



Ombuds Office

ANNUAL REPORT

2001-2002

In accordance with the terms of reference pertaining to the Ombuds Office, this annual report is submitted to the President of the College and the Ombuds Advisory Committee. The report covers the period from July 1, 2001 to June 30, 2002, and is available to any member of the Fanshawe College Community.

ANNUAL REPORT MESSAGE

Timelines and Student rights and Responsibilities Policies

Over the past eighteen months, the College has reviewed and revised the Student Grade Appeal (2-G-02) and Student Concerns and Complaints policies (2-G-03). I am told that the aim of the revisions was to make the policies more accessible, and to reduce the time it took to have complaints resolved. One of the changes resulting from these reviews is that students have 30, rather than 42 days to register a complaint or submit a formal appeal. The complaints policy allows for students to complain after the 30-day deadline only when extenuating circumstances “in the opinion of the College,” delay the complaint. The appeal policy makes no exceptions. The policies also set deadlines of 14 days from when the complaint/appeal was received for College administrators to respond to complaints with a decision. Deadlines for these responses can be extended with mutual consent of the student and College administrator. In cases where the student has not received a response within the prescribed deadline they can take their complaint/appeal to the next level of the process. In the months since these policies were reviewed, and the deadlines were changed I have noticed several trends that raise concern about students’ fair access to these policies.

I have already indicated that the College is quick to dismiss complaints and appeals when students do not meet deadlines. At the same time, I am concerned that Administrators are abusing the clause that allows them to delay their response beyond the fourteen-day deadline. In the 2001-2002 report year I was involved in several cases where the deadlines were contravened. When I discussed the delays with the Administrator their ability to resolve the matters was often hampered by their workload, availability of parties to the dispute,

and willingness to resolve the matter expeditiously. We must remember that the College expects students to follow deadlines and will only allow them to be breached in exceptional circumstances. The “Missed Final Exams For Students In Full-Time Post-Secondary Programs (2-C-01)” policy indicates that examples of exceptional circumstances include serious illness and bereavement. If we extrapolate these examples to the Complaint and Appeal policies it seems rather inequitable that the College gives students very little leeway in delaying their responses, while at the same time assigns no standard for acceptable delays by administrators.

According to both the appeals and complaint policies, students have the right to proceed to the next level of the process if the administrator exceeds the 14-day limit. In practice very few students are willing to do this because the power imbalance is so great. It takes a great deal of courage for students to voice their concern to Deans, Chairpersons and Managers. Delays in responses have several effects. Primarily, students loose faith in the process, and therefore doubt that appealing to the Vice President will motivate any positive change. Students also fear alienating the Dean/Chairperson/Manager by appealing to their supervisor. Negative experiences with the complaint process discourage students from voicing

Contents

Annual Report Message	1
Ombuds Mandate.....	3
Overview	4
Advisory Committee Activities	4
Promotion and Outreach.....	4
Professional Development	5
Discussion of Cases.....	5
Case Studies	7
Recommendations	10
Looking Toward The Future	10
Thanks	10

any further complaints or appealing unfair grades during the time they remain at the College.

In order to reduce this problem it is imperative that Administrators be familiar with the policies related to Student Rights and Responsibilities. Vice Presidents should stress the importance of complying with the policies and Managers and Chairpersons need to be cognisant of their obligations as agents of the College. Students should be aware that they have the right to pursue their complaints to the appropriate Vice-President if an Administrator's response time exceeds the acceptable timeframe. The College has recently reviewed and approved of these deadlines. The newly minted policy rearticulates the College's commitment to the timelines in the policy; therefore there is little excuse for non-compliance. When contemplating if they should extend a deadline, administrators should ask themselves "if a student cited that reason as grounds for missing a test or exam, would that explanation be sufficient to qualify them for a make-up opportunity?" If not, it is difficult to justify using a lower burden of proof for "exceptional circumstances" for administrators than students. A rigorous test that sets out the same expectations for College employees and students may help to reduce the apparent double standard and the potential for abuse of process.

The final reason it is important to comply with internal policies relates to the possibility of judicial review. Traditionally, the courts have been reluctant to intervene when students have brought lawsuits against Colleges and Universities when said institutions have adequate internal procedures to ensure fairness. Exceptions to this practice occur when plaintiffs are able to demonstrate that the academic institution either did not have an adequate complaint/appeal process, or that errors occurred in the application of an existing process. Blatantly disregarding deadlines could be construed to be an example of an error in applying a policy. The chance of a judicial review is rather remote; however it is difficult to judge the severity of a complaint when it first presents itself. Adhering to College policy ensures the principles of Natural Justice are upheld, helps to maintain student respect for College policies, and helps to reduce the occurrence of outside intervention in internal College matters.

Student Success

Fanshawe College is committed to student success as an outcome. The definition of success is outlined in the Board Of Governors Policy Manual, Student Success Ends policy. The following indicators demonstrate Success:

- The student has obtained his/her educational goal of a diploma/certificate

- The student has attained the ability to think critically and analytically
- The student was satisfied with the usefulness of his/her College education in achieving his/her employment goals after graduation
- The employer was satisfied with the graduate's overall preparation for the type of work the graduate was doing

With the inception of the Student Success policy, Academic divisions have implemented several initiatives in effort to achieve these objectives. Although these projects goal is to promote student success, the same objectives do not appear to be consistently applied across academic programs.

A variety of practices appear to conflict with the explicit goals outlined above. I hear from students of the perception that some programs actively encourage a high attrition rate in order to weed out weaker students and have a more manageable number for subsequent levels of a program. A second example relates to the perception amongst students that over-subscribed programs seem less willing to help students because demand exceeds the number of spaces in the program, so there is no need to assist students that have tried and failed to complete the program.

The third example is somewhat more detailed, and comes from a case with which I recently dealt. The student was in his final program level, but had failed two courses during the program. The student made up the classes in subsequent terms but was two courses short of completing the program when he reached the final program level. At the conclusion of their last program level the student failed a third class. The student attempted to register as a part-time student to take the classes in the summer term (the student had all the prerequisites to do so). He was denied access to the classes because a program rule states that students could not continue in the program if they had failed two courses. The student asked if there was any remediation program available and was told that there were no such provisions, and perhaps they should try another College with lower standards. The student was forced to appeal the failing grade for the course, based on rather suspect grounds and enrol in the classes (with permission of the chairperson), pending the outcome of the appeal. In this situation, a marginal student was forced to appeal a grade rather than receiving help so they might succeed. The student passed the two classes where he appealed the grade, and failed the third. This situation makes it clear that just retaking classes is not helping the student become more successful.

While the above scenario appears to conflict with the Board of Governor's policy, several academic programs are working to eliminate such dead-ends, create opportunities for students to upgrade so they will be eligible for readmission. In these programs, the number of complaints about this issue has dropped because students feel that the College is working with them to develop options. It is also important to recognize that it may not be appropriate to give students unlimited chances to pass a course, and there may be justifiable limits on the number of times a student can retake or fail courses. However, it is very difficult to justify this stance when no assistance is given to students to bring their skill to a point where they can be successful in achieving a diploma and functioning at a skill level employers expect of Fanshawe graduates.

The student success initiative is still in its early stages, and it is encouraging to see that some positive results have occurred. At the same time I would recommend that academic programs consider how their progression rules relate to the success objectives. Do programs contribute to the problem by creating dead ends? If students are not successful in a program, what reasonable measures can be taken to allow students to upgrade such that they may demonstrate the skills necessary to be successful? It is important to look at what measures can encourage success while the students are enrolled in classes, however it would be short sighted to ignore what happens if these measures are not effective in helping to promote student success. Finally, when these changes are made it is imperative that the change is demonstrated to students in order that the perception that programs are out to oust students is eliminated.

An effective student voice?

In the two and a half years I have been Ombudsperson, I have been asked to participate, as a resource, on a variety of committees dealing with policy and strategic directional issues. These committees tend to comprise a variety of stakeholders, including representation from the Student Union. College administration actively seeks out student voices to help shape the direction of the College, and considers that input as it makes its decisions. In my experience, students add a perspective that College employees cannot bring to a decision, and the College listens to the student perspective. However, all too frequently this perspective is not adequately represented at these meetings because the student representatives are unavailable or choose not to attend. The result is that decisions are made without adequate consultation with students.

The executive of the FSU is charged with running a large and successful organization that is independent

of the College. Many members of the executive are also full time students. It is easy to see how attending College-related meetings might be seen as a lower priority; however I would encourage members of current and future executive committees to ensure that the students' perspective is adequately represented. If past practice has not allowed for students to attend meetings, and the FSU executive still wants student representation, the FSU executive should take measures to ensure effective representation occurs. In seeking a solution to this matter it is important to balance running FSU as an independent organisation and individual responsibilities as students, while not neglecting the opportunity to have a voice in shaping significant policy issues at the College. If an effective solution can be found it will benefit both the College and the student body for years to come.

Outcome of Complaints; some advice for students

In preparing this report I looked at how complaints differ month to month throughout the school year. This investigation revealed some interesting trends. Generally the first months of the term are dominated by complaints about service areas. These complaints are relatively quickly resolved either by explaining College rules and expectations, or by students contacting managers of the service area in question. As the term progresses most of the complaints relate to academic matters. It is interesting to note that students who voice their academic concern earlier in the term appear to have greater control over its resolution. Complaints voiced in the final month of an academic term tend to have a higher incidence of grade appeals or formal complaints, which are adjudicated by Chairpersons/Deans. The preliminary conclusion that can be drawn from this evidence is that when students actively pursue a resolution to their complaints when a problem first presents itself, they have a greater chance of successfully negotiating a compromise with their teachers than students that wait until the final weeks of classes before seeking to resolve their problem. I would encourage students to discuss their concerns with their teachers and take steps to resolve their complaint while there is still time to have significant influence over its outcome.

OMBUDS MANDATE

The Ombuds Office was established in October 1993 through a joint agreement between the College and the Student Union, where the Student Union and the College equally share the office's expenses. This financial arrangement helps to maintain and promote the independence and impartiality of the office.

The general mandate of the Ombuds is to investigate complaints raised by any student regarding academic matters; services to students; operation of the Student Union; treatment by other members of the College Community; or campus environmental issues. The Ombuds is given the power to investigate and to recommend solutions. Although the office is set up to investigate student complaints, the Ombuds is not a student advocate. That role remains the mandate of the Student Union. An Ombuds hears student complaints, but strives to remain impartial, looking at different sides of an issue before advocating for a fair resolution.

2001-2002 OVERVIEW

509 members of the College community were in contact with the Ombuds office this year, regarding 249 files. This is consistent with the number of cases reported in 1996-1998, and in 2000-2001.

The majority of visitors to the office this year were students, but College employees also used the office and therefore account for a portion of the numbers shown. Although the Ombuds mandate is to handle student inquiries and complaints, the office is available to the entire College community as a resource. All members of the College community are welcome and are guaranteed confidentiality when they visit.

Once again, students were referred to, or learned of, the Ombuds Office from a variety of sources, including: Faculty, divisional offices, Counselling and Student Life, The President's Office, Student Union, other students, and advertising. Faculty continue to refer the largest group of students. If you are unsure if you should refer a student to the Ombuds Office, please do not hesitate to ask. We can discuss the mandate of the office and how I might be of assistance. I continue to meet with staff and students to discuss a wide range of issues, including policy questions, principles of conflict resolution and the issues at stake in a dispute. Over the year many fair solutions were found to difficult problems with the co-operation of all constituencies within the College.

OMBUDS ADVISORY COMMITTEE ACTIVITIES

The members of the Ombuds Advisory Committee during this report period were: Lori A. May (Student Union President); Grant Meadwell (Manager of Counselling and Student Life Services); Steve Andrusiak (Communication Arts Chairperson); Leslie McIntosh (Local 109 Representative); Joy Warkentin (Academic Vice-President); Kay Wigle (Local 110 Representative) and John Young (Student Union Building Manager/Programmer). The Committee is co-

chaired by the Manager of Counselling and Student Life Services and the Student Union President.

The Committee met once during this reporting period to discuss the 2000-2001 annual report. The committee was unanimous in their acceptance of the report, and supportive of the work done by the Ombuds office during this report year. The committee provided their advice on an informal basis throughout the year.

PROMOTION AND OUTREACH

Last year's annual report appeared as an article in the *Interrobang*, and was made available to all staff as an electronic file. A copy of the report is also posted on the Ombuds Office web site. The report served as a useful starting point for several discussions with employees throughout the College.

In February I presented a report on Academic Dishonesty and the Cheating Policy to College Council. The report was an important foundation for subsequent discussions with academic areas and a newspaper article in the *Interrobang*. This report contained a series of recommendations aimed toward improving the function of the cheating policy. During the year I also acted as a resource for a variety of committees.

In November, with Heather York's assistance, new design for ombuds office website, with an easier URL (www.fanshawec.ca/ombuds) was debuted. The web page features more information, and links to policies and publications. Publicity for the office was also included in traditional publications. A paragraph outlining the Ombuds' mandate appeared again in the College calendar and program guides; the student handbook; Counselling brochures; brochures for the Four Letter Words Campaign; and the information package sent to new registrants.

I attended various meetings to promote the office, answer questions and to act as a resource to groups and committees. During the year I met with divisional chairs, area campus principals and staff, members of the student union executive, faculty and staff to discuss a variety of issues. On-going plans include attending divisional meetings, orientation and information sessions. These are excellent opportunities for me to discuss the role of the Ombuds Office and hear concerns from a variety of stakeholder groups. I will continue to make myself available to groups or individuals who would like to meet and discuss issues related to the Ombuds Office.

In addition to these activities, I am also the Notary Public for the College. In the fall of 2001 I received a commission from the Ontario government allowing me to take affidavits and attest instruments in connection

with the business of the College. I have been busy providing this service to College employees and students, but have also had to refuse to provide the service when it did not meet the strict limitations on my commission. For more information on the commission please feel free to contact me.

PROFESSIONAL DEVELOPMENT

Over the past twelve months I participated in a variety of professional development activities. In October I attended the first conference of the Association for Conflict Resolution. The conference was international in scope and provided a variety of different perspective related to conflict and its resolution.

I am a member of the Association of Canadian College and University Ombudspersons. During the year I participated in a variety of the Association's activities, including their annual conference in Winnipeg. The conference content was informative, such that I was almost able to forget the late May snowstorm that blanketed the city. I am also a member of a new organization called the Forum of Canadian Ombudspersons. The objective of the organization is to serve as a resource for ombudspersons from Government, Universities and Colleges, and Organizations in the public and private sector, and promote ombuds work throughout Canada. I subscribe, and participate in several e-mail discussion lists dedicated to issues related to Ombudsmen and Alternative Dispute Resolution.

DISCUSSION OF CASES

This section provides a statistical breakdown and analysis of this year's caseload. A total of 249 files were generated from the complaints/inquiries of 276 persons. The first breakdown involves the difference between cases where information, advice, or some form of intervention was necessary. Table 1, and Graph 1 illustrate this breakdown. Cases were reported as information when I provided case-specific information to the client. Cases are classified as advice when we discussed a visitor's concern, identified possible paths toward resolution, and helped the student to assess which path is most appropriate to their circumstances. The forms of intervention ranged from the most common type, which involved a form of shuttle diplomacy, to mediation, or a more formal investigation. In some cases, merely clarifying an issue resolved the problem. In a minority of cases I conducted a formal investigation and issued a report containing recommendations how to resolve the situation. Whenever possible, I attempt to empower visitors to

pursue their own solutions in an informed and appropriate manner. By spending time discussing expectations, fairness and options, individuals are better prepared to make wise choices and take effective action on their own. This strategy has been found to be of more value to students and preferable by College employees. Advice was given in the highest proportion of cases, which is consistent with previous years. The number of cases where the Ombuds intervened decreased this year, from 18% during the 2000-2001 report year to 9.2% for the current period. The number of files where advice was given increased from 69% to 85% and information remained relatively similar to last year. The average number of active days for each file was less this year than in previous years. It took an average of 3.2 days this year to conclude a file as compared with 3.9 and 5.9 days for the previous two years.

Graph 1.
Case-related Contacts, 2001-2002

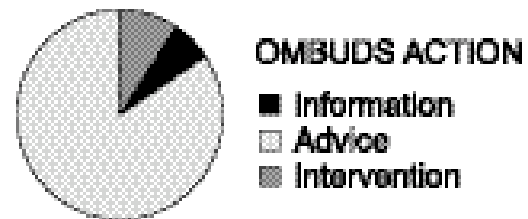


Table 1.
Case-related Contacts, 2001-2002

Type of Case	# of Cases	% of Total
Information	16	6.4%
Advice	210	84.3%
Intervention	23	9.2%
Total	249	100%

Table 2 describes the types and number of files received. Thirteen categories are used to record the issues. At times, the nature of complaints and inquiries are difficult to categorize if they overlap or are unclear. In some cases there are multiple issues involved in a complaint. While I classify cases according to both primary and secondary issues, only the primary issues (which are recorded according to the best matching issue description) are contained in this report. Approximately one-third of Ombuds files have secondary issues.

WHO VISITS THE OFFICE?

The following four tables illustrate distribution of files into constituent areas. Table 3 reports the number of files according to the division from which the complaints

Table 2.
Description of Issues Handled, 2001-2002

Issue	# of Cases	%of Total
Academic	155	62.2
Other	19	7.6
Registration	16	6.4
Financial Aid	14	5.6
Conduct	9	3.6
Personal Differences	8	3.2
Harassment & Discrimination	6	2.4
Policy	6	2.4
Fees	5	2.0
Other Student	4	1.6
Outside Mandate	4	1.6
Disability	2	0.8
Residence	1	0.4
Total	249	100%

originate. I refer to these as complainants. Table 4 shows to which constituent group individual complainants belong. It demonstrates that the majority of complainants are full-time students, but employees and other groups also initiate complaints and inquiries. Table 5 reports the number of files relating to the area about which the complaint is being made. I refer to individuals responding to complaints as respondents. Table 6 shows which constituent group respondents belong. It demonstrates that the majority of respondents are employees, but and other groups are also the subject of complaints. When there is no specific individual being complained about, the complaint is recorded against the division. Complaints are recorded in such a manner to avoid attributing complaints about departmental policies or unknown staff members to individuals.

The difference between complainant and respondent is significant. For example, a student in Building Technology may complain about a service area outside his or her own. The complainant tables would reflect the fact that a student from Building Technology made a complaint, and the respondent tables illustrate the area against which the complaint was directed. The tables do not reflect the differences in size between divisions nor do they indicate the nature of the files.

A greater number of complainants are unknown because a number of complainants remained anonymous. The category of “other” in the complainant tables refers to persons who are not presently students, for example, applicants or former

Table 3. Caseload by Constituency of Complainant, 2001-2002

Division of Client	# of Clients	% of Total	# of Cases
Art And Design	18	4.8	12
Building Technology	17	4	10
Business Studies	22	8	20
Career Development in Business & Health	7	2.4	6
Communication Arts	13	5.2	13
Counselling and Student Life Services	4	1.6	4
Electrical/Electronics Technology	10	3.6	9
General Studies	24	9.2	23
Health Sciences	17	6.4	16
Human Resources	1	0.4	1
Human Services	27	10	25
Information Technology	17	6.8	17
James N. Allan Campus	4	1.6	4
Manufacturing Sciences	11	4.4	11
Motive Power Technology	5	2	5
Nursing	20	6.8	17
Other	1	0.4	1
Oxford County Campus	6	2	5
Registrar's Office	2	0.8	2
St. Thomas/Elgin Campus	5	2	5
School Of Continuing Education	3	1.2	3
Technology – CE	6	2	5
Tourism & Hospitality Studies	8	3.2	8
Complainant without Division/Unknown	28	NA	NA
Cases without Division	NA	10.8	27
Total	276	100%	249

students. The category of “other” in the respondent tables have smaller numbers because complainants are more specific about whom they are complaining, and because the mandate of the office precludes me from dealing with respondents that are not connected with the College.

Outcome of Cases

The effectiveness of the Ombuds Office is often measured by its ability to facilitate the resolution of complaints. Table 7 shows the outcomes of cases in the 2001-2002 report year.

Table 4. Complainant Group Status

Group description	# of Clients	% of Total
EMPLOYEE		
Administration	8	2.9%
Faculty	16	5.8%
Support	2	0.7%
Group Total	26	9.4%
OTHER		
Alumni	1	0.4%
Other	11	4.0%
Student Union	2	0.7%
Group Total	14	5.1%
STUDENT		
Continuing Education	12	4.3%
Full-Time	202	73.2%
Other	14	5.1%
Part-Time	8	2.9%
Group Total	236	85.5%
Total # of Complainants	276	100%

CASE STUDIES

The following three case studies are offered to illustrate principles of natural justice and to give readers a more detailed view of the Ombuds office work. Each features a brief summary of the case with some comments. These cases are fictionalised accounts of actual cases. Therefore, details have been modified or omitted to protect the identity of individuals and departments. The cases are chosen for their interest and educational value only.

The Case of the Competing Code of Conduct & Concerns and Complaints

A male student named George attended the Ombuds office to complain about the conduct of a faculty member. George had previously attempted, unsuccessfully, to resolve his concerns with the teacher. During our discussion, George and I discussed his options, including the formal complaint process, and forms of Ombuds intervention. We decided that the alleged behaviour was sufficiently serious that George should take his concerns to the Chairperson. We decided to meet again following the meeting with the Chairperson. George met with the Chairperson the following day to express his concerns. The Chairperson agreed to investigate George's claims.

After their meeting, the Chairperson received a Code of Conduct report, submitted by a teacher, about George's behaviour in class. The Chairperson had two competing complaints, each with separate processes to be followed. The Chairperson

Table 5. Caseload by Constituency of Respondent, 2001-2002

Division	# of Clients	% of Total	# of Cases
ACADEMIC DIVISIONS			
Art and Design	9	3.2	8
Building technology	8	3.2	8
Business Studies	11	3.6	9
Career Development in Business & Health	5	1.6	4
Communication Arts	7	2.8	7
Electrical/Electronics Technology	10	4	10
General Studies	26	10.4	26
Health Sciences	8	3.2	8
Human Services	15	5.2	13
Information technology	9	3.6	9
James N. Allen Campus	1	0.4	1
Manufacturing Sciences	6	2.4	6
Motive Power technology	3	1.2	3
Nursing	15	6	15
Oxford County Campus	6	2.4	6
School of Continuing Education	2	0.8	2
St Thomas/Elgin Campus	6	2	5
Technology – CE	11	3.6	9
Tourism & Hospitality	7	2.8	7
SERVICE AREAS			
Ancillary Services	5	2	5
Bursaries & Scholarships	1	0.4	1
Community Fitness Centre	1	0.4	1
Counselling & Student Life	1	0.4	1
Development & Partnerships	2	0.8	2
Financial Aid Services	15	6	15
Occupational Health, Safety & Security Service	1	0.4	1
Office of the President	1	0.4	1
Planning Services	1	0.4	1
Registrar's Office	24	9.2	23
Retail Services	2	0.8	2
OTHER AREAS			
Student Union	3	1.2	3
Respondents without Division	11		
Cases without Respondents	--	14.8	37
Total	233	100%	249

investigated both matters and decided that George's behaviour violated the Code of Conduct, and was sufficient to be suspended from the College for the remainder of the term. The Chairperson's decision included specific conditions George had to meet before he could return to the College. The Chairperson investigated the student's complaints,

but did not provide George with any comment on the state of the investigation or conclusions. Several days later George received a letter outlining that he had been found guilty of a Code of Conduct offence, and the sanction for his violation. When I met with George following his receipt of the Chairperson's decision, we discussed how he could appeal a Code of Conduct offence, and how to pursue his complaint if he felt that was appropriate. George chose not to pursue his complaint, or appeal the code offence because he believed that the Chairperson's conduct demonstrated that he would not get a fair hearing.

Table 6. Respondents By Group Status 2001-2002

Group description	# of Clients	% of Total
EMPLOYEE		
Administration	61	26.2%
Faculty	122	52.4%
Support	15	6.4%
Group Total	198	85.0%
OTHER		
Division	16	6.9%
Other	7	3.0%
Student Union	3	1.3%
Group Total	26	11.2%
STUDENT		
Full-Time	5	2.1%
Other	4	1.7%
Group Total	9	3.9%
Total # of Respondents	233	100%

Table 7. Outcome of Cases 2001-2002.

Outcome	#of Cases	%
Appeal	45	18.1
Complaint Filed	10	4.0
Compromise	51	20.5
Complaint Withdrawn	24	9.6
Favoured Complainant	12	4.8
Favoured Respondent	26	10.4
No Resolution	2	0.8
Ombuds Withdrew	3	1.2
Provided Information	50	20.1
Referral	25	10.0
Unknown	1	0.4
Total	249	100

Table 8. Progress Update on Academic Dishonesty Recommendations

Recommendation	Status of Action
Academic and conduct offences should be separate and distinct. College policy and accompanying forms should reinforce this difference.	The Code of Conduct currently under review. Proposed changes appear to address this recommendation.
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 list of acceptable sanctions was reviewed and remains consistent, therefore appropriate use of sanctions should be encouraged.
The Academic Offences Form should make reference to students right to appeal	To be completed following review of Code and Student Cheating Policy
The College should develop a form of best practices as a means of preventing cheating, and reinforcing how the policy should be applied	No action to date. Goal of recommendation should be addressed via education related to implementing revised policy.
Application of the policy should be monitored, either on 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 the policy	No action to date. Goal of recommendation should be addressed via education related to implementing revised policy.

Discussion:

It was clear that George perceived that he was being targeted because he had complained about the teacher. George lost faith in the College's ability and willingness to deal fairly with students, specifically the complaint process. Additionally, the Chairperson did not discuss any conclusions with relation to possible misconduct by the faculty member. The Chairperson had conducted a thorough and fair investigation; however they had not effectively communicated any conclusions to George.

Over the last report year, I had several cases like this. George's example, where he withdrew from any further complaint or appeal processes, was a common reaction. Another common reaction was that students would go through the appeal process and fight longer because they felt that they had not been heard throughout the process. Cases where the student feels that a College official has not heard them tend to take significantly longer to resolve because the student harbours mistrust and questions the fairness of the process. In this case I attempted to advise the student how to interact with College policy, and discussed how to deal with the complaint with the Chairperson. When a formal complaint or appeal is underway, I tend not to conduct formal investigations and make recommendations unless it is specifically requested by both parties. The problem in George's case was that the Chairperson had conducted a thorough investigation, but had not demonstrated to the student that the elements of due process had been met. This could have been accomplished by demonstrating that the Chairperson had considered all the evidence available, allowed the student to hear the case against him and respond effectively, and addressed the competing Code of Conduct offence and Complaint with equal weight. During an investigation, considering all the evidence available may not alter conclusion, but College officials should show that it was considered, and deal with the complaint independently. It is important to do so because this case demonstrates that it can be difficult to maintain the perception of fairness even if correct procedures are followed. Taking these matters into consideration will help to ensure that the process is perceived as fair, and will ensure the principles of natural justice are upheld.

Apprehension about Approaching a Teacher

Leslie, a student in her first term at the College attended the Ombuds Office with a complaint about one of her teachers. During our discussion, Leslie indicated that she wanted the teacher fired because she was a bad teacher with a difficult lecture style. Leslie reported that she was having trouble following the lectures and had

difficulty studying from notes she took in class. We discussed the student complaint and grade appeal policies, and informal ways that I might intervene to help Leslie express her concerns and hear her teacher's response. Leslie asked about how effective it would be to get a group petition demanding the teacher's removal from the class. I encouraged Leslie to think about informal approaches as a first step. Leslie had not yet approached the teacher so we discussed ways that she might express her frustration, and frame the problem so the teacher would see it as a shared problem, rather than Leslie versus the teacher. During our conversation we discussed getting help from the Counselling and Student Life Office with note taking and study skills. Once we developed the action plan, Leslie approached her teacher. The following week I followed-up with Leslie and she indicated she had discussed the matter with teacher. By the end of the talk, the teacher had agreed to change some aspects of her teaching style, and offered to assist Leslie in areas with which she was having trouble.

Discussion:

Many of the cases I deal with are resolved by helping disputing parties articulate their concerns. It is a less visible approach than interventions, but ultimately more effective at preventing future problems because students work through conflict with coaching, and ultimately retain control over the resolution of their complaint. It is my hope that students are able to draw on their experience if subsequent problems arise. Students are often intimidated by their teachers and are unwilling to approach them for help. It is my experience that the vast majority of faculty at the College will listen to students' concerns and make an effort to assist students. These teachers cannot help unless students approach them to articulate their concerns.

Mediation over matters

The final case study relates to a mediation I conducted between two individuals. An administrator asked me to mediate in a situation between two individuals. I agreed to discuss the matter with each side and make a decision on the appropriateness of mediation at the conclusion of the meetings. Over the next several days I met with each party individually to discuss their perspective of the problem, and the purpose of mediation. Both parties were receptive to mediation, so we scheduled a three-hour session later that week. During the session we explored the dispute in attempt to create a common understanding of the problem; identified specific issues in dispute; explored possible ways to resolve the issues; then came to a final agreement. The mediation session led to the successful resolution of the dispute, with each party agreeing to

take steps to resolve the issue. Subsequent follow-up several months later showed that the session had served as an important step in developing a better working relationship between the two.

Discussion:

The issues in dispute and the terms of agreement are less significant than the process of the mediation, which allowed two disputing parties to discuss a matter of mutual concern, understand each other's perspective and create an agreement that was focused on working together to ensure the problems did not occur again. The key to resolving the conflict was that both parties were serious about sharing the burden of its resolution, and implementing the solution. Over the past year I have been involved in cases where this was not the case. I was left with the conclusion that if disputants in these less successful cases were to take similar responsibility for resolving problems, many of the most difficult conflicts would be significantly easier to resolve.

RECOMMENDATIONS:

In February 2002, I presented a report on academic dishonesty to College Council. It contained 5 recommendations. The following chart lists the recommendations and provides a progress update on the College's response to the recommendations. Subsequent Academic Dishonesty reports will track implementation of recommendations and their effectiveness. The report identified structural problems (related to how the policies were structured), and instances where ineffective application of the policies also contributed to the problem. Once the policy changes have been made, it will be up to users to ensure they follow the policy and the intended process. I am happy to report that there has been some progress, and encourage academic divisions to continue to consider academic integrity an important issue.

The first three recommendations were directed toward ensuring the Academic Offences policy is structured in a manner that would encourage fair and appropriate use of the policy. These objectives should be met by the review and revision of the policy. The final two recommendations were geared toward supporting the people responsible for implementing the policy. It is apparent that the College is not interested in creating a College-wide standard of best practice. Therefore it would be more appropriate that this objective be met by ensuring that implementation of the revised policy is accompanied by an effective education program.

In addition to the activities discussed above, I have submitted several informal recommendations, and advised of areas where improvement can be made to

specific departments. In several cases I have seen positive changes result from these recommendations. I trust that the consideration and implementation of these recommendations will improve the College's capacity to respond to Students' concerns, and serve to prevent problems from escalating.

LOOKING TOWARD THE FUTURE

This year will be the tenth year of operation for the Fanshawe Ombuds Office. There are two significant projects ahead for the Ombuds Office in the next year. The first is the review of the Ombuds Office Mandate, and the second annual Report on Academic Dishonesty at Fanshawe. In addition to these projects, I look forward to continuing to work with members of the College community to promote effective dispute resolution, fairness and quality services for students. I am happy with the continued support I receive from College constituent groups, and I hope that in the coming months we can continue to work together to address student concerns as they arise.

In June I had the opportunity to attend the spring graduation. As I watched the ceremony, several students that had visited the Ombuds Office crossed the stage to receive their diplomas. In many cases, when I first met these students their academic careers were in doubt, and several expressed concern that they would never be able to complete their College education. By crossing the stage these students demonstrated that they had realized a goal they previously thought was unattainable. Witnessing this event was a rewarding experience because the College reaffirmed its purpose and shared the successes of graduating students. It also reminded me that in some cases students may be diverted from their preferred path, and while the journey may take longer, in many cases their ultimate destination remains attainable.

THANKS

I thank those people who supported the Ombuds office this past year, including: the Ombuds Advisory Committee for their work and support; the many people who have found fair solutions to difficult problems; the Student Union personnel; the College personnel with whom the Ombuds deals regularly - from departments, including, Counselling and Student Life Services, Registrar's Office, Financial Aid, The President's Office; Chairs, Co-ordinators, Faculty members and Support staff who have worked to resolve a variety of student complaints. Finally, I thank the students who have used the Ombuds Office.

Ian Darling, Fanshawe College Ombudsperson
September 2002