

ANNUAL REPORT  
2005-2006



Volume XIII  
IAN DARLING

In accordance with the Ombuds Office terms of reference, this annual report is submitted to the President of the College and the Ombuds Advisory Committee. The report covers the period from July 1, 2005 to June 30, 2006, and is available to any member of the Fanshawe College Community.

## Executive Summary

This report outlines the activities of the Ombudsperson for the 2005-2006 report year. The annual report message highlights problems which occur when program policies do not match college policy, discusses the importance of clarifying the college's Conflict of Interest policy, and provides guidance to students about online access to course information sheets. The statistical discussion of the 2005-6 report year includes two new tables to better reflect the work of the office, and report on incidences of complaints. The case studies demonstrate how the Ombuds office functions, and provides advice to college officials working to prevent and resolve complaints.

## Annual Report Message

*The annual report message is used to identify themes and challenges facing the college, and make recommendations to address them.*

### GHOST POLICIES

Over the past several years, the college completed a review of academic policies related to grades, progression and graduation, to reflect the use of the minimum GPA required for graduation. Several programs have been slow to change their practices to reflect the college standard. They appear to be operating using ghost policies, so called because they are outdated (in many cases not written down), no longer reflect current reality, and haunt current students. One example comes from a recent case where a student failed a single course. The student had a 2.7 term GPA, had never failed a course

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previously. The course was not a prerequisite or corequisite for any other courses, was not a clinical situation, and there were no safety issues. The student was told that program policy required students to pass all the courses in order to be eligible to move on to the next level in the program. This is not consistent with the Academic Standing policy, nor is the practice supported by the prerequisites for the course. The Academic Standing policy indicates that the first time a student fails one course, and has GPA over 2.0, the student should receive "Conditional continuation status." The policy further states that conditional continuation includes: a required letter that informs the student of the requirement to achieve a 2.0 GPA to graduate, and recommends a student

success plan. The policy states that optionally, the program could institute specific conditions to be met the subsequent term. None of these options includes requiring a student to retake the course then reapply for admission. Requiring a student to do so is unfair and not supported by the policy. The student in question appealed the grade and was successful in the appeal (despite somewhat dubious grounds), so the fairness question remains. In order to eliminate the problem and prevent further instances of unfair treatment, I recommend that chairpersons conduct a review of program progression policies to ensure they are consistent with the Academic Standing policy. ♦



## INTIMATE PERSONAL RELATIONSHIPS

During my time in the Ombuds Office, I have received inquiries related to intimate personal relationships between teachers and students. The Conflict of Interest policy speaks to personal relationships; however, I believe that it does not go far enough in articulating the College's expectations. College policy serves two functions. First, it establishes rules and provides functional guidance about how to deal with problems. Its second function is educative – in that policies articulate expectations, and serve to prevent problems. I believe the second element can be improved. While the inquiries I received were related to relationships between students and teachers, the same principles can be applied to relationships between supervisors and subordinates.

Section 2.4 of the Conflict of Interest policy states that:

A College employee shall not grant preferential treatment in relation to any official matter to any person, organization, immediate family member or friend. Situations covered by this provision include but are not limited to relationships involving **supervisors and staff members whom they supervise, teachers and students**, and College employees and suppliers and/or contractors. **All employees will be expected to declare the existence of any such relationships which could be perceived to result in the granting of preferential treatment and to advise the College where any such relationships develop. (Emphasis added)**

In order to make the college's expectations clear, I recommend that the policy should be revised to include a specific section that deals with personal relationships between students or staff and teachers or supervisors. Elements of a revised policy should include:

- the college's stance with regard to personal relationships where there is a conflict of interest;
- the requirement for timely disclosure of the relationship by the person in authority (the teacher or supervisor);

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- to whom parties should declare the conflict, or where they could seek council about the relationships;
- the steps that supervisors and teachers should take in order to remove themselves from a real or perceived conflict of interest;
- the consequences if individuals do not meet the expectations outlined in the policy, and;
- a statement that cautions that if there were a sexual harassment complaint following an intimate relationship, due to the power differences inherent in these relationships, it can be very difficult for teachers and supervisors to prove that the relationships were consensual.

The policy should also refer to the Harassment and Discrimination Prevention policy in order to promote awareness of the mechanism to deal with unwanted sexual advances.

It is my hope that the college will clearly articulate its expectations with regard to personal relationships, through the Conflict of Interest policy, such that the policy can prevent problems from arising. ♦

## ACCESS TO ONLINE COURSE INFORMATION SHEETS

With the move to posting course information sheets (CIS) on Fanshawe online, at the end of the term fewer students appear to have copies of the CIS. Students cannot read the on-line CIS after the course access is removed from Fanshawe online. This makes it very difficult for students to understand their final grades, or to prepare an appeal when they do not have crucial information (like weighting of exams and assignments). In order to reduce these occurrences, professors should stress the importance of students creating and retaining a hard copy of the CIS. I also encourage students to print and retain copies of the CIS. ♦

# 2005-2006 Overview

## OMBUDS OFFICE MANDATE

The Ombuds Office was established in October 1993 through a joint agreement between the College and the Student Union. In 2003, the mandate was revised. The mandate of the Ombuds Office is to:

1. Receive, investigate, and seek to resolve, at the request of any member of the college community, or upon the Ombuds' own motion, any problems, or complaints with regard to any aspect of college life.
2. Provide general information about College resources, procedures and rules, and advise visitors of their rights and responsibilities in situations where problems or questions may arise.
3. Make recommendations to those in authority with a view to remedying the situation of individuals, and recommend changes in rules or procedures, which would have the effect of making the College, or Student Union more fair in their operations.

For the full text of the mandate, please refer to the Ombuds Office website ([www.fanshawec.ca/ombuds](http://www.fanshawec.ca/ombuds)).

## OMBUDS ADVISORY COMMITTEE ACTIVITIES

The members of the Ombuds Advisory Committee during this report period were: Dean Coutu (Local 109 Representative); Whitney Hoth (Chairperson General Studies); Melissa Smart (Student Union President); Joy Warkentin (Academic Vice-President); Lois Wey (Manager of Counselling and Student Life Services); Kay Wigle (Local 110 Representative) and John Young (Student Union Operations Manager). The Committee is co-chaired by the Manager of Counselling and Student Life Services and the Student Union President.

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

## PROMOTION, OUTREACH & PROFESSIONAL DEVELOPMENT

Visitors to the office learned of, or were referred to the Ombuds Office from a variety of sources, including: Faculty, co-workers, divisional offices, Counselling and Student Life, The President's Office, Student Union, other students, and advertising. I continue to meet with staff and students to discuss a wide range of issues, including policy questions, principles of conflict resolution and to discuss the issues at stake in a dispute.

Last year's annual report appeared as an article in the Interrobang, and was made available to all staff electronically. Students were able to access the report through Fanshawe Online. In February, I presented the fifth annual report on Academic Dishonesty to College Council. The report was an important foundation for subsequent discussions with academic areas. Copies of these reports are included in an archive on the Ombuds Office web site.

The Ombuds Office website remains a useful resource for visitors to the office. It features information on how the office operates, and includes links to policies and publications. Publicity for the office was also included in College publications.

I attended various meetings to promote the office, answer questions and to act as a resource to groups and committees. These included meeting with academic managers, members of the student union executive, faculty and staff to discuss a variety of issues. These are excellent opportunities for me to discuss the role of the Ombuds Office and hear concerns from a variety of stakeholder groups. I continue to make myself available to groups or individuals interested in issues related to the Ombuds Office.

In May I attended the Association of Canadian College and University Ombudspersons annual conference, which was hosted by Camosun College and the University of Victoria. I am Vice-President of the Forum of Canadian Ombudsmen, and attended a variety of meetings in that capacity.



# Discussion Of Cases

This section provides a statistical breakdown and analysis of this year’s caseload. 631 members of the College community were in contact with the Ombuds office this year, regarding 342 files. This is an increase of 7 cases over last year, and is the highest caseload since the inception of the Ombuds office. The average number of days it took to conclude each case was 4.1. This compares to 5.2, 4.5, 4.5, 3.2, and 3.9 days for the previous five years.

## CASES BY ACTION

The first area of discussion, illustrated in Table 1, illustrates what action was undertaken by the Ombudsperson upon receipt of a complaint. This can include providing information or advice, or some form of intervention. 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 visitor to assess which path was 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 gathering information and providing feedback resolved the problem. In a minority of cases, I conducted a formal investigation and issued a report containing recommendations on how to resolve the situation.

**Table 1. Cases by action 2000-2006**

	2005-6		2004-5		2003-4		2002-3		2001-2		2000-1	
	#	%	#	%	#	%	#	%	#	%	#	%
Advice	253	74	242	72.2	259	77.8	222	82.5	210	84.3	197	69
Information	52	15.2	42	12.5	48	14.4	26	9.7	16	6.4	38	13
Intervention	37	10.8	51	15.2	26	7.8	21	7.8	23	9.2	52	18
<b>Total Cases</b>	<b>342</b>	<b>100</b>	<b>335</b>	<b>100</b>	<b>333</b>	<b>100</b>	<b>269</b>	<b>100</b>	<b>249</b>	<b>100</b>	<b>287</b>	<b>100</b>

Table 2 provides more information about the different types of intervention. 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 choices to take effective action on their own.

**Table 2. Intervention by type 2005-6**

Intervention type	Number
Clarification	12
Negotiate and Facilitate solutions	10
Mediation	4
Review and Recommendation	8
Investigation and Recommendation	3
<b>Total</b>	<b>37</b>

Cases where the Ombudsperson intervenes are the smallest proportion of the caseload, but require the most work. Table 2 reports the four types of intervention, including: Clarification; Negotiate and Facilitate solutions; Mediation; Review and Recommendation; and Investigation and Recommendation.

“Clarification” is when the Ombudsperson sought information with the purpose of assisting the resolution of a complaint. For example, to clarify rules or policies, or to request reasons for a decision. Cases where the Ombudsperson “Negotiates and Facilitates resolution” →

involved a more direct intervention. In these instances, the Ombudsperson alerted College employees of problems; employed shuttle diplomacy; identified issues to be resolved; identified solutions to problems; and provided process advice to parties as they attempt to achieve resolution. "Mediation" refers to formal mediation, where the Ombudsperson facilitated a face to face negotiation between two or more parties. Review and Recommendation, refers to cases where the Ombudsperson

conducted an informal review of the case, and provided an informal recommendation or conclusion based on the evidence available. The recommendation or conclusion was then used to resolve the complaint. "Investigation and Recommendation" refers to cases which required a formal investigation and written recommendations. This table demonstrates that even when an intervention is required, the preferred approach is to encourage informal resolutions at the lowest level.

## CASELOAD BY ISSUE

Table 3 shows categories of complaints, and the number of complaints about each issue. 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 both primary and secondary issues are recorded, for the sake of brevity, only the primary issues (recorded according to the best matching issue description) are contained in this report.

Academic complaints account for the greatest number of cases. Table 4 (opposite page) shows the underlying issue in detail. The largest single academic issue bringing visitors to the Ombuds office relates to appeals.

**Table 3. Caseload by Issue 2001-2006**

	2005-6		2004-5		2003-4		2002-3		2001-2	
	#	%	#	%	#	%	#	%	#	%
Academic	194	56.7	178	53.1	179	53.8	160	59.5	155	62.2
Admission	13	3.8	19	5.7	2	0.6	With registration		With registration	
Conduct	27	7.9	21	6.3	31	9.3	22	8.2	9	3.6
Harassment & Discrimination	5	1.5	11	3.3	13	3.9	2	0.7	6	2.4
Employee Case	12	3.5	11	3.3	6	1.8	NA		NA	
Financial Aid	10	2.9	11	3.3	15	4.5	16	5.9	14	5.6
Fees	10	2.9	8	2.4	17	5.1	8	3.0	5	2.0
Other	4	1.2	6	1.8	22	6.6	24	8.9	19	7.6
Other Student	1	0.3	2	0.6	4	1.2	2	0.7	4	1.6
Outside Mandate	4	1.2	9	2.7	7	2.1	10	3.7	4	1.6
Inter-Personal Relations	2	0.6	6	1.8	5	1.5	4	1.5	8	3.2
College Policy	20	5.8	16	4.8	4	1.2	4	1.5	6	2.4
College Service	11	3.2	9	2.7	NA	NA	NA	NA	NA	NA
Registration & Withdrawal	14	4.1	14	4.2	16	4.8	12	4.5	16	6.4
Residence	5	1.5	3	0.9	1	0.3	0	0	1	0.4
Disability	9	2.6	7	2.1	11	3.3	5	1.9	2	0.8
Student union	1	0.3	4	1.2	6	2.1	0	0	0	0
<b>Total Cases</b>	<b>342</b>	<b>100</b>	<b>335</b>	<b>100</b>	<b>333</b>	<b>100</b>	<b>269</b>	<b>100</b>	<b>249</b>	

**Table 4. Breakdown of Academic Issues 2003-6**

Issue	2005-6		2004-5		2003-4	
	#	%	#	%	#	%
Academic Appeals	52	26.8	39	21.9	66	36.8
Academic Dishonesty	17	8.8	11	6.2	17	9.5
Evaluation concerns	19	9.8	26	14.6	18	4.5
Inter-personal relations	3	1.5	10	5.6	12	6.7
Other (Academic)	3	1.5	6	3.4	30	16.7
Practicum/Placement/Co-op	13	6.7	15	8.4	15	8.4
Program Policies	3	1.5	2	1.1	6	3.3
Program structure/ operation	7	3.6	10	5.6	6	3.3
Readmission	5	2.6	1	0.5	7	3.9
Teaching style concerns	14	7.2	4	2.2	2	1.1
Specific issue unidentified	58	27.5	54	30	NA	NA
<b>Total Cases</b>	<b>194</b>	<b>100</b>	<b>178</b>	<b>100</b>	<b>179</b>	<b>100</b>

## WHO VISITS THE OFFICE?

Tables 5 through 6 illustrate distribution of files into constituent areas. Individuals initiating complaints are referred to as complainants. Those that are subjects of complaints are referred to as respondents. If a student in Building Technology complains about a college service, 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 issue at stake in the complaint.

Table 5 (next page) reports the number of files according to the division from which the complaints originate. Table 6 (right) shows to which constituent group individual complainants belong, demonstrating that the majority of complainants are full-time students, but employees and other groups also initiate complaints and inquiries.

In order to protect the confidentiality of complainants, particularly employees and students in small departments or programs, in some cases their statistics are incorporated into the larger department, or division.

**Table 6 Complainants by Group Status 2005-6**

Group	# of Clients	% of Total
<b>EMPLOYEE</b>		
Administration	27	7.3
Faculty	42	11.4
Support	12	3.3
<b>Group Total</b>	<b>81</b>	<b>22</b>
<b>OTHER</b>		
Alumni	3	0.8%
Other	18	4.9%
Student Union	1	0.3%
<b>Group Total</b>	<b>22</b>	<b>6.0%</b>
<b>STUDENT</b>		
Continuing Education	15	4.1%
Full-Time	214	58.2%
Other	33	9.0%
Part-Time	3	0.8%
<b>Group Total</b>	<b>265</b>	<b>72.0%</b>
<b>Total Number of Complainants</b>	<b>368</b>	<b>100</b>

**Table 5 Clients by Division of Complainant 2001-2006**

	2005-6		2004-5		2003-4		2002-3		2001-2	
	#	%	#	%	#	%	#	%	#	%
<b>ACADEMIC AREAS</b>										
Academic Services	0	0	0	0	1	0.3	0	0	0	0
Art And Design	16	4.7	16	4.8	16	4.8	14	5.2	12	4.8
Building Technology	2	0.6	5	1.5	8	2.4	13	4.8	10	4.0
Business Studies	22	6.4	37	11.0	22	6.6	18	6.7	20	8.0
Communication Arts	9	2.6	16	4.8	26	7.8	15	5.6	13	5.2
General Studies	22	6.4	26	7.8	22	6.6	30	11.1	24	9.6
Health Sciences	21	6.1	27	8.0	35	10.5	17	6.3	16	6.4
Human Services	60	18.7	50	14.9	46	13.8	37	13.7	25	10
Information Technology	14	4	17	5.1	14	4.2	16	5.9	17	6.8
James N. Allan Campus	1	0.3	2	0.6	3	1	3	1.1	4	1.6
Manufacturing Sciences	24	7	24	7.2	28	8.4	22	8.2	11	4.4
Motive Power Technology	6	1.7	1	0.3	4	1.2	3	1.1	5	2.0
Nursing	9	2.6	21	6.6	15	4.5	21	7.8	Na	Na
Oxford County Campus	16	5.3	5	1.5	8	2.4	5	1.8	5	2.0
School Of Continuing Education	25	8.3	20	6.0	8	2.4	4	1.6	14	5.6
St. Thomas/Elgin Campus	3	0.9	1	0.3	2	0.6	2	0.8	5	2.0
Tourism & Hospitality	6	1.7	5	1.5	7	2.1	13	4.8	8	3.2
<b>SERVICE AREAS</b>										
Counselling And Student Life Services	9	2.6	13	3.9	13	3.9	5	1.8	4	1.6
Facilities	1	0.3	0	0	0	0	0	0	0	0
Finance And Corporate Services	1	0.3	1	0.3	1	0.3	0	0	0	0
Human Resources	3	0.9	1	0.3	2	0.6	0	0	1	0.4
Information Technology (Service)	0	0	2	0.6	3	0.9	0	0	0	0
Library & Media Services	4	1.3	2	0.6	1	0.3	0	0	0	0
Office Of The President	1	0.3	0	0	1	0.3	0	0	0	0
Office Of The Registrar	3	1	1	0.3	2	0.6	3	1.1	0	0
Partnerships	2	0.6	0	0	0	0	0	0	0	0
Student And Staff Services	0	0	1	0.3	1	0.3	0	0	0	0
<b>OTHER</b>	0	0	0	0	0	0	3	1.1	1	0.4
<b>COMPLAINTS WITHOUT DIVISION</b>	64	18.7	46	12.9	43	12.9	25	9.3	27	10.8
<b>Total Complainants</b>	<b>342</b>	<b>100</b>	<b>335</b>	<b>100</b>	<b>333</b>	<b>100</b>	<b>269</b>	<b>100</b>	<b>249</b>	<b>100</b>



Table 7 (below) is a new table, which shows the number of complaints per full-time post secondary enrolment in the 2005-6 report year. This table shows the number of complaints per full time enrolments in each division. The nature of the data results in some students being counted multiple times (once for each term they are registered as a full-time student), but the table provides a sense of the number of the proportion of complaints, in relation to division size.

**Table 7. Number of Complaints per Full-Time Post-Secondary Enrolment**

Division	Summer 05 enrolment	Fall 05 enrolment	Winter 06 enrolment	Total enrolment	Complaints per Full-time enrolment
Art & Design	242	1,176	1,240	2,658	0.6
Building Technology	140	572	564	1,276	0.15
Business and Management	187	1,861	1,812	3,860	0.56
Communication Arts	9	814	728	1,551	0.58
General Studies	88	1,046	1,101	2,235	0.98
Health Sciences	250	1,035	911	2,196	0.95
Human Services	46	1,781	1,676	3,503	1.71
Information Technology	86	550	470	1,106	1.26
James N. Allan Campus	0	128	150	278	0.35
Manufacturing Sciences	246	781	790	1,817	1.32
Motive Power Technology	0	258	248	506	1.18
Nursing	64	395	170	629	1.4
Oxford County Campus	0	217	248	465	3.44
St. Thomas Campus	129	222	204	555	0.54
Tourism & Hospitality	104	560	514	1,178	0.51
<b>Totals</b>	<b>1,591</b>	<b>11,396</b>	<b>10,826</b>	<b>23,813</b>	<b>1.44</b>

Table 8 (next page) reports the number of files relating to the area about which the complaint is made.

Table 9 (right) shows which constituent group respondents belong, and indicates that the majority of respondents are employees, but other groups are also the subject of complaints. When no specific individual is subject of a complaint, complaints are recorded in a manner to avoid incorrectly attributing complaints about departmental policies or unknown staff members to individuals. The number of complaints outnumbers respondents for three reasons. There are cases where the complainant expresses a concern without identifying the respondent in question. In other cases, it stems from a concern to ensure anonymity. The final reason is that several cases each year are outside of the mandate for the office. In these cases, I try to refer complainants to appropriate community resources.

**Table 9 Respondents By Group Status 2005-6**

Group	# of Clients	% of Total
<b>EMPLOYEE</b>		
Administration	95	36.1
Faculty	124	47.1
Support	16	6.1
Group Total	235	89.4
<b>OTHER</b>		
Division	18	6.8
Student Union	1	0.4
Group Total	19	7.2
<b>STUDENT</b>		
Continuing Education	2	0.8
Full-Time	7	2.7
Group Total	9	3.4
Total Number of Respondents	263	100

**Table 8 Clients by Division of Respondent 2000-2006**

	2005-6		2004-5		2003-4		2002-3		2001-2	
	#	%	#	%	#	%	#	%	#	%
<b>ACADEMIC AREAS</b>										
Academic Services	1	0.3	2	0.6	2	0.6	1	0.4	0	0
Art And Design	8	2.3	13	3.9	12	3.6	12	4.5	8	3.2
Building Technology	1	0.3	3	0.9	8	2.4	10	3.7	8	3.2
Business Studies	15	4.4	21	6.3	13	3.9	10	3.7	9	3.6
Communication Arts	8	2.3	8	2.4	18	5.4	8	3.0	7	2.8
General Studies	24	7.0	20	6.0	20	6.0	29	10.8	26	10.4
Health Sciences	15	4.4	17	5.1	25	7.5	11	4.1	8	3.2
Human Services	25	7.3	29	8.6	25	7.5	20	7.4	13	5.2
Information Technology (Academic)	9	2.6	11	3.3	10	3.0	9	3.3	9	3.6
James N. Allan Campus	1	0.3	2	0.6	1	0.3	3	1.2	1	0.4
Manufacturing Sciences	27	7.9	20	6.0	23	6.9	18	6.7	6	2.4
Motive Power Technology	5	1.5	1	0.3	1	0.3	2	0.8	3	1.2
Nursing	9	2.6	15	4.5	12	3.6	17	6.3	15	6.0
Oxford County Campus	10	2.9	2	0.6	2	0.6	2	0.8	6	2.4
School Of Continuing Education	23	6.7	18	5.4	6	1.8	3	1.2	15	6.0
St. Thomas/elgin Campus	3	0.9	1	0.3	2	0.6	0	0	5	2.0
Tourism & Hospitality	2	0.6	5	1.5	4	1.2	7	2.6	7	2.8
<b>SERVICE AREAS</b>										
Athletics	1	0.3	0	0	1	0.4	0	0	0	0
Awards & Schollarshis	1	0.3	1	0.3	0	0	1	0.4	1	0.4
Career Services	0	0	0	0	1	0.4	0	0	0	0
Counselling And Student Life Services	3	0.9	2	0.6	7	2.1	5	1.8	1	0.4
Environmental Health & Saefty Service	0	0	0	0	0	0	1	0.4	1	0.4
Facilities Maintenance	0	0	0	0	2	0.6	0	0	0	0
Facilities Management	0	0	2	0.6	1	0.3	0	0	0	0
Facilities Support Services	4	1.1	3	0.9	3	0.9	2	0.8	5	2
Finance & Corporate Services	3	0.9	0	0	0	0	0	0	0	0
Financial Aid Services	10	3.9	11	3.3	20	6.0	16	5.9	15	6.0
Fitness Centre	0	0	0	0	0	0	0	0	1	0.4
Human Resources	3	0.9	1	0.3	3	0.9	0	0	0	0
Information Technology Service	0	0	1	0.3	2	0.6	1	0.4	0	0
Library & Media Services	4	1.1	1	0.3	1	0.3	0	0	0	0
Office Of The President	1	0.3	0	0	0	0	2	0.8	1	0.4
Ombudsman	0	0	0	0	1	0.3	0	0	0	0
Partnerships	0	0	1	0.3	0	0	1	0.4	2	0.8
Planning Services	0	0	0	0	2	0.6	0	0	0	0
Registrar's Office	29	8.5	34	10.1	28	8.4	22	8.2	22	8.8
Retail Services	1	0.3	2	0.6	0	0	0	0	2	0.8
Residence	5	1.5	4	1.2	0	0	1	0.4	0	0
Security	2	0.6	1	0.3	0	0	0	0	0	0
Student & Staff Services	1	0.3	0	0	0	0	0	0	0	0
<b>OTHER</b>										
Student Union	1	0.3	4	1.2	6	1.8	4	1.5	3	1.2
Respondents Without Division	5	1.5	0	0	7	2.1	5	1.8	11	4.4
Total Cases without Respondent	84	24.6	78	23	72	21.6	43	16.0	28	11.2
Total Cases	342	100	335	100	333	100	269	100	249	100

# Outcome of Cases

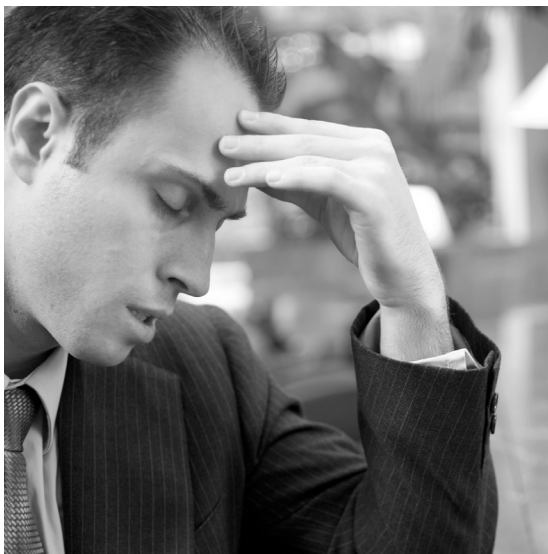
The effectiveness of the Ombuds Office is often measured by its ability to facilitate the resolution of complaints. Table 10 shows the outcomes of cases in the 2005-6 report year. The table indicates that the outcome of cases have remained fairly consistent when compared to the previous two years. The only significant change is the drop in the number of cases where the complaint was withdrawn, and an increase in the number of cases where the Ombudsperson provided information.

**Table 10 Cases by Outcome 2001-2006**

	2004-5		2003-4		2002-3		2001-2		2000-1	
	#	%	#	%	#	%	#	%	#	%
Appeal	50	14.6	44	13.1	59	17.7	50	18.7	45	18.1
Complaint Filed	19	5.6	19	5.7	36	10.8	16	6.0	10	4.0
Compromise	49	14.3	52	15.5	36	10.8	34	12.6	51	20.5
Complaint Withdrawn	28	8.2	54	16.1	46	13.8	40	15.0	24	9.6
Favoured Complainant	6	1.8	7	2.1	5	1.5	10	3.7	12	4.8
Favoured Respondent	20	5.8	28	8.3	29	8.7	22	8.2	26	10.4
No resolution	1	0.3	0	0	0	0	1	0.4	2	0.8
Ombuds Withdrew	11	3.2	13	3.9	5	1.5	5	1.9	3	1.2
Provided Information	119	34.8	81	24.2	98	29.4	73	27.3	50	20.1
Referral	39	11.4	37	11.0	18	5.4	18	6.7	25	10.0
Unknown	0	0	0	0	1	0.3	0	0	1	0.4
<b>Total Cases</b>	<b>342</b>	<b>100</b>	<b>335</b>	<b>100</b>	<b>333</b>	<b>100</b>	<b>269</b>	<b>100</b>	<b>249</b>	<b>100</b>

## Case Studies:

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



### “I NEED TO LEARN HOW TO HANDLE THESE SITUATIONS BETTER”

An employee visited the Ombuds Office because he was having difficulty with a co-worker. In the meeting, he expressed a need to find new ways to respond to conflicts, both in general, and with his co-worker. Over the next several weeks, we met several times to discuss the problem, understand the causes and identify possible approaches to resolve problems. The employee found these coaching sessions useful in understanding his and his coworkers’ approaches to conflict and to identify areas of concern within the workplace. During these meetings, the employee decided that it would be useful to meet with his colleague to attempt to resolve →

the problems. I convened a meeting, which was successful in helping the parties clear the air, establish a new foundation for working together, and develop an understanding of how subsequent problems would be approached. I then conducted a series of follow-up meetings to support the parties, and be available to assist should other problems arise.

**Discussion:**

This case is typical of the type of work I do when employees visit the Ombuds Office. These cases are difficult to resolve quickly because the problems tend to have festered, thereby growing more entrenched. Many of the cases have a systemic element, but are

less likely to have a clear fairness question that can be resolved through an investigation and recommendation. In these cases, the Ombuds office is seen as a safe, confidential space where visitors can explore their problems, and look to identify strategies for their resolution.

In some cases, these discussions lead to the identification of problems, which need to be addressed by management. In these cases, the employees and I identify the most appropriate way to bring these concerns forward. This strategy is useful because it encourages parties to be responsible for the success of any resolution, while helping to identify and eliminate systemic problems.

## ADVANCED STANDING APPLICATION

Desdemona contacted the Ombuds office after applying for advanced standing into level 3 of a 6 semester program after completing two years at university in a similar program. Desdemona reported that she submitted the application, and received a response from the Office of the Registrar several weeks later. The response stated that the application was denied, and that she should register as a part-time student until the missing credits were made up. The letter directed her to contact the academic program for more information. Desdemona reported

that she was unable to contact the program coordinator. She expressed frustration with this matter, because she was unsuccessful in finding reasons for the decision or which required courses she should take. The Ombudsperson agreed to make some enquiries.

I spoke with the program coordinator and the Office of the Registrar. The coordinator indicated that he had assessed the application, and written on the application form that he could not make a full assessment without the course outlines from Desdemona's university program. The coordinator also wrote which courses he recommended Desdemona take. The Office of the Registrar had sent their decision letter, but had not transcribed the coordinator's notes. After these discussions, I was able to tell Desdemona what courses were required, and suggest that she provide the course information



from when she was in University, and speak with the coordinator to establish which courses were required to complete the program. Desdemona was able to complete these courses and arrange for full-time studies the following semester.

### **Discussion:**

In this case, I was able to facilitate a resolution to the student's complaint by identifying where a breakdown in communication occurred, and ensuring the student had the relevant information. The coordinator assumed that the Office of the Registrar would transcribe his handwritten notation and provide it to the student. This is not regular practice in the Office of the Registrar. The decision letters refer the students to contact the academic division for more information; therefore, staff in the Office of the Registrar did not include the specific information. The coordinator made an assumption about how the Office of the Registrar would handle his response, which in turn disadvantaged the student because she did not find out the full decision, or rationale behind it. A quick phone call to determine the best way to provide the information to the student would have prevented this situation from arising.

This case study also speaks to the importance of understanding how other departments conduct their business, and the need for the college to develop practices to share information more effectively across the college. This includes dialogue between academic and service managers, as well as employees' awareness of practices in specific departments with which they interact.

### **INTERNATIONAL STUDENT THAT WAS NOT**

Amelia visited the Ombuds office to complain about her fees. Amelia was charged international student fees, but was a landed immigrant. She stated that she felt this was unfair. Amelia had attempted to resolve the concern with the Office of the Registrar without avail. I agreed to investigate. Upon further examination, it became clear that Amelia had applied as an international student to the Pre-health Science program. Amelia was living outside Canada when she applied to the college, but had recently moved to Canada to join her husband. Amelia indicated that she had received her landed immigrant status in the time between when she applied, and when the program started. Pre Health Science is restricted to Ontario residents because it is an oversubscribed program. Ontario residency is established by living in Ontario for one year prior to the start of the study period without being in school. The Pre Health Science program has several spaces set aside for international students. Amelia applied and was accepted as an international student. The Office of the Registrar indicated that they only found out that Amelia had received the landed immigrant status after they had requested a



copy of her international student visa. The Office of the Registrar indicated that they had reviewed Amelia's situation, and would charge her domestic fees for the second semester. They also cautioned that Amelia would need to be sure that she met residency requirements of any career program after completion of the Pre Health Sciences program. Following discussions with both parties, I concluded that this indeed was the most fair approach, ➤

and because Amelia was not planning on going into an over-subscribed program, she would not be disadvantaged by the change in status. However, were Amelia to apply to an oversubscribed program, she would have to meet the residency requirements. This would entail staying out of school for a full year while living in Ontario.

**Discussion:**

I agreed to investigate this situation because on the face of it, Amelia appeared to have been treated unfairly. The investigation revealed that the College was attempting to balance binding policy directives, which are established by the Ministry of Training, Colleges and Universities, with the best interests of the student. In cases such as these, I use a variety of factors in order to establish whether the complainant has been treated fairly. These can include: assessing the information used to make a decision; if the complainant was given the opportunity to

participate by fully presenting their case; the intent and scope of a decision; information communicated to affected individuals – this can include reasons for decisions as well as next steps, such as appeal timelines; the timeframes for decisions; the impact of a decision; consistency in decision-making; and other errors or omissions.

I have found that generally the college has the best interests of students in mind when decisions are made. In instances where I have recommended changes, the unfair situations tend to occur due to an oversight, or inadvertent procedural error. These types of problems occur regularly in academic institutions. I recognize that errors and misunderstandings occur, but they must be remedied in the fairest manner. This case study is an example of such a remedy.

## THE PROCESS AND THE PROBLEM

Fabian visited the Ombuds office in early September to complain about a teacher. He was reluctant to be specific about the nature of his complaints, nor did he provide his name. Four months later, he sent an e-mail complaint to the president, vice-president, Dean and Ombuds Office to



outline a series of concerns with the teacher and program structure. At that point, I met with Fabian and we discussed his complaints and I advised him of the college's complaint policy. The Dean met with Fabian to hear his concerns and gather more information. During the meeting, the Dean stated that the alleged behaviours were not consistent with what he had experienced with that teacher in the past. The Dean also stressed that he was the most appropriate person to direct complaints to. Fabian insisted that the Dean made an implied threat against him during the meeting. The Dean later reported a similar account of the meeting, but denied threatening the student. Fabian expressed his concerns that he would not receive a fair hearing. Fabian stated that he wanted to meet with the Vice President, but was told that it was not appropriate since the Dean was still working to resolve the matter.

During the time in which the Dean conducted an investigation, Fabian grew increasingly

*Ombuds Office Fairness  
Checklist available at  
[www.fanshawec.ca/ombuds](http://www.fanshawec.ca/ombuds)*

frustrated with the process, and he started to disturb the class. In effort to prevent these problems from further escalating, I convened a meeting between the student, teacher and Dean. It became apparent that Fabian was only participating so he could go to the next level of the complaint. The meeting was unsuccessful in resolving any of the concerns. The Dean then completed the investigation and concluded that Fabian's concerns were partly justified. Fabian rejected the Dean's conclusions outright. By this point, his mistrust of the college was so high he did not pursue his complaint to the Vice President. Upon Fabian's request, I reviewed the Dean's investigation and found it thorough and the findings were supported by the facts at hand. Fabian withdrew his complaint, completed the course, and did not have any further contact following the end of the term. I met Fabian in the hallway several months later and he stated that he had decided to keep all of his concerns to himself, because he did not trust the college to resolve his problems.

***Discussion:***

This case study is important because it demonstrates the importance of building trust with complainants. Ultimately, Fabian did not trust that the college would fairly investigate and act upon his concerns. When I assessed the process used by the Dean, it was clear that it met with the standards of procedural justice and administrative fairness; however, Fabian still did not believe it was fair. After consideration, it became clear that no matter the outcome Fabian would have viewed it suspiciously because of what occurred during the first meeting with the Dean. Fabian left the meeting having heard that the alleged inappropriate actions of the teacher were not characteristic, and he reported feeling threatened by the Dean. Fabian felt that the Dean had prejudged the matter, and was concerned about reprisals for having complained. These concerns fundamentally undermined his trust in the college's willingness or ability to resolve his complaint.

Typically, Ombudsmen deal with Procedural Justice and Administrative Fairness, however a literature review shows four dimensions of justice: distributive, procedural, interactional, and informational (Colquitt, 2001). Perceived fairness of distributed outcomes is used to measure Distributive justice (Greenberg, 1981). Procedural justice relates to fair practices in making decisions. Interactional justice relates to the quality of interpersonal treatment received (Beugre & Baron, 2001). Informational justice relates to the quality of information, justification or explanation provided to affected parties (Bies & Moag, 1986). Rules of Administrative fairness used by ombudsmen tend to incorporate distributive, procedural and informational aspects of justice, but neglect the interactional element (BC Ombudsman Fairness checklist available at [www.ombud.gov.bc.ca](http://www.ombud.gov.bc.ca)). Fabian's frustration stemmed from how his complaint was received, and investigated from the start. It is clear from his reaction that he felt that he was not treated fairly from an interactional justice perspective. This fundamentally undermined his perception of the fairness of the college in general.

It is clear that a process which meets generally accepted standards of fairness was undermined because the student felt treated unfairly. The Dean could have prevented this situation from escalating by ensuring the student felt heard, hearing the complaint with a fresh ear, by suspending judgment, and seeking to understand (and be seen to understand) the complainant's perspective, and avoiding language that could be perceived to be threatening.

Equally important is the need for complainants to be genuinely interested in achieving a good-faith solution to their concerns. Fabian's actions undermined the integrity of the process and further exacerbated the problems with the teacher. Once a complainant starts down a path of escalation and agitation, it is difficult to achieve a resolution that will be viewed as fair by the affected parties.

# Recommendations:

During the 2005-6 report year, I have submitted several formal and informal recommendations, and have advised of areas where improvement can be made to specific departments. These recommendations have tended to be case-specific, and directed toward remedying an unfair situation, or preventing further complaints. I am pleased to report that 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 complaints, and serve to prevent problems from escalating.

# 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 - including, Counselling and Student Life Services, Office of the Registrar, 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 visitors who have used the Ombuds Office.

***Ian Darling,  
Fanshawe College Ombudsperson,  
September 2006.***

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