

**SA02**
**Ombudsman**

Classification:	Student Affairs
Responsible Authority:	Board of Directors, Students' Association Vice President, Student Services
Executive Sponsor:	Vice President, Student Services
Approval Authority:	Algonquin College Executive Team
Date First Approved:	1995-01-01
Date Last Reviewed:	2021-03-24
Mandatory Review Date:	2026-03-24

**PURPOSE**

To establish the Office of the Ombudsman to provide an independent, impartial and confidential process through which students of the College may pursue the resolution of any College-related concern.

**SCOPE**

All students

**DEFINITIONS**

<b>Word/Term</b>	<b>Definition</b>
Academic Administrator	Program Chair, Course Chair, Academic Manager or Dean.
ACET	Algonquin College Executive Team.
College	The Algonquin College of Applied Arts and Technology.
Complaint	Unless specifically referenced as an Official Complaint, a "complaint" for the purposes of this policy is to be considered synonymous with a concern, matter, issue or argument put forward by a student for address. The Office of the Ombudsman cannot receive nor accept Notice of an Official Complaint on behalf of Algonquin College or Algonquin Students' Association, as the Office is independent of all administrative structures of the College and the Students' Association. However, the Office can advise on where to direct a Notice of an Official Complaint.
Employee	Full-time and OTFT (other than full-time), College support staff, faculty and administrators.

Office	The Ombudsman and those who report to the Ombudsman, for the purposes of fulfilling the mandate for which the Ombudsman is responsible, are collectively referred to as “Office of the Ombudsman.”
Ombudsman	The individual hired to perform the duties of Ombudsman as set out in Appendix 1. All references to the Ombudsman are to be interpreted as the Office of the Ombudsman, unless the context indicates otherwise.
ORC	Ombudsman Review Committee. A joint College and Students’ Association committee whose mandate is to select the Ombudsman, to monitor, assess and direct the Ombudsman’s work, and to determine what information about the Office is to be released to the community. Terms of Reference set out in Appendix 1.
Student	Any person who is currently enrolled in a course or program at the College, or is in the process of enrolling in a course or program at the College. At the discretion of the Ombudsman, the term <i>student</i> may include former students wishing to address matters arising out of and during their former student status. It may also include College applicants, whether accepted or not, at the time of their initial contact.
Students’ Association	Algonquin Students’ Association of the Algonquin College of Applied Arts and Technology Corporation (SA).
Terms of Reference	This policy serves as the Terms of Reference for the Office of the Ombudsman. An overview of the role of the Office is outlined in Appendix 2. The Ombudsman Review Committee Terms of Reference as set out in Appendix 1.

## POLICY

1. To ensure the just, fair, and equitable treatment of each and every student, the College and the Students' Association have joined together to establish the Office of the Ombudsman. The Office is to provide an independent, impartial and confidential process through which Students may pursue the resolution of any College-related concern.
2. **Mandate of the Ombudsman**
  - 2.1 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.
  - 2.2 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;
- e. the treatment received from employees.

In this policy, investigation involves gathering information and exploring perspectives for the purposes of understanding and helping to address College-related concerns of students. Gathering information may include fact-finding, consultation, research, formal investigation, or any other means deemed appropriate by the Office of the Ombudsman, for the use of the Office in seeking to resolve concerns.

### **3. Responsibilities of the Ombudsman**

- 3.1 Provide information regarding policies, processes and referrals, and offer advice and counsel regarding student-related matters falling within the mandate of the Office.
- 3.2 In cases where the Ombudsman deems it is appropriate and with the consent of one of the individual(s) involved, the Ombudsman may intervene to attempt to find a resolution of the concern. Informality shall be the prevailing approach of dealings with the Office until formal steps become necessary.
- 3.3 The method of intervention used by the Ombudsman to address an issue may include:
  - a. requesting that a College official meet with a student;
  - b. meeting directly with the party or parties;
  - c. facilitating communication;
  - d. reviewing any relevant College record;
  - e. making informal inquiries into a matter;
  - f. utilizing shuttle diplomacy;
  - g. mediating;
  - h. gathering information, including formally investigating a claim and;
  - i. offering recommendations for a fair resolution.
- 3.4 The Ombudsman may refuse, postpone or discontinue an intervention in any matter which the Ombudsman considers frivolous, vexatious, not brought in good faith, or is an abuse of the Ombudsman's functions, or which is the subject-matter of a legal or regulatory proceeding. If the Ombudsman refuses or discontinues an intervention, written reasons explaining the refusal or discontinuation shall be provided to the complainant.
- 3.5 The Ombudsman's decision to intervene or not, and his or her recommendations, shall be final.
- 3.6 Where appropriate, forward recommendations for changes to policies, procedures, or practices to the appropriate College administrators or to the Students' Association officials. Where changes to this policy are recommended, they will be vetted by the ORC, and then sent to the ACET for final approval.
- 3.7 Keep the ORC apprised of statistics, trends and the emergence of any College wide problem through ORC meetings and an annual report. The annual report is to be delivered by the December following the conclusion of the last academic year for presentation to the ORC and, ultimately, to the ACET.

- 3.8 Maintain confidential records of complaints, findings and recommendations on specific complaints, kept secured and accessible only to the Office of the Ombudsman. The Office of the Ombudsman shall not be required to maintain confidentiality in cases involving the commission of a crime or where there is imminent risk of physical harm or abuse. Each file and record will be maintained for a minimum of four years and one day from the date that the Office of the Ombudsman deems the case to be closed. At the end of the period of four years and one day, the Office of the Ombudsman will arrange for the confidential destruction of files and/or records.
- 3.9 Respond to requests on a first-come, first-served basis with exceptions being made in matters, as determined by the Ombudsman, to be of major importance or urgency.
- 3.10 Operate within College policy regarding confidentiality of records for student information provided to the Ombudsman by the College and the Students' Association.
- 3.11 Present an annual report of the activities and recommendations to the ORC.
- 3.12 Following the approval of the Ombudsman annual report by the ORC and presentation to the ACET, the annual report shall be published at a time determined by the ORC.
- 3.13 The ACET and the Students' Association will respond to the Ombudsman, in writing, with regards to the recommendations in the Ombudsman annual report (the "Response"). The "Response" to the annual report shall be published at a time determined by the ORC.

#### **4. Ombudsman Review Committee**

The ORC shall operate in accordance with the Terms of Reference established by the ACET and the Board of Directors of the Students' Association (Appendix 1).

#### **5. Governance of the Office of the Ombudsman**

- 5.1 The Office shall be independent of all administrative structures of the College and the Students' Association. The Office shall be governed as an independent office in accordance with the Terms of Reference. For administrative purposes (for example: benefits, insurance, leave of absence, payroll, pension, and vacation leave), the Ombudsman shall be an employee of the College and shall enter into an employment contract in the similitude of an employee with the College (the "Employment Contract"). The terms and conditions of the Employment Contract shall be set by the ORC and approved by both the President of the College and the President of the Students' Association. This arrangement is intended to preserve the confidentiality, impartiality and independence of the Office.
- 5.2 The Ombudsman shall have office employee ("employee") as determined and selected by the Ombudsman, in consultation with and approval of the ORC. Reporting to the Ombudsman, each employee shall enter into an employment contract ("Employee Employment Contract") in the similitude of an employee with the Students' Association as set by the ORC and approved by both co-chairs of the ORC. The employment of an

employee may be terminated upon the recommendation of the Ombudsman in consultation with the ORC and in accordance with the termination provisions of the Employee Employment Contract. This arrangement is intended to preserve the confidentiality, impartiality and independence of the Office.

- 5.3 The Ombudsman shall be selected by and report to the ORC. The appointment of the Ombudsman requires the joint approval of the President of the College and the elected President of the Students' Association.
- 5.4 The Ombudsman may only be terminated upon the recommendation of the ORC and the President of the College and in accordance with the termination provisions of the Employment Contract.
- 5.5 The Students' Association and the College shall each contribute fifty percent of the costs of the operation of the Ombudsman Office. Minor variations to the 50/50 funding, which are agreed upon by both parties, may occur as needed from year to year.
- 5.6 The Ombudsman (or employee in the Office) shall not be required to give evidence before a College or Students' Association tribunal about anything that they may have learned in the exercise of their duty. The College and the Students' Association shall take reasonable steps, and endeavour, to protect the Ombudsman or employee from subpoena by others, both inside and outside the College.
- 5.7 The Office shall not accept notice on behalf of the College or the Students' Association. As the Office is independent of all College and Students' Association structures, the Ombudsman shall advise those who wish to give notice of a complaint to the College or the Students' Association that the Ombudsman is not a College official or Students' Association official and cannot accept notice on behalf of the College or the Students' Association. Students who wish to give notice to the College or the Students' Association about their complaint will be referred to the appropriate individual or office.

## **6. Access to Files and College Employees**

- 6.1 The Ombudsman shall have access to College and Students' Association employees and files to gather information needed to fulfill the functions of the Office. Requests by the Ombudsman for information should be handled promptly by all College and Students' Association employees.

## **7. Complaints Regarding the Ombudsman Office**

- 7.1 If a member of the College community believes that the Ombudsman has violated this policy, he or she may submit a written complaint, detailing the alleged violation to the ORC. The ORC shall investigate the allegation and may appoint a person to conduct this investigation. The Ombudsman and any employee shall co-operate with any such investigation. The ORC shall inform the complainant of the results of the investigation. The ORC members would be requested to sign a Confidentiality Agreement.

## PROCEDURE

	<u>Action</u>	<u>Responsibility</u>
<b>1.</b>	<b><u>Students with Complaints</u></b>	
1.1	Review the <i>Self Help</i> suggestions to settle problems found on the Office of the Ombudsman College website before meeting with the person(s) involved.	Student
1.2	Meet with person(s) involved to try to settle the problem. Before meeting with the person the Student may wish to consult with the Office of the Ombudsman for assistance in preparing for the meeting.	Student
1.3	If the problem is not settled, make an appointment by phone or email to speak with the Office of the Ombudsman. The Office of the Ombudsman will meet with students without an appointment if available.	Student
1.4	Complete the <i>Consent and Intake Form (Appendix 3)</i> before meeting with the Ombudsman.	Student
1.5	Meet with the student within five (5) working days.	Ombudsman
1.6	Maintain a confidential record of the complaints, findings, and recommendations.	Ombudsman
<b>2.</b>	<b>Reports of Activities and Recommendations</b>	
2.1	Present to the ORC updates of statistics, trends and the emergence of any College wide problems.	Ombudsman
2.2	Present to the ORC an annual report of the activities of the Office of the Ombudsman and make recommendations to the ORC and the ACET.	Ombudsman
2.3	Provide a written response to the recommendations in the Ombudsman annual report (the "Response"). The Response to the annual report shall be published at a time determined by the ORC.	ACET & Students' Association
2.4	Publish the annual report at a time determined by the ORC, following the ORC's approval of the annual report and presentation to the ACET	Ombudsman

## SUPPORTING DOCUMENTATION

- Appendix 1 Ombudsman Review Committee Terms of Reference
- Appendix 2 Office of the Ombudsman: An Overview
- Appendix 3 Consent and Intake Form

## RELATED POLICIES

- AA18 Academic Dishonesty and Discipline
- AA19 Academic Appeal
- AA35 Confidentiality of Student Records
- AA37 Review of Final Grade
- HR22 Respectful Work Place
- SA03 Student Complaints
- SA07 Student Conduct

## RELATED MATERIALS

[Student Steps to Contact Ombudsman](#)

## SA 02: APPENDIX 1

### OMBUDSMAN REVIEW COMMITTEE TERMS OF REFERENCE

#### COMMITTEE MANDATE

The Ombudsman Review Committee's mandate originated, jointly, from the President's Council (*currently known as ACET*) and from the Board of Directors of the Students' Association. The mandate is to select the Ombudsman, to monitor, assess and direct the Ombudsman's work, and to determine what information about the Office is to be released to the community.

#### MANDATE OF THE OMBUDSMAN

The Office is a service open to all students (part-time, full-time, including former students and applicants for admission). It handles complaints, in confidence, about aspects of College life; provides information about rules and procedures; helps individuals interact effectively with College and Students' Association systems and decision-makers by providing information and advice; and can intervene, mediate or investigate on behalf of individuals and groups of students. The responsibilities of the Ombudsman are spelled out in detail in the College policy SA 02.

#### OBJECTIVES

The objectives of the ORC are:

1. to ensure incumbency of the Office;
2. to keep informed of what the Ombudsman is attempting to achieve, to follow the progress of that work, and to be aware of the College community's response to it;
3. to act as a resource to the Ombudsman for advice and guidance;
4. to approve planning for the Office and to secure requisite resources from the College and from the Students' Association;
5. to direct and monitor the Ombudsman in all matters of compliance with the Offices' Terms of Reference and budget;
6. to receive periodic updates and annual reports from the Ombudsman and to make presentations to the ACET; and
7. to safeguard the neutrality and integrity of the Office.

#### MEMBERSHIP

The ORC is comprised of the President of the Students' Association and the Director of Student Support Services as ex-officio members, one student Director of the Students' Association, one employee of the Students' Association, two students chosen from the student body at large, one professor, one human resources department representative, one academic administrator, and one community representative. Members, other than ex-officio members, serve renewable two-year terms.



## **OPERATION**

The ORC is co-chaired by the Director of Student Support Services and the President of the Students' Association. The Ombudsman is secretary to the ORC, with the ability to participate and vote at meetings. The ORC shall meet a minimum of twice per academic year. Extraordinary meetings may be called by either Chairperson. Quorum is 50% plus one of the current members. Meetings are in camera, but persons may be invited to observe or participate. There are no standing subcommittees, although ad hoc subcommittees may be constituted. Even though the ORC endeavours to operate by consensus, a majority of members present may require a vote on any matter under consideration, which will be carried out by a simple majority of votes cast by members present at the meeting. In the event of a tie, the co-chairs present at the meeting have casting votes. The ORC receives periodic updates and annual reports from the Ombudsman, approves the annual budget of the Office, monitors expenditures and accepts representation from the community with regard to the Ombudsman's mandate and performance, and periodically reviews its own terms of reference and those of the Ombudsman. The ORC respects the confidentiality of the Ombudsman's casework and is not in receipt of confidential information from office records that identify individuals or groups of individuals. When the Ombudsman brings forward to the ORC recommendations concerning College or Students' Association operations, the ORC may choose to endorse and publicize those recommendations in its own name.

## **PERFORMANCE EVALUATION COMMITTEE**

To ensure that the Office continues to develop and grow in response to the demands of the College community, and to ensure that the Ombudsman and the ORC remain engaged in a high level dialogue, the ORC commits to an annual performance review of the Ombudsman.

### **Performance Evaluation Process**

The performance evaluation process shall employ where appropriate all the commonly accepted practices of the College's performance evaluation process. Evaluation of the Ombudsman will be measured strictly against the mandate and responsibilities of the Ombudsman role. Therefore, the Ombudsman shall not be held responsible for any aspect of the performance of the ORC.

Reporting to the ORC, the responsibility to conduct the performance review will be delegated to a Performance Evaluation Committee. The Performance Evaluation Committee will consist of:

- Director of Student Support Services
  - President, Algonquin Students' Association
1. The Director of Student Support Services shall organize the work of the Performance Review.
  2. Performance evaluation of the Ombudsman will be conducted in April of each year and shall be scheduled to ensure the availability of all members of the Performance Evaluation Committee.
  3. All members of the ORC will be privately consulted before the performance review meeting to solicit their perspectives regarding the performance of the Ombudsman.

4. The performance review meeting will be conducted by the Director of Student Support Services and the President of the Students' Association after reviewing written input from the Ombudsman, the Students' Association President and the Director of Student Support Services and providing an opportunity for feedback from ORC members.
5. Following the interview and official sign-off of the Ombudsman annual performance evaluation document, the Performance Evaluation Committee shall recommend, where applicable:
  - a. An annual salary increment for the Ombudsman based on the employee's performance and within the conditions of the employee's employment contract.
  - b. Professional development for the Ombudsman.
  - c. Revisions to the Job Fact Sheet of the Ombudsman.
  - d. Any corrective action it deems appropriate based on the results of the evaluation.

## MANAGEMENT OF THE OFFICE AND BUDGET OF THE OMBUDSMAN

The Office is funded equally by the College and the Students' Association. Variations to the 50/50 funding, which are agreed upon by both parties, may occur as needed from year to year. The ORC discharges the following authority to the Ombudsman with regards to the management of operations and budget for the Office.

1. On an annual basis, the Ombudsman will, in consultation with the Students' Association and College, present to the ORC an annual operating plan and budget for approval (the "Ombudsman Office Budget"). A simple majority is required for approval of the Ombudsman Office Budget.
2. Once approved, the ORC delegates to the Ombudsman the full authority to implement all actions and expenditures in the approved plan except for the terms, benefits and conditions of the Employment Contract and Employee Employment Contract. *(Note: as part of the creation of the Office, it was deemed appropriate for the College to administer the terms and benefits of the Employment Contract on behalf of the ORC and the Students' Association to administer the terms and benefits of the Employee Employment Contract, respectively.)*
3. All requests for expenditures must meet auditor-approved standards and therefore require the second signature of a budget officer. In this circumstance, where the College holds the budget of the Ombudsman and where the Ombudsman is granted full authority to implement the plan and budget, the Student Services Budget Officer acts as ex-chequer, and not approver.
  - a. Therefore, to the degree that the request for funds is clearly identified in the Ombudsman's operating budget, the Student Services Budget Officer must approve it. Therefore, the role of the Budget Officer is to process only those expenditures that are identified in the approved annual operating budget of the Ombudsman or, more specifically, expenditures that have a dedicated line item or can be reasonably traced to a line item.
  - b. Conversely, the Student Services Budget Office must not process any request that is not clearly evident in the Ombudsman budget or any request that is not supported

- with the appropriate documentation.
- c. To this end, the Ombudsman must provide all of the necessary appropriate budget information to help expedite the process.
4. The Ombudsman will provide to the co-chairs of the ORC a quarterly financial report detailing the status of the Office's operating budget, including year-to-date budget status, monthly variations and the projected year-end budget.
- a. The co-chairs will immediately advise the ORC of any budget irregularities or material variations.
  - b. The ORC will review the operations and budget of the Office semi-annually.
  - c. Once approved, the Ombudsman has no authority to alter the operating plan or budget and must seek the approval of the ORC for expenditures not budgeted for in the current year's operating plan. Request for changes to the operating plan and budget must be tabled via the co-chairs of the ORC. In an urgent budget matter, the co-chairs have the right to decide a change, between ORC meeting dates.
5. The Ombudsman, in consultation with the ORC, may appoint any volunteers who may assist the Ombudsman to fulfil the functions of the Ombudsman. These volunteer(s) shall report to the Ombudsman.

Approved by the Ombudsman Review Committee  
November 2020

## SA 02: APPENDIX 2

### THE OFFICE OF THE OMBUDSMAN: AN OVERVIEW

#### Our Purpose

Established by Algonquin College and the Students' Association to make sure every Student at Algonquin College receives just, fair, and equitable treatment. The Office of the Ombudsman provides an independent, impartial, and confidential process through which students may pursue the resolution of any College-related concern.

#### Our Mandate

1. To provide information to students about:
  - College policies and procedures
  - The rights and responsibilities of students in College situations
  - Advice on options for the resolution of College-related concerns, including where to direct concerns and to whom they should be directed
2. To investigate, at the absolute discretion of the Ombudsman, any complaints by a student or group of students about aspects of student life, including:
  - Academic matters
  - Services provided by the College or the Students' Association
  - The operations of the College or the Students' Association
  - The treatment received from other students
  - The treatment received from college employees

#### Our Responsibilities

This is a service that is available to all Algonquin College students, both part-time and full-time, as well as former students and applicants for admission. The responsibilities of the Office of the Ombudsman, arising from the mandate of the Ombudsman, are spelled out in detail in Section 3 of this policy (Policy SA02 Ombudsman). See pages 3 and 4 of the policy for more information.

#### The Ombudsman Review Committee

The Ombudsman Review Committee's mandate originated, jointly, from the President's Council and from the Board of Directors of the Students' Association. The role of the Committee is to select the Ombudsman, to monitor, assess and direct the Ombudsman's work, and to determine what information about the Office is to be released to the community. In addition, per Section 7 of this policy (SA02 Ombudsman), complaints about the Office of the Ombudsman are to be directed to this Committee.

#### Contacting Us

Sending an email to [ombuds@algonquincollege.com](mailto:ombuds@algonquincollege.com) is the most effective way to contact the Office of the Ombudsman. You can also [visit our website](#) for additional information on alternative ways to contact the Office.

For more information about the Office of the Ombudsman, please refer to **policy SA02 Ombudsman** in full.



## SA 02: APPENDIX 3

### Consent and Intake Form

Prior to meeting with the Ombudsman, you may contact the Office of the Ombudsman by email to complete a Consent and Intake form, or complete [the form on our website](#) and send it by email to the Office of the Ombudsman. All information provided will be kept confidential.