

OMBUDS REPORT

THE OFFICE OF THE OMBUDS
ANNUAL REPORT 2014-2015



OFFICE OF THE OMBUDS

To Promote a College community environment where all students may address and resolve concerns or issues in a manner that is consistent with the Office of the Ombuds' mandate of impartiality, independence, and confidentiality.





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UPDATES ON OUTSTANDING RECOMMENDATIONS:

2009 - 2010: **Recommendation:**

To provide all college community members electronically accessible Course Information Sheets (CIS) for college course offerings and Program Information Sheets (PIS) for program offerings. The CIS must remain current, reflect college standards, and comply with college policy.

Completed:

The Centre for Academic Excellence has completed a review of applications and have selected the COMMS software based on the College's business needs. This application is currently being deployed with in the academic area, and therefore, this recommendation is now considered complete.

2011 - 2012: **Recommendation:**

To develop and promote an on-line fairness course, which includes educational components that will be available to all College community members, free of charge.

Completed:

The Organizational Learning and Development area has started to integrate fairness course material into staff onboarding workshops and other developmental programs for staff, and therefore, this recommendation is now considered complete.

2012 – 2013: **Recommendation:**

That each school within the College community review their departmental procedures and course information sheets to ensure compliance and alignment with existing College policies. Where inconsistencies with College policies exist, that these areas be identified and brought forward to College policy makers for consideration and review.

Update:

The College continues to review its policies and practices.

Recommendation:

That the following form be reviewed by relevant departments with an eye to improving the content and language to ensure clarity and student acknowledgement - the academic offence form.

Update:

This recommendation remains outstanding and has been queued amongst the current academic priorities.

UPDATES ON OUTSTANDING RECOMMENDATIONS:

Recommendation:

That where a program requires a student to attend any form of a work placement that the following be considered: A) mandatory workshop for students be delivered prior to the student attending placement; B) Student be advised that any special needs or accommodation requests need to be reviewed by the appropriate parties to ensure the suitability and if required work placement accommodations or modification assistance [be provided].

Completed:

Effective November 2014, the new definition of worker under the Occupational Health and Safety Act (OHSA) expands coverage of the OHSA to unpaid interns, certain other learners and trainees participating in a work placement in Ontario. Specifically, the new definition of worker includes unpaid learners participating in a program approved by a post-secondary institution. In discussion with the Occupational Health and Safety department, a review is currently underway to ensure the college meets its legislative obligations. This includes the worker's "right to participate", "right to know" and "right to refuse work" as outlined in the Occupational Health and Safety Act.



IMPROVING THE DATA COLLECTION:

Extensive work has been completed on the Clockwork database and scheduling system. The main focus of the change is moving from a visitor centric system to a focus on visits. This will allow the capture of more rich data regarding the difficulty or dispute at the time of the visit. It will also allow data to capture information pertaining to multiple visits of an individual.

In addition to the vendor upgrades to enhance the Ombuds data capture system, the application will now reflect the current organizational structure, which includes the new school of public safety and changes within the continuing education area. Work was also completed on the data elements collected, resulting in the expansion of some categories and the deletion of obsolete categories. Duplicate categories were also eliminated.

The online intake form and calendar booking features and functionality have been restored. This will allow students within the college community to electronically access the Ombuds service. Students will be able to describe their difficulty or disputes and outline how their challenges may have been avoided prior to visiting the office. Once the student is registered within the application, they will have access to available appointments timeframes and be able to book directly on the Ombuds calendar, at their convenience, having regard for their class schedule, work schedule and co-curricular activities.

To maintain data integrity, it was important to make these improvements effective September 1st, 2015, at the end of the academic year. Therefore, for the purposes of highlighting the office activities in 2014/15 report, the data collected will reflect the data elements based on the old method of collection. The changes made will be reflected in the next 2015/16 report.



THE DUTY TO ACCOMMODATE: STUDENTS WITH DISABILITIES

Case Study: A misunderstanding based on differing perspectives

Background:

The following scenario is based on an actual case situation presented by a student. The visitor was a female international student in her mid-twenties. At the time of the visit, she was half way through a two year technical diploma type program. For the purposes of this scenario, the student's name is Sarah. Please note, this case study is presented to support the 2014/15 recommendations highlighted immediately following this section.

From the perspective of the student...

Sarah arrived without an appointment in a hurried and distraught manner. She was visibly upset. After inviting her in the office, I encouraged her to sit, relax and gain back her composure. I asked her what was troubling her. The student advised that she failed a core course by 2%. She explained that the professor would not accept her accommodation requirements and penalized her for late submissions by 20%. Otherwise, had the student been not penalized, she would have passed the course with a 68%.

During my conversation with the student, I learned that Sarah was admitted to hospital two weeks prior to the start of the school term. She was admitted for suicide ideations and underwent an extensive assessment. A treatment plan of psychotherapy and medication followed her release from hospital. Sarah was to follow up with the psychiatrist and the Fanshawe counselling accessibility office.

A counsellor met with Sarah immediate prior to the start of school. Amongst other things, the student was provided with an accommodation requirement letter to provide to her professors. The student confirmed that she provided the letter to all of her professors, including the professor who taught the course that she failed.

After being on the new medication for about two weeks, the student's medical condition deteriorated. The doctor explained to her there may be side effects of the medication prescribed. The student experienced a loss of concentration, migraine headaches, insomnia, loss of appetite and nervousness. At that time, Sarah returned to see her doctor and counsellor. Based on the new medical information, the Fanshawe counsellor, provided additional accommodation requirements. The student in turn provided the new accommodation requirement letter to her professors.

THE DUTY TO ACCOMMODATE: STUDENTS WITH DISABILITIES

A few weeks later, the student's medical condition stabilized. She was responding well to the psychotherapy and the medication. However, Sarah was feeling anxious as she was quite a bit behind in her school work. The student met with the counsellor for her regular follow-up appointment. In light of the student's concerns and her medical condition, the counsellor provided the student with an additional accommodation requirements letter. The letter suggested that the student must have the ability to hand in her outstanding work prior to the end of term. This letter was subsequently provided to her professors. During this entire period of time, Sarah remained under the care of her psychiatrist.

Towards the end of the school term, the student's medical condition improved and she was able to catch up, having completed all of her assignments and tests. Most tests were arranged through the testing centre, due to the time delays. Despite her medical challenges, Sarah reported she passed all of her courses with the exception of one course.

In light of the Sarah's concerns, I explained to the student the appeal process and outlined the grounds to consider, while focusing on the medical grounds. However, the relationship between the student and the professor had deteriorated to a point where the student was not able to discuss her course grading concerns with him. She explained that she was too upset.

From the perspective of professor...

Interestingly, I had worked with this professor in the past and enjoyed a positive and professional relationship with him. On an exception basis, I contacted the professor on behalf of the student. The professor provided his perspective on the situation, as follows:

He recalls that the student sporadically missed classes and that she was not that attentive in class. He remembers his first interaction with the student at the beginning of the term. Sarah handed over her initial accommodation requirements letter. He then explained the next conversation with Sarah was approximately two weeks later, when she provided him a further accommodation letter, with more significant accommodation requirements.

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Then, a little more than half way through the school term, Sarah provided the professor a further accommodation requirement letter. Again, it was progressively more significant with requirements, one being the ability to hand in her term's work, at the end of the school term. The professor explained there was little contact with the student, with the exception of the accommodation requests. As he did not see any justification for the increasing in severity of accommodation requirements, he choose to ignore all the letters, with the exception of the initial one. The professor whole heartedly believed he was doing the right thing in the context of Fanshawe's value of focus on students, given the wide interpretation of its meaning. On the other hand, the Professor confirms there was no communication with the accessibility counsellor, and vice versa, despite Fanshawe's value to engage each other.

With Sarah's permission, I explained to the professor that she was dealing with a significant medical condition, to which she was receiving active treatment by her physician. Furthermore, details (per the student) were provided to explain the increasing accommodation requirements over time. I also provided information on the professor's duty to accommodate and explained the need for him to remain within legislative compliance with the Human Rights Code of Ontario.

After sharing Sarah's additional details, and upon reflection, the professor decided to reverse the penalties levied on the student's grades. This resulted in Sarah passing the course with a 68%. A change of grade form was completed, submitted and approved by the school chair.

From the perspective of the Ombuds...

As the Ombuds looking at this situation from a neutral third party point of view, I can understand the perspective of the student, as well as, the accessibility counsellor, who was acting in good faith, having regard for student success. It is also clear that the accessibility counsellor was obviously privy to medical information and that the professor was not aware of this medical information.

Furthermore, I also understand that the professor was only aware of the performance of the student and the migrating accommodation requirements. Additionally, in good faith, the professor was concerned with the student demonstrating her knowledge, skills and abilities in the context of academic integrity with respect to the assignment/tests due dates. He also stated he wanted to be fair to all students, not just this individual.

THE DUTY TO ACCOMMODATE: STUDENTS WITH DISABILITIES

Considering Fanshawe's perspective...

Based on the literature found throughout Fanshawe, accommodating accessibility needs is a priority and a responsibility taken seriously, to the extent that it is embedded in the rights and responsibility statement; the College has a counselling and accessibility department, staffed with very well credentialed and caring employees that supports students with disabilities; and well thought out policies exist that promote compliance with Accessibility for Ontarians with Disabilities Act and the Human Rights Code of Ontario.

Fanshawe's best efforts to promote the duty to accommodate students' with disabilities is being put forward. However, I am concerned that the message is not reaching all the individuals within the college community, in order to understand their individual duty and the implications of failing to meet the requirements, having regard for the case study presented in this report.

Furthermore, Fanshawe has invested a substantial effort in its strategic framework that includes value statements. The quality of education at Fanshawe is dependent on these values, and Fanshawe's ability to provide the student body an exceptional academic experience may be enhanced by demonstrating these values, thereby, increasing the perception of fairness in decision making. However, it appears at least two values, focus on students and engage each other have been overlooked by the participants in the case study.

Some potential lessons learned...

Upon reflection of this case study and the cases seen over the 2014/15 academic year, it is apparent there is an underlying cause of student complaints related to the duty to accommodate students with accessibilities. While I agree there is also a need to ensure academic integrity and students need to demonstrate learning outcomes, there is a greater need to ensure compliance with legislative requirements.

After considering the cases seen this past academic, it appears there is a need to delineate between demonstrate learning outcomes and accommodating activities and/or tasks related to achieve learning outcomes. It is the activities and/or tasks that may require accommodation, not the learning outcomes. For example, a learning outcome may be to keep a lab tidy and free from debris on the floor. The activity may be sweeping the floor with a broom. However, the student may have a physical impairment that precludes them from sweeping. The sweeping may be accommodated with a vacuum type apparatus, and therefore, the learning outcome may still be met.

THE DUTY TO ACCOMMODATE: STUDENTS WITH DISABILITIES

In any event, opportunities exist to improve institutional deep learning in addressing this systemic issue, which may enhance organizational compliance to legislative requirements. There are college practices that seem to limit the duty to accommodate (such as in the case study presented) despite a general awareness of individual student accessibility needs. At times, tension seems to exist when approaching individual accessibility needs. For this reason, unnecessary conflicts may emerge between individual students and college officials, with respect to accommodation requirements.

A further opportunity exist to promote the definition and expectations with respect to Fanshawe's strategic framework, and in particular the values.

2014/15 Recommendations:

Having regard for the observation made with respect to the cases seen the office in the 2014/15 academic year, as well as, the information highlighted in the case study presented in this report, the following recommendation is being made:

That the college establish a working group, consisting of internal stakeholders to identify best practices when identifying and implementing individual accommodation requirements and that the College promote these best practices amongst its academic and service teams by the end of the 2016/17 academic year.

Acknowledgement:

The success of the Office of the Ombuds is not possible without the unwavering support of both the senior executives of the Fanshawe Student Union and the senior executives of Fanshawe. It takes a special commitment to fairness for an organization to provide such a service, as it relates to quality improvement opportunities within Fanshawe's systems. I also appreciate all the many staff members who have worked with the office in finding fair resolutions to visitors' difficulties and disputes. I also want to special thanks to all the office visitors, especially the students, administrators, academics and staff members who have consulted, in the interest of fair dealings within Fanshawe.

SUMMARY OF PAST RECOMMENDATIONS FROM 1993 TO 2014:

1993 – 1994	N/A
1994 – 1995	<p>That a standardized handout be given to all College students at the outset of their studies at Fanshawe College, explaining the College policy on scholastic offences in some detail.</p> <ul style="list-style-type: none">• That there be an appropriate number of invigilators present during exams and that students writing exams be spaced in such a way that no student has convenient visual access to any other student's exam.• That the present cheating policy be reviewed and expanded to include examples of scholastic offences. The new policy should include those who aid and abet individuals who cheat.
1995 - 1996	<ul style="list-style-type: none">• That a complaints policy pertaining to the Ombuds be developed.• To develop a more comprehensive code of conduct for the College Community.• That a process be implemented at the divisional level to make appointments for student who wish to see professors.
1996 - 1997	<ul style="list-style-type: none">• N/A
1997 - 1998	<ul style="list-style-type: none">• N/A
1998 - 1999	<ul style="list-style-type: none">• N/A
1999 - 2000	<ul style="list-style-type: none">• N/A
2000 - 2001	<ul style="list-style-type: none">• N/A
2001 - 2002	<ul style="list-style-type: none">• Academic and conduct offences should be separate and distinct. College policy and accompanying forms should reinforce the difference.• The College should examine if cheating sanctions are consistent with objective to act as a specific and general deterrent, and assess if there is a need to develop new sanctions.• The academic offence form should make reference to student right to appeal.• The college should develop a form of best practices as a means of preventing cheating, and reinforcing how the policy should be applied.• Application of policy should be monitored, either on a divisional or College-wide basis. This should ensure each case is investigated appropriately, and policy correctly applied. The College, or each academic division should provide a resource that can assist individual faculty members by facilitating the investigation and application of policy.
2002 - 2003	<ul style="list-style-type: none">• The fee appeal process should be reviewed, its purpose clearly articulated, and that the process and communication revised such that...• That steps be taken to ensure the actions of the academic managers are consistent with timelines contained in the student appeal policy. This may mean the reconsidering the appropriateness of the time lines, or developing a new mechanism to encourage compliance.

SUMMARY OF PAST RECOMMENDATIONS FROM 1993 TO 2014:

- 2003 - 2004 • That Chairpersons receive training in how to facilitate discussions between students and teachers, and to help students gather information, and evaluate the likelihood of a successful appeal.
- 2004 - 2005 • The college appoint an individual or department to be responsible for coordinating policy review, implementation and on-going education.
• Create a mandatory stage in approving new or revised policies to include assigning responsibilities for education and implementation.
• Announcements about policy revisions include a brief summary of the changes so that employees have a sense for their scope and purpose.
- 2005 - 2006 • That chairpersons conduct a review of program progression policies to ensure that they are consistent with the academic standing policy.
• That the policy (Conflict of Interest Policy) should be revised to include a specific section that deals with personal relationships between students and staff and teachers and supervisors. Elements outlined...
- 2007 - 2008 • That the college creates a new declaration of Student Rights and responsibilities.
• That the college develop and implement a clear and consistent process to contact students who are eligible for upgrading.
• That the college clearly articulate and apply criteria for which courses are eligible for upgrading and which can be excluded.
• That the college work to improve the transparency and predictability of the credit application process.
- 2008 - 2009 • The creation and implementation of an internal business plan that aligns with the College's strategic directions and FSU's goals, and ultimately the Academic Plan.
- 2009 - 2010 • To provide all college community members electronically accessible Course Information Sheets (CIS) for college course offerings and Program Information Sheets (PIS) for program offerings. The CIS must remain current, reflect college standards, and comply with college policy.
• To create an Academic Integrity educational course and an evaluation method to be electronically accessible to all college community members that outlines to the learner what is the college's definition of academic integrity, how students may adhere to academic integrity principles, what the college considers academic violation, and the consequences of each offence. The completion of the course may be used as an alternative resolution to a first level offence and fulfill the college's obligation of educating students in suspected academic violation cases.

SUMMARY OF PAST RECOMMENDATIONS FROM 1993 TO 2014:

- 2009 - 2010
- To provide the college and FSU an opportunity to create a response process to the recommendations made in annual reports.
 - To increase student awareness of the option to opt out of the FSU Health and Dental Plan.
- 2010 - 2011
- To incorporate the “Duty of Care” concept and the “act in the best interest of the student” belief in the most appropriate College policies and documents.
- 2011 - 2012
- To develop and promote an on-line fairness course, which includes educational components that will be available to all College community members, free of charge.
- 2012 - 2013
- That each school within the College community review their departmental procedures and course information sheets to ensure compliance and alignment with existing College policies.
 - Where inconsistencies with College policies exist, that these areas be identified and brought forward to College policy makers for consideration and review.
 - That students have access to Notice of Appeal of a Grade / Academic Decision form via electronic format.
 - That the following forms be reviewed by relevant departments with an eye to improving the content and language to ensure clarity and student acknowledgement
 - The international fee extension form
 - The academic offence form.
 - That where a program requires a student to attend any form of a work placement that the following be considered:
 - That a mandatory workshop for students be delivered prior to the student attending placement.
 - That Student be advised that any special needs or accommodation requests need to be reviewed by the appropriate parties to ensure the suitability and if required work placement accommodations or modification assistance [be provided].
- 2013 - 2014
- N/A

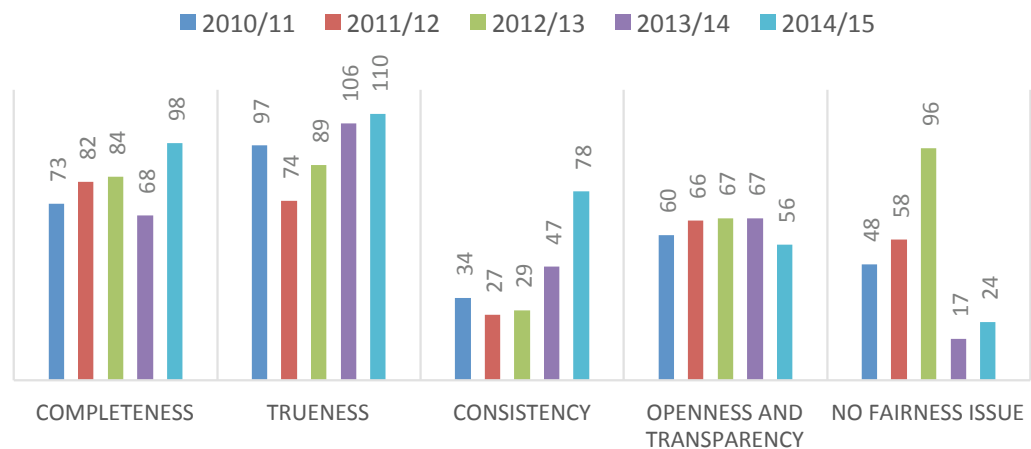
APPENDIX I - DATA:

Diagram #1: Provides the total number of visitors for each of the past 5 years. This captures data related to whether the student's fairness issue falls within the Ombuds mandate. An example of where a fairness issue would not fall within the Office's mandate would be a student who is denied their transcript due to owing fees. *Student self-advocacy, within the Ombuds coaching/mentoring model

	Inside Mandate		Outside Mandate	TOTAL
	Resolution without Direct Intervention*	Resolution with Direct Intervention		
2010/11	281	25	6	312
2011/12	269	29	9	307
2012/13	273	43	7	323
2013/14	267	33	5	305
2014/15	357	3	6	366

Diagram #2: Provides a breakdown of the five fairness categories that the Ombuds uses to classify complaints.

DIAGRAM #2: VISITORS BY FAIRNESS CATEGORY



APPENDIX I - DATA:

Diagram #3: Provides the nature of the dispute or difficulty and what is the area of concern. It is interestingly to note that academic issues account for approximately 2/3rds of the student complaints which seems to be on the rise.

DIAGRAM #3: NATURE OF DIFFICULTY OR DISPUTE

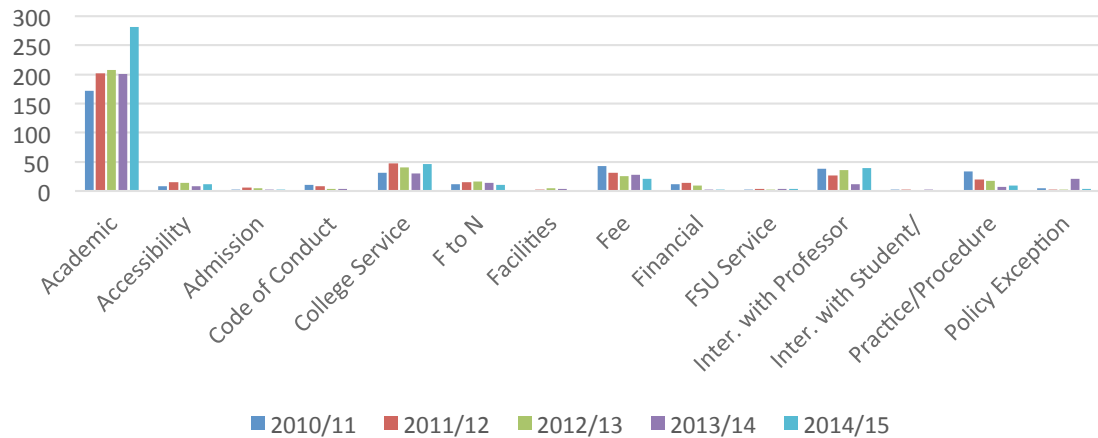
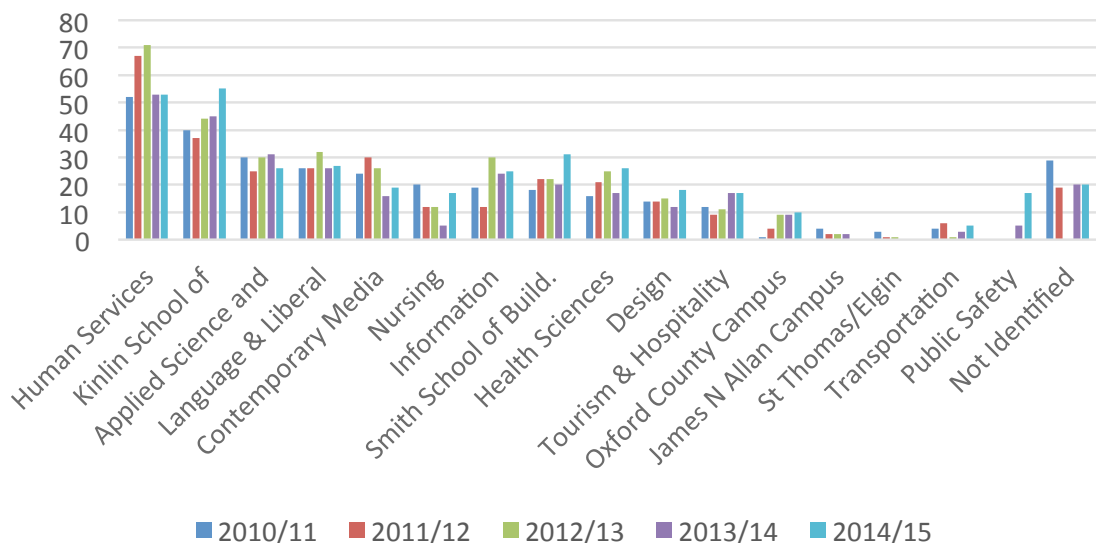


Diagram #4: Outlines the school that the student is attending, and not necessarily the area responsible for the concern. It is important to note that the difficulty or dispute may be with a service or other department within the College. This chart simply outlines the school where the student is registered.

DIAGRAM #4: VISITOR BY AREA OF STUDY



APPENDIX I - DATA:

Diagram #5: Provides a breakdown of the GPA of the student. Interestingly, the majority of visitors hold a GPA higher than a 2.0. The “not applicable or CE or 1st Semester” category was mainly derived from the non-student or anonymous type of visitor or the visitor was a 1st semester student where a GPA was not yet calculated.

DIAGRAM #5: VISITOR BY GPA RANGE

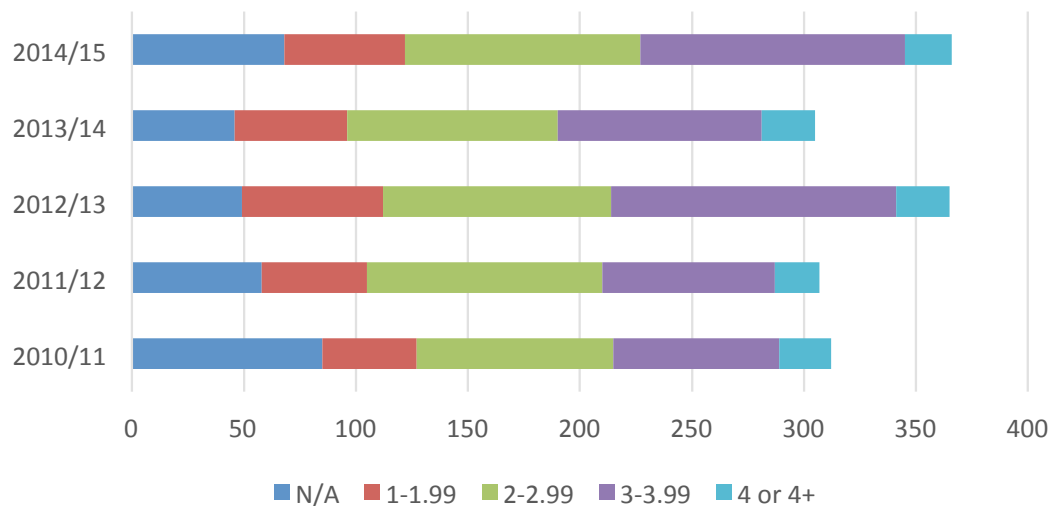
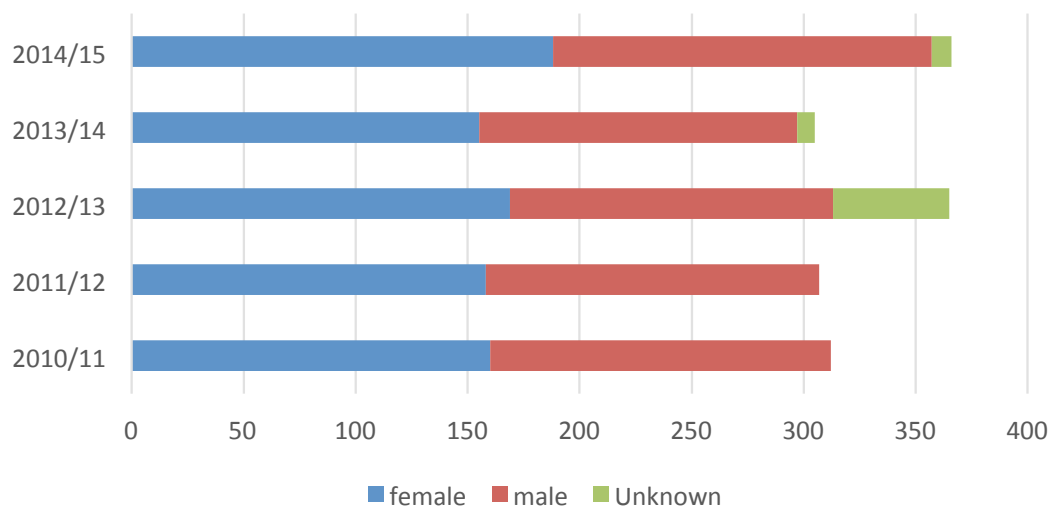


Diagram #6: The chart below categorizes the visitor by gender. There are no significant changes in the ratio of female of male visitors for this reporting period.

DIAGRAM #6: VISITOR BY GENDER



APPENDIX I - DATA:

Diagram #7: Shows the age distribution of students at the time of their visit, during this period of time. Not surprisingly, the largest category includes students who are between the ages of 20 to 24 years of age.

DIAGRAM #7: VISITOR BY AGE RANGE

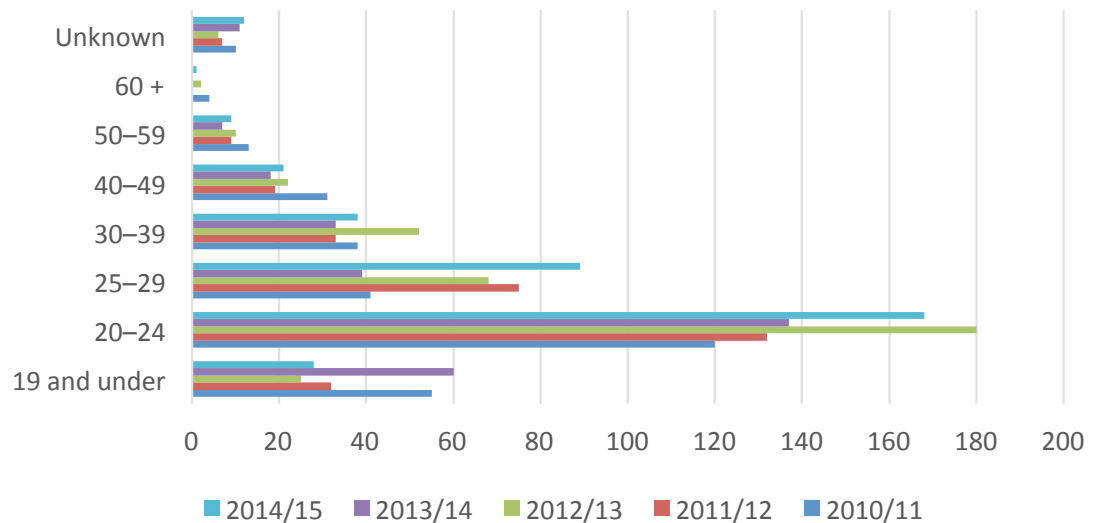
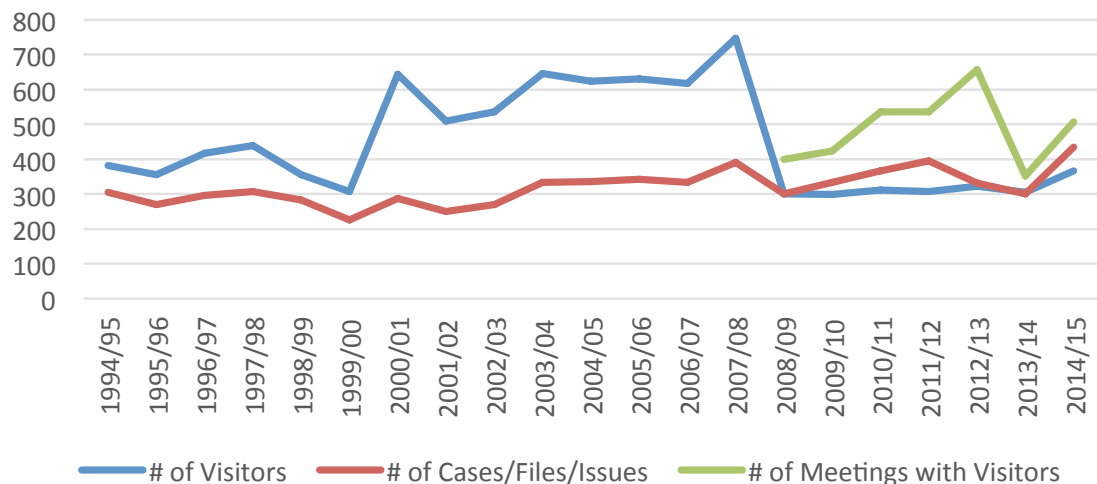


Diagram #8: Provides an interesting historical perspective of the level of Office activities since the creation of the Office in 1993.

DIAGRAM #8: HISTORICAL CHARTING OF VISITS, ISSUES AND MEETINGS



STATEMENT OF RIGHTS AND RESPONSIBILITIES

The College and FSU value the following principles of trust, confidentiality, respect, fairness, equality, dignity, diversity, security and safety in order to offer the highest quality education, learning experience and student life in this academic community.

These principles encompass all student activities under the banner of Fanshawe College and/or FSU, on and off College campuses. All participants entering into this moral and social contract will commit to the following principles:

STUDENTS HAVE THE RIGHT TO:

- a safe, secure and accessible College environment, suitable and reasonable for learning, study and wellness
- a positive environment conducive to learning characterized by equality and mutual respect that remains free from personal bias, and unlawful harassment and discrimination
- timely, objective, fair and reasonable academic evaluation methods that are reflective of academic, occupational and industry standards and competencies
- timely notification of all academic and administrative decisions that affect their College community life (in writing and including supporting rationale where required by College policy)
- timely and appropriate services and supports to foster a positive and meaningful educational experience
- seek clarification of, or recourse on, all decisions under College policies that affect them without fear of reprisal
- the protection of privacy and confidentiality of personal information, subject to limits in accordance with the law

STUDENTS HAVE THE RESPONSIBILITIES TO:

- abide by all applicable federal, provincial and municipal law
- treat members of the College community with respect
- follow all reasonable direction provided by the College and/or FSU
- be engaged in the pursuit of learning within an ordered academic environment
- adhere to the Student Code of Conduct and other relevant College/FSU practices, policies and procedures
- be honest and truthful and not make any false, misleading or inflammatory statements or allegations
- report any wrong doing or unlawful activities to the College and/or FSU officials
- ensure all College and/or FSU visitor(s) are informed of the expectations outlined in the Code of Conduct
- adhere to the “fair information principles” and abide by College policies respecting the privacy of others and the confidentiality of personal information

COLLEGE AND FSU HAVE THE RESPONSIBILITIES TO:

- abide by all applicable federal, provincial and municipal law
- act in the best interest of students following the principles of 1) act in good faith, 2) be reasonable, 3) adhere to set standards and 4) place appropriate weight on information gathered against set criteria
- provide an environment conducive to learning that is safe, secure and accessible; suitable and reasonable for learning, study and wellness
- provide students timely and relevant advice and guidance
- publish accessible and relevant information (e.g. program and course content and academic progression criteria)
- ensure no changes to practices, policies or procedures will apply retroactively to the detriment of the student
- adhere to the “fair information principles” and collect, use and disclose personal information in accordance with the law, including the Freedom of Information and Protection of Privacy Act and the Personal Health Information Protection Act
- protect the security of students while maintaining the physical facilities to government, educational and appropriate industry standards
- promote dispute resolution through the assistance of the Office of the Ombuds

The College and the FSU will meet annually to review and, if both parties agree, to renew the Statement. In signing this document, the Presidents are committing the College and the FSU to the principles set forth.

Signed and dated by:


Peter Devlin, President Fanshawe College
Date: 16 April 2014


Matthew Stewart, President Fanshawe Student Union
Date: 1/5/14

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