of individualization. Sometimes, there are other avenues for resolution other than retroactive accommodation.



Student Fees

Our caseload on student fees included cases of miscalculated or adjusted tuition after the deadline for accepting offers of admission or registration deadline; disagreements on eligibility requirements for certain fees, including U-Pass and Student Activity fees; withdrawing from a semester – for various reasons – without completing the official College process for withdrawal or seeking withdrawal after academic deadlines had passed; and requests for tuition refunds for numerous reasons.

Case Summary: Delayed Start to Academic Year

As we understand, international students living in Canada who have been placed on a waitlist can be admitted when a seat becomes available in their program, with the requirement that they accept or decline the offer within twenty (24) hours. An international student accepted such an offer, and paid tuition to attend. Although the student was in contact with the academic department and Success Specialist, the student never advised that they would require approximately four weeks to organize their move across the country, and so would only be able to begin their studies one month into the academic term. Without this disclosure, the student was not informed that starting classes so late in the semester would result in a substantial number of missed classes, thereby jeopardizing their prospect for success.

On discovering this information upon arrival at the College, the student was advised to withdraw and return the following semester, but was now in the predicament that without full-time status they would be unable to work and would also have to pay tuition for the courses a second time in the subsequent semester/term.

The Office of the Ombudsman advised the student of the option to appeal to the Refund Exception Committee, explaining their circumstances, namely: the very short notice for acceptance of the admission offer, and the fact that at the time of acceptance the student had been unaware that it would not be possible to catch up (as they thought they could catch up) and complete the semester. Eventually, an exception was granted by the Registrar's Office to allow the student to defer the tuition paid to the following semester. The student began their studies later.

Case Summary: Miscalculated Tuition

A few weeks before the end of a final semester, several students received notification from the College that they owed tuition and would not graduate if the amount owed was not paid by a certain deadline. This came as a complete surprise to the students. Apparently, the College made an error in the initial calculation of tuition owed so they had to pay the difference.



Understandably, the students were disappointed and contacted the Office of the Ombudsman to express their frustrations, including: concerns about not graduating on time and the potential impact on career prospects, post graduate studies arrangements, and missing out on graduation ceremonies; confusion arising from conflicting information about the actual amount owed; perception of not being treated fairly and respectfully; inability to raise enough money to pay amount owed, within the stated deadline; disappointment in being distracted from their studies at such a critical time in the semester.

The Office of the Ombudsman advised accordingly, and the students were referred to a College Official who promptly addressed their concerns. In the end, the matter was resolved, and the students were able to graduate under certain arrangements. The students remained in contact with the Office of the Ombudsman throughout the process.

Concluding Remarks

We recognize that mis-steps happen, as in many other institutions. Considering the significant implications of these incidents, it is critical to augment the necessary mechanisms to avoid (or minimize) incidents of adjusted tuition, following the deadline for accepting offers of admission or the registration deadline, as appropriate.

Case Summary: Non-refundable tuition deposit

A student accepted an admission offer from the College and paid a deposit to hold a seat in the program. The student later contacted the College to cancel their application, prior to registration. The student wanted a refund of all fees paid, including the tuition deposit, explaining that they had limited funds and needed every penny back. The student was advised that they are entitled to receive a refund of any fees paid, less an administrative fees, but tuition deposits are non-refundable and non-transferable. The request was denied.

Update on Previous Recommendations

Recommendations 1 and 2 (2021-2022 Annual Report):

In our 2021-2022 Annual Report, this Office recommended continued attention and effort at adherence to policies, with particular attention to AA19: Academic Appeal, AA37: Review of Final Grade, AA48: Academic Integrity and aspects of AC01: Students with Disabilities and emphasized opportunities for decision makers to apply the rules of procedural fairness.

We acknowledge with appreciation the time and effort contributed by stakeholders from across the College toward this purpose. While there is work to be done, we are also encouraged to see the increased attention to procedural fairness as the basis for consultation

Recommendation 3 (2021-2022 Annual Report):

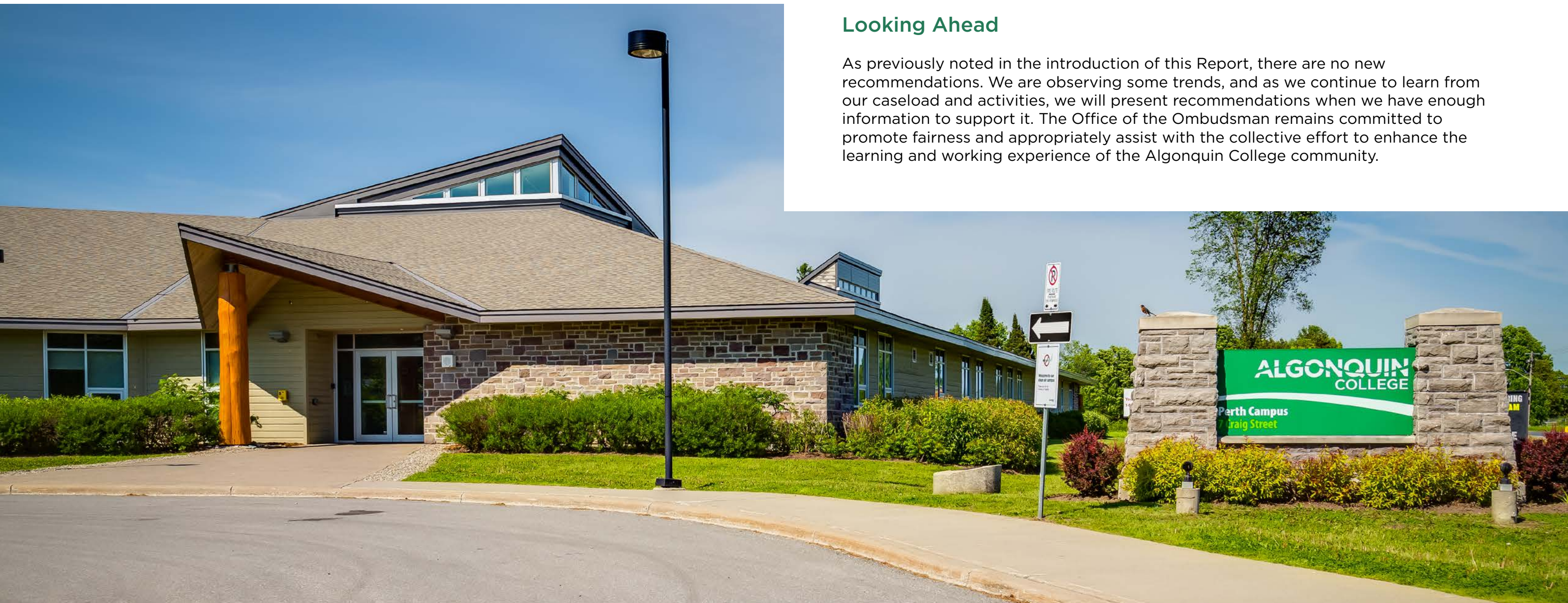
From our limited exposure, issues related to the need for clarity in roles and responsibilities in articulation (partnership) agreements continue. It appears that collaborative interpersonal relationships have played a key role in managing these issues.

Recommendation 4 (2021-2022 Annual Report):

We are encouraged at the response of the Students Association' (SA) in seeking training for its board members on procedural fairness. We are also pleased to hear of the SA's proactive efforts regarding a student liaison role to further support students in their interactions with the College.

Looking Ahead

As previously noted in the introduction of this Report, there are no new recommendations. We are observing some trends, and as we continue to learn from our caseload and activities, we will present recommendations when we have enough information to support it. The Office of the Ombudsman remains committed to promote fairness and appropriately assist with the collective effort to enhance the learning and working experience of the Algonquin College community.





International Students

In this reporting period, 20% of our student caseload were international students; compared to 15% in our previous report, and 13.5% the year before. Overall, we had a 130% increase in the number of international students in our caseload over the 2021-2022 reporting period, and a 51% increase over the 2020-2021 reporting period. As in our previous report, the percentage increase of our caseload on international students is higher compared to the percentage increase in the total number of students who contacted our Office. The top-presenting concerns among international students were academic appeals, academic progression, evaluation, fees, course management, academic integrity and admission.

Recognizing the limited sample size of our data on international students, we still consider it premature to draw any conclusions about the implications and/or challenges they face. Nonetheless, examples of issues brought to our attention particularly relevant to this group include: misunderstandings/misinformation about waitlists; challenges related to delayed/unavailable documentation in registering; perceptions of unfairness related to timed assessment for “fluent” but non-native English speakers; cultural reluctance/fear of raising concerns or engaging formal processes despite errors/unfairness; course failure implications on visas, study permits, and finances. For clarity, in addition to these challenges, international students also face concerns experienced by their domestic counterparts.

Case Summary: Following Process

An international student was accused of “academic dishonesty” on the assertion of the faculty member that the student could not have prepared a paper of that calibre; this assumption was at least partially based on the obscure citations appearing as part of the authorities the student listed, as well as on the method the student used to complete the work which was unfamiliar to the Professor. The student received a Final Decision of academic dishonesty, without being provided any evidence of the alleged academic dishonesty.

The student contacted the Office of the Ombudsman regarding an appeal. The Office of the Ombudsman contacted the designated administrator about the procedural concerns we identified in the decision-making process, namely: the lack of evidence of the alleged academic dishonesty, and the absence of consideration of the advanced academic preparation of the student before enrolling in the program.

In an effort to address the mis-steps, the administrator wanted, as the first step in the AA19 Academic Appeal Policy, the student to meet again with them as the original decision maker, despite having already issued a Final Decision. We advised that considering that this same administrator had already made a Final Decision, it was appropriate to appoint a different administrator to review the case to avoid any perception of bias.

Appreciation

The Office of the Ombudsman is inspired by the ingenuity, goodwill, and collaboration of the Algonquin College community at all levels in seeking to contribute and participate in a positive path to finding reasonable resolutions to the college-related students challenges that arise. We acknowledge with humility that this support has continued through the multiple challenges of the “post-pandemic” transition – the return to in-class teaching/learning; the orientation to new software and physical environments; the accommodation of students otherwise limited by external processing of documentation, the expectations for expanded availability of course offering and multiple other changes.

The Office of the Ombudsman is grateful for the support of the Ombudsman Review Committee (ORC). The current ORC members are: Abigail Soto Carvajal – President, Algonquin Students’ Association [Co-Chair]; Ben Bridgstock – Director, Student Support Services [Co-Chair]; Riley Wang – Director, Algonquin Students’ Association; Sierra Lee – Director, Algonquin Students’ Association; Haylie Boucher – Director, Algonquin Students’ Association; Ben Dinh – General Manager, Algonquin Students’ Association; Leslie Wyman – Faculty Representative; Katherine Root – Academic Administrative Representative; Leo Comunale – Community Representative; and Erin Langevin – Director of Labour Relations, Human Resources.

We also wish to express our appreciation to the Algonquin College Leadership Team, and the Algonquin Students’ Association for understanding the unique role of our Office and 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. We are grateful 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.

Finally, a special thank you to the AC Hub Team, Student Support Services, for the creative work in the design of this report.

Respectfully,

George Cole, Ombudsman.
Barbara Carswell, Assistant Ombudsman.
Carley Davidson, Ombudsman Officer.





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