



Ombuds Office

ANNUAL REPORT

2002-2003

OCT. 2003

IAN DARLING

VOLUME X

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, 2002 to June 30, 2003, and is available to any member of the Fanshawe College Community.

ANNUAL REPORT MESSAGE

Fairness

Ombudsmen across the world are charged with the same task: to receive complaints, and if founded, to seek a fair resolution. A secondary function is to attempt to address systemic problems that create unfair circumstances. Sometimes, fairness is a nebulous concept – everyone has an inherent sense of fairness, however we may choose to define it differently. A question I often ask visitors to my office is “how will you decide if the outcome of your concern is fair?” Many times fairness is defined by what someone receives at the outcome – “It will be fair if I get what I want.” I do not support this definition because it creates an all or nothing approach to assessing fairness. It is more important to focus on creating an environment where fairness is promoted and considered in a proactive manner. Johan Galtung a prominent Peace activist coined the definition of positive and negative peace¹. Peace is generally characterized by the absence of war. Galtung noticed that in many cases countries were not at war, but there were still casualties as a result of structural inequities inherent in society. Galtung posited that if we can work to eliminate these causes of violence society may be able to achieve a positive peace. Fairness is similar. Fairness cannot be present unless it is a factor in decision-making.

Over the summer I was asked to make a presentation about the Ombuds perspective of customer service. As I compiled the presentation and listened to other speakers on the day I was struck by the similarities between what needs to be present to promote fairness, and what is considered good customer service. As the College embarks on a program to promote customer service, I would encourage decision makers to consider taking steps to create an environment where fairness is a prominent concern.

Several years ago, the Ombudsman of British Columbia created a fairness checklist used to guide staff in the office and government departments. This checklist articulates how the BC Ombudsman conceived fairness, and to what standard government departments would be held. Over the years it has been adapted to suit the needs of a wide variety of different organizations. This checklist is relevant to any large institution; therefore I have decided (with permission of the current British Columbia Ombudsman) to adapt it to suit circumstances here at Fanshawe. It is my hope that this will provide a better understanding of how Ombudsmen conceive fairness, and will help guide decision-makers.

I therefore present to you the Fanshawe College Ombuds Office Fairness Checklist. For reference sake, an additional version is available in Appendix 1 of this report.

(continued on page 2)

Contents

Annual Report Message	1
Ombuds Mandate	2
Overview	3
Advisory Committee Activities	3
Promotion and Outreach	4
Professional Development	4
Discussion of Cases	4
Case Studies	5
Recommendations	8
Thanks	10
Statistics	11
Appendix 1: Fairness Checklist	14
Appendix 2: Ombuds Office Mandate	15
Appendix 3:	
2001-02 Annual Report Excerpt: Timelines	18
Appendix 4: Administrative Responses	19

¹Galtung, Johan. 1972. “Twenty-five Years of Peace Research: Ten Challenges and Some Responses.” *Journal of Peace Research*. 19, 91.

1. Organization, Information & Communication

- Public information is available and understandable
- Forms are in plain language
- Students, and Employees are given all the information they need
- Staff are given clear titles for the functions they perform
- College rules and procedures are available and implemented appropriately
- Divisions cooperate with one another to provide better service
- Individuals are treated with courtesy

2. Facilities and Services

- Telephones, voicemail and correspondence are answered promptly
- College identifies, removes and prevents barriers to people with disabilities
- The environment is safe and healthy for workers and the general public
- Student and Employee privacy rights are respected

3. Decision Procedures

- Members of the College community are invited to participate in planning
- Those affected by a decision have a chance to give information and evidence to support their position
- Those affected by a decision have a chance to hear and respond to information presented by others that the decision maker will consider
- Decisions are made within a reasonable time
- Criteria used for decision making are available
- Reasons are given for decisions

4. Appeal, Review, and Complaint Procedures

- At the time of decisions, people are told of any existing appeal or review procedures
- Complaint and appeal procedures are clearly defined
- Appeal and complaint procedures adhere to the rules of procedural fairness and natural justice.

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. In April 2003, the College and Student Union revised the

mandate for the office. According to the revised agreement, 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.

In order to accomplish its mandate, the Ombuds Office will adhere to the following principles.

- 1. Impartiality:** The Ombuds shall take a non-aligned, impartial role when, receiving, assessing and investigating complaints, and making recommendations.
- 2. Independence:** The Ombuds Office operates independently of the usual College and Student Union administrative structures. Fanshawe College and Fanshawe Student Union jointly fund the Ombuds Office. The Ombuds reports to the College President and an advisory committee made up of members from all College constituencies, including the Student Union.
- 3. Confidentiality:** All communication with the Ombuds Office will be treated as confidential. The Ombuds will only access files, and release information, so that an investigation may proceed, when the party initiating the complaint has given their permission. Notwithstanding these provisions, the Ombuds reserves the right to break confidentiality in cases where imminent physical safety is at risk, or the Ombuds is legally required to disclose information.
- 4. Fairness:** During an inquiry or investigation and in making recommendations, the Ombuds will seek to ensure the principles of natural justice, and administrative and procedural fairness are observed.
- 5. Accessibility:** The Ombuds Office is open to all members of the college community – including Students, Faculty and Staff. The College and Student Union reaffirm that the primary function of the Ombuds Office is to receive and seek to resolve complaints from students. The Ombudsperson has discretion to prioritize cases in order to meet this provision.

6. Informality: Whenever practical, the Ombudsperson shall seek the resolution of complaints in a timely and effective manner, ideally at the lowest level. The Ombuds Office is not meant to replace established channels of assistance but may be used if an individual needs assistance in identifying where to go, would prefer to discuss a problem with an impartial third party, or has already gone through established channels without satisfaction.

The mandate revision achieved two objectives. It replaced the founding agreement, which was signed in 1993 and established the purpose of the office and discussed how its operations would be funded. The new mandate formally expresses many of the principles under which the office has operated for several years. The second objective is more significant. At first, the change in the mandate may appear subtle, but it has the potential to substantially influence whom the office serves. Since its inception, the Ombuds Office has dealt with student complaints. The office was available to the entire College community as a resource, but it was restricted from receiving complaints initiated by faculty or staff. After being asked by the College to intervene in several conflicts that involved College employees, I became concerned that the independence of the Ombuds Office might be compromised if it was not open as a resource to the entire community. Under the new mandate the office can receive and act upon complaints from all stakeholder groups within the college.

It should be noted that the extended mandate of the office is not intended to supplant or replace existing channels or assistance or established grievance processes. The revised mandate does reaffirm that the primary purpose of the office is to deal with student complaints; however the change does mean that the office is no longer restricted from dealing with concerns raised by College employees.

If you would like more information about the revised mandate for the office, please do not hesitate to contact me. For the full text of the revised mandate, please refer to Appendix 2 of this report, or the Ombuds Office website (www.fanshwec.ca/ombuds).

2002-2003 OVERVIEW

536 members of the College community were in contact with the Ombuds office this year, regarding 269 files. This is an increase of 20 cases over last year, and 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 was to handle student inquiries and complaints, the office was 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 to discuss 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: Keith Allen (Student Union President); Steve Andrusiak (Dean Communication Arts); Leslie McIntosh (Local 109 Representative); Joy Warkentin (Academic Vice-President); Lois Wey (Manager of Counselling and Student Life Services); 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 twice during this reporting period to discuss the 2001-2002 annual report, and to discuss the revised mandate for the office, and make revisions to the terms of reference for the Ombuds Advisory Committee, and the Complaint policy for the ombuds 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 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 the second annual report on Academic Dishonesty and the Cheating Policy to College Council. The report was an important foundation for subsequent discussions with academic areas. It also reported on progress toward fulfilling a series of recommendations I made in the previous year, which were aimed toward improving the function of the cheating policy.

The Ombuds Office website, (www.fanshawec.ca/ombuds) 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. 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 and deans, 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 provide 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 a training conference for managers from across the College system in Ontario, where I made a presentation entitled "Mediation for College Managers."

I am a member of the Association of Canadian College and University Ombudspersons (ACCUO). During the year I participated in a variety of the Association's activities. I am currently chairing a committee charged with the task of developing standards of practice for members of ACCUO. This year ACCUO shared its conference with the first biannual conference of the Forum of Canadian Ombudsmen (FCO). The objective of the FCO 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. During the conference I conducted a half day training session for new Ombudsmen and was elected to the board of the FCO.

DISCUSSION OF CASES

This section provides a statistical breakdown and analysis of this year's caseload. All tables and graphs discussed in this section are included in the statistics sections toward the back of the report. A total of 269 files were generated from the complaints/inquiries of 304 persons. The average number of days it took to conclude each case was 4.5. This compares to 3.2, 3.9 and 5.9 days for the previous three years.

The first area of discussion, illustrated in Table 1, and Graph 1 illustrate relates to what action taken 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 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 gathering information and providing feedback 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 remained relatively consistent with last year, breaking a trend where the incidence of intervention decreased over the previous two years. Cases where the only contact with the Ombuds Office is to gather information remained relatively infrequent. This is because the majority of cases require an involved discussion consistent with advice.

Table 2 describes the number of complaints about specific issues at stake in a dispute. 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, multiple issues are involved in a complaint. While cases are classified according to both primary and secondary issues, for the sake of brevity, only the primary issues (which are recorded according to the best matching issue description) are contained in this report. Approximately 20% of the complaints received this year had secondary issues.

Who visits the office?

Tables 3 through 6 illustrate distribution of files into constituent areas. The tables make reference to complainants and respondents. Individuals that initiate complaints are referred to as complainants. Those responding to complaints are referred to as respondents. 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 issue at stake in the complaint.

Table 3 reports the number of files according to the division from which the complaints originate. Table 4 shows to which constituent group individual complainants belong. Table 4 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. Table 6 shows to which constituent group respondents belong. Table 5 demonstrates that the majority of respondents are employees, but other groups are also the subject of complaints. When there is no specific individual being complained about, the complaint is recorded under the division heading. Complaints are recorded in such a manner to avoid

attributing complaints about departmental policies or unknown staff members to individuals.

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 2002-2003 report year.

CASE STUDIES:

The following four 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.

Incomplete Information Incident

Horace was a student registered in a one-year preparatory program. He failed three classes in the fall and winter terms. During the winter term, Horace gained conditional acceptance to a diploma program. In order to be admitted to the program Horace would have to complete the one-year certificate program over the summer. Horace registered for four classes in the May-August term – three that were required to complete his program, and a fourth for general interest, which was tangentially related to the new program of study.

Horace came to the Ombuds Office after learning that his application for OSAP had been denied. Horace had previously been placed on Academic probation by the Financial Aid Office following his poor results in previous terms. As part of the application process Horace was asked to write a letter outlining his academic goals and justifying his application for the summer term. Horace's application was refused. Horace had met with the manager of the Financial Aid Office and was unable to resolve the matter. After hearing part of the story it was not clear why the Financial Aid office refused to allow the application.

I agreed to discuss the matter with the Manager of the Financial Aid Office. The manager reported that OSAP was refused because it was felt that the courses in which the student had registered were not necessary nor were they part of the program of study. This directly contradicted the information the student provided in our initial interview. Further investigation revealed that

the student's letter did not indicate that three of the courses were required to graduate. The letter did mention that the fourth course was tangentially related to his new program of study scheduled for the fall. This gave the impression that the student was taking one tangentially related course and three unrelated courses.

Complicating the matter was that when the student contacted the office it was after the last day to apply for financial aid assistance in the summer term. During my discussion with the Financial Aid Office, the manager suggested that if the student could provide a letter from the academic division substantiating that the student's course selection would be sufficient to complete the program, the Financial Aid Office would grant a bursary equivalent to the OSAP they would have received for taking the three classes. The student was able to provide the letter and the bursary granted.

Discussion:

This case is significant because it demonstrates the importance of students ensuring they provide decision-makers with sufficient information to make an informed decision on their case. It is also important that the College inform students of what information is required to make a decision. In this case, Horace was disadvantaged as a result of his own actions because his letter to Financial Aid did not answer the questions the office asked. The investigation revealed why the student was refused funding. Credit should be given to the manager of the Financial Aid office because she was able to ensure that the student received financial assistance and was not unduly disadvantaged.

Student complaint – Ombuds as intermediary

Elaine contacted the Ombuds Office to complain about a variety of problems with her program. When we first met, Elaine was very concerned about reprisals and wanted her confidentiality protected. I assured her that the Ombuds Office does not let any one know who has contacted the office, nor does it take any action on a complainant's behalf without permission. Elaine was satisfied by this, but still refused to give her name. She complained that teachers were ineffective, that tests were not returned on time and that teachers had missed tests. She also stated that there was general dissatisfaction with the program. Elaine had already approached the program coordinator, but was told she was the only student with problems. The coordinator also suggested that Elaine seek assistance with multiple choice tests.

During our meeting, Elaine and I discussed a variety of different options, including: discussing the

matter with individual teachers, the College's complaint process; and the advantages of a group versus individual complaint. The student decided that she would approach her class mates and draft a group complaint letter. After several days the student chose to draft a complaint letter that articulated only her concerns because her classmates were unwilling to sign a group complaint for fear of reprisals. Elaine then contacted the Dean. She was worried about her confidentiality and being a target of reprisals due to her complaint. The Dean told the student that her concerns were important and cautioned that he would be limited in what he could do to investigate the matter if her complaint remained anonymous and informal. Elaine and Dean decided that she would draft the complaint letter and send the letter to the Ombuds Office along with her name and student number. Upon receipt of the letter I was asked to verify that the student was enrolled in the program, and forward the complaint to the Dean. This would ensure the complaint would be received and that the Dean could ensure that the complaint was indeed from a student.

Once the Dean received the complaint he started to investigate the matter. Some of the student's concerns were legitimate and were acted upon; he decided that others were unfounded. Several weeks after the submission of the complaint, Elaine approached both the Ombuds Office and the Dean to formally introduce herself and express gratitude for assisting in the resolution of her concerns.

Discussion:

This case study is important for a variety of reasons. It illustrates how an intervention by the Ombuds Office was able to facilitate the resolution of a student complaint while ensuring that the onus for resolving the matter rested with the appropriate party. It also demonstrates the importance of the Dean establishing an environment of trust where students feel that their complaints will be heard and judged on their merit. When individuals visit the Ombuds Office they are advised to attempt to resolve the matter with the individual or office in question. In certain circumstances it is most appropriate formal complaint or grievance procedures to be followed. In these cases I act as a resource to both parties to facilitate the fair resolution of the complaint.

Perceived Unfair Grade Appeal

Mohammed came to my office in February concerned with an academic appeal process and upset at the actions of two Deans and a teacher. Mohammed

had failed a class in December. The class was taught by a teacher from another division. Mohammed thought that the grade was unfair, and he wanted to appeal so the Dean would be aware of the teacher's actions. He appealed the failing grade through the Office of the Registrar. The appeal was to be heard by the Dean responsible for the course (Course Dean). After almost a month Mohammed had heard nothing further, so he went to visit the Dean responsible for his program (Program Dean). The Program Dean agreed to investigate the matter on the student's behalf. The Program Dean met with the teacher and it was decided that the grade should be changed. The grade was changed and the appeal was ordered withdrawn.

Mohammed visited the Ombuds Office to express his disgust with this situation. He was frustrated by the Course Dean's lack of response, and did not trust the actions of his Program Dean. Mohammed was upset because he wanted the teacher's immediate supervisor to be aware of behaviour Mohammed considered inappropriate. During our conversation we discussed the purpose of the student grade appeal process; the relevance of the student concerns and complaints process with regard to Mohammed's concerns with the teacher; and informal means of Mohammed resolving the situation. Based on Mohammed's story I was also concerned that the appeal process had not been conducted in a fair manner. I offered to intervene to review the fairness of the appeal process. Mohammed refused to give me permission to intervene in the matter. Due to the guarantee of confidentiality which I provide visitors, did not pursue the matter further.

Mohammed refused to file a formal complaint about the teacher's actions because the complaint would have to be directed toward the Course Dean who did not respond to his appeal on time. He also felt that he could not appeal the grade change because the Program Dean had withdrawn the original appeal. He did not trust that a committee of review would not show bias against him. Mohammed was upset because although his appeal was granted, he felt that he had not been listened to, and had been denied due process. Mohammed withdrew his complaint and ended his contact with the Ombuds Office. He stated that he was too frustrated by the process, and had lost complete faith in the College's ability to fairly deal with his problem.

Discussion:

This case is useful because we can learn as much from a case that was unsuccessfully resolved as one where all the parties were satisfied. The annual report

provides an excellent venue to provide on-going follow-up about an area of concern, without violating the student's confidentiality. While it is clear that it is too late to rectify Mohammed's complaint, I bring these issues to the college's attention with the hope that it will prevent future problems.

Procedurally, several errors were made by all parties in this case. The Course Dean did not respond to the appeal in a timely manner. The student had the right to appeal to the Vice President Academic if they did not hear a response from the Dean within 14 days. By going to his Program Dean the student added an unnecessary party. The Program Dean should have referred the student back to the Course Dean, or suggested that Mohammed take the appeal to the second level.

Mohammed's reaction was more extreme than most students who have expressed frustration to me about the fairness of the complaint, but it provides an important perspective on how fairness is perceived. Once this case was concluded, I spent some time reflecting on the student's reaction. From one perspective it was puzzling because he achieved the goal of his appeal, yet he was unhappy and stated that the outcome was unfair. I considered what circumstances would affect a complainant's perception of a fair or just outcome. The results were quite revealing. One way to assess fairness is to look to see if the outcome is fair. This is referred to as distributive justice. A second approach, procedural justice, tends to place less emphasis on the outcome and focuses on whether the process was fair and rules were followed. The third way to assess fairness deals with the quality of the interactions between those involved in dispute. This is referred to as interactional justice².

It was clear that Mohammed's assessment of his appeal was influenced by considerations consistent with procedural and interactional justice. The result was that he lost faith in the College's appeal and complaint system. In cases such as these it is imperative that managers thoroughly investigate complaints, address the issues raised by the complainant, and provide a reasoned response in a timely manner. All too often this does not occur. The lesson to be learned from this experience is that even if people achieve their desired goals, an unfair process or uncivil treatment during the process can irreparably harm one's perception of the fairness of the system itself.

Student Confidentiality.

Jane visited the Ombuds Office to express her concerns with what she believed to be a violation of

² Tyler, Tom R. and Maura A Belliveau. (1995). "Tradeoffs in Justice Principles: Definitions of Fairness." In Conflict, Cooperation and justice: Essays inspired by the Work of Morton Deutsch. Barbara Benedict Bunker and Jeffery Rubin (eds). San Francisco: Jossey Bass.

her confidentiality. Jane had indicated that she had told a staff member that she had been sick and disclosed some personal information about the illness. Several days later, one of her teachers mentioned the illness. Jane was concerned for several reasons. She did not feel that it was appropriate that the staff member told the teacher about her illness, and was concerned that the teacher's opinion of Jane would change, thereby affecting Jane's academic success and potentially her references once Jane started looking for work.

Jane and I discussed her concerns and the College policy regarding confidentiality of student information. Jane was frustrated because her disclosure of her medical condition was in a personal conversation with the staff member, not during the course of a counselling session, in an environment connected with student evaluation, or in connection to the staff member's job at the College. The breach of confidentiality appeared to violate the spirit, but not the letter of the policy of the College's confidentiality of student information policy. During our meeting Jane and I discussed the Confidentiality policy, the Human Rights policy and the merits of filing a formal complaint. Jane was comforted to hear that the College had policies dealing with these issues, but did not want to exacerbate the problem. Jane decided that she would discuss the matter with the staff member and the teacher. She asked me to be present at those meetings. I convened separate meetings between Jane and the staff member and teacher. During the meetings Jane was able to tell her story and express her frustration with the situation. Both the teacher and staff person acknowledged how their actions may have affected Jane and apologised for any harm they caused. Jane came to understand that their actions were motivated by a desire to see her succeed. The meetings concluded with both parties understanding the other's perspective, and the two college employees gained a new understanding of how actions that are intended to be helpful can upset students and violate their rights.

Discussion.

In reading the College policy entitled Confidentiality of Student Information (2-A-08) one is presented with a thorough discussion of the College's responsibilities with regard to the collection and use of personal information. It includes a guideline that specifies what personal information college employees are entitled to collect and share as a function of their jobs in the college. According to the policy, Personal information is:

“deemed to include all demographical, financial, medical, counselling, educational and employment

data concerning applicants, registered students, or former students. This definition includes student numbers; social insurance numbers; student tests, assignments and examinations; progress reports; anecdotal notes and other activities on which grades are based. (Confidentiality of Student Information - 2-A-08)”

The policy is not as clear in cases where information is given by students in a personal conversation that is not related to College business. In this case the spirit of the policy was violated when the staff member gave the medical information to the teacher. There are many cases like this where students give medical or personal information to college employees. In a large portion of these cases it is easier for a student to provide the information to one person and have that individual share it with relevant individuals. For instance a student may call a coordinator to say that they are sick that day and will miss a test. In some areas the coordinator will tell all other faculty of the illness in order to make things easier. I would advise in cases similar to these that college employees should specifically ask students what information can be disclosed and to whom. In this case study, the student would have been much more willing to accept the assistance of the staff member if the staff member had asked for permission to disclose the information.

RECOMMENDATIONS:

Appeals through the Office of the Registrar.

Over the past several years, complaints about fees, admissions, and registration have been one of the highest areas of complaints about service areas. While this is to be expected to a certain extent because all students interact with the Office of the Registrar, there is room for improvement with respect to the fee appeal process. Currently, the process is not necessarily unfair; however as it currently operates it allows students' to perceive the process as unfair. Fairness can be ensured by taking several steps to increase transparency in the fee appeal process.

Fee appeals are different than most of the other types of appeals at the College. For Academic appeals and appeals of conduct or academic offences, students are responsible for demonstrating that the College has made an error or not followed rules or policies. With fee appeals, the situation is different. If students withdraw from classes after the tenth day of classes they are not entitled to any refund unless they appeal. Fee appeals can be granted for compassionate grounds or when the college has made an error which

disadvantages a student. Current practice has been for students to write a letter outlining the reasons for their appeal. A decision is then made whether to grant students' requests for full or partial refund if the student has demonstrated that: the reasons for the withdrawal were beyond their control; or if they were disadvantaged as a result of an error by the College.

The fee appeal process does not follow a written policy and the lack of transparency in the process can create the appearance that the policy is applied inconsistently; therefore it raises the following concerns:

- The purpose of the process is not clear; leading one to question whether it is to provide students with a means of righting undue hardship when circumstances are beyond their control, or is it to restrict how much money the college refunds to students.
- The fee appeal process is not clear.
- The criteria used to make a decision are not clear.
- Appellants cannot predict when they will receive a response from the College because there is no written policy, and the time it takes to receive a response is variable.
- There are no time limits on when appeals can be submitted, so the College can be asked to hear appeals that are several months, or years old.
- As a result of not having clear criteria, decisions have appeared arbitrary and inconsistent.

I therefore recommend that: The fee appeal process should be reviewed, its purpose clearly articulated, and that the process and communication revised such that:

- It is clear which official makes the decision.
- It is apparent what information will be considered by the decision maker.
- Timelines are clear for: when an appeal can be submitted (with consideration for exceptional circumstances), and when the college should respond.
- The policy makes reference to regulations governing how the decision will be made.
- Decisions are consistent with the rules.

In order to ensure that decisions do not appear arbitrary or inconsistent, decisions should:

- Provide an adequate explanation of how and why the decision was made.
- Provide the appellant with information related to how they might appeal (should further appeals be available).

It is hoped that these recommendations will increase transparency in the fee appeal process, thereby

making it easier for students to assess if their circumstances might merit a refund, and will help decision-makers by providing clear criteria to guide their decisions. This recommendation has the purpose of encouraging the College to: establish a clear purpose for the appeal processes and clear criteria upon which decision will be made; to use the criteria as part of decision-making, and to make reference to these criteria when decisions are communicated to appellants. This will help appellants to assess their chances in an appeal (and may discourage frivolous appeals), and to understand why decisions were made. Appellants may not be happy with the final outcome, but they can at least understand why the decision was made.

I would also encourage the Office of the Registrar to consider where implementing components of this recommendation to other appeal and review processes would increase the fairness of other process over which the Registrar presides.

Academic Appeal Timelines

In last year's annual report, I expressed concerns with the apparent abuse of process by College administrators related to timelines contained in the student complaints and appeals policies. Appendix 3 includes the excerpt from last year's report discussing the matter. The Student Appeals of Grade or Other Academic Decision policy (2-G-02) states that for first level appeals the Academic Manager:

*upon receipt of the appeal, shall acknowledge receipt and shall deal with and decide the matter at the earliest possible time, no later than **14 calendar days** excluding holidays, as defined in the Academic Calendar, or in extenuating circumstances, within a longer period of time mutually agreed to by the administrator and the student. (Emphasis added)*

The policy states that for the final level of appeal:

When the Vice-President, Academic is to decide a second level formal appeal ... the decision shall be issued within 14 calendar days excluding holidays, as defined in the Academic Calendar, or a longer period of time mutually agreed to by the parties.

The Vice-President can also refer the matter to a committee of review, in which case there are no specific time limits.

Last year I identified timelines for administrative responses as an area of concern, and hoped that measures would be taken to ensure the problem would be rectified. It is clear one year later that the process continues to be abused.

The Office of the Registrar records the dates the

Academic Appeal Response Times - January 1 2002 to July 2003

	<i>First Level Appeals</i>	<i>Second Level Appeals</i>
Total number of appeals	123	20
Appeals where closing dates not recorded	21	2
Shortest (in days)	1	3
Longest (in days)	124	52
Average # of days	29	37
Total within 14 days	26	1
Total within 14-20	23	1
21 days and over	53	16

student appealed a grade or academic decision, and the date the administrator fills in on the grade appeal form to indicate that the appeal has been decided. Using that data for the period of January 1 2002 to July 2003, I have created a table outlining response times.

This table demonstrates that in 75% of appeals the college is in violation of its own policy. Only 25% of first level appeals are decided within the time limits allowed under college policy. These statistics demonstrate that it is exceptional when the appeal is decided within the prescribed timeline.

It is important that deadlines are not considered to be so rigid that it negatively disadvantages students, or prevents the college from conducting business in a fair manner; however when the average time for an appeal to be concluded is twice the time limit it is clear that the process is not functioning in its intended manner, and is liable to abuse. It also leads one to question if similar processes, like the student concerns and complaints process, and the process for F to N appeals, which use 14 day timelines for responses are also subject to abuse.

I therefore make the following recommendation to the Vice-President Academic: That steps be taken to ensure the actions of Academic Managers are consistent with timelines contained in the student appeals policy. This may mean reconsidering the appropriateness of the timelines, or developing a mechanism to encourage compliance.

Informal recommendations

In addition to the formal recommendations discussed above, I have submitted several informal recommendations, and have 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 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 students who have used the Ombuds Office.

Ian Darling,
Fanshawe College Ombudsperson,
September 2003.

STATISTICS

Graph 1. Action taken by Ombudsperson, 2002-2003

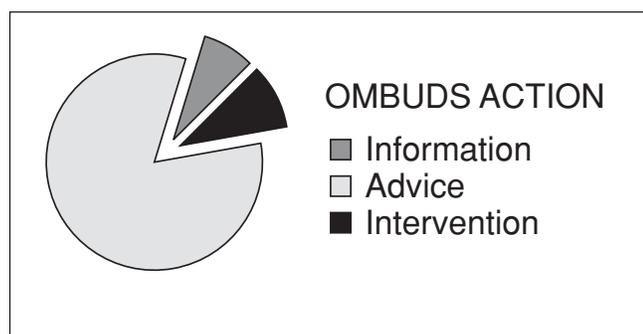


Table 1. Action taken by Ombudsperson, 2002-2003

Type of Case	# of Cases	% of Total
Information	26	9.7%
Advice	222	82.5%
Intervention	21	7.8%
Total	269	100%

Table 2. Description of Issues Handled, 2002-2003

Issue	# of Cases	%of Total
Academic	160	59.5
Conduct	22	8.2
Disability	5	1.9
Fees	8	3.0
Financial Aid	16	5.9
Harassment & Discrimination	2	0.7
Other	24	8.9
Other Student	2	0.7
Outside Mandate	10	3.7
Personal Differences	4	1.5
Policy	4	1.5
Registration	12	4.5
Residence	0	0
Total	269	100%

Table 3. Caseload by Constituency of Complainant, 2002-2003

Division of Client	# of Clients	% of Total
Art And Design	14	5.2
Building Technology	13	4.8
Business and Management CE	2	0.8
Business Studies	18	6.7
Career Development in Business & Health	1	0.4
Communication Arts	15	5.6
Counselling and Student Life Services	5	1.8
General Studies	30	11.1
Health Sciences	17	6.3
Human Services	37	13.7
Information Technology	16	5.9
James N. Allan Campus	3	1.1
Manufacturing Sciences	22	8.2
Motive Power Technology	3	1.1
Nursing	21	7.8
Other *	3	1.1
Oxford County Campus	5	1.8
Office of the Registrar	3	1.1
St. Thomas/Elgin Campus	2	0.8
School Of Continuing Education	1	0.4
Tourism & Hospitality Studies	13	4.8
Cases without Division	25	9.3
Total	269	100

* Other includes complaints from three distinct divisions, where reporting the division of the complainant might jeopardise the confidentiality of the complainant.

STATISTICS

Table 4. Complainant Group Status, 2002-2003

Group description	# of Clients	% of Total
EMPLOYEE		
Administration	21	6.9%
Faculty	18	5.9%
Support	9	3.0%
Group Total	48	15.8%
OTHER		
Alumni	0	0%
Other	20	6.6%
Student Union	1	0.3%
Group Total	21	6.9%
STUDENT		
Continuing Education	3	1.0%
Full-Time	210	69.1%
Other	18	5.9%
Part-Time	4	1.3%
Group Total	235	77.3%
Total # of Complainants	304	100%

Table 5. Caseload by Constituency of Respondent, 2002-2003

Division	# of Clients	% of Total
ACADEMIC AREAS		
Academic Services	1	0.4
Art and Design	12	4.5
Building technology	10	3.7
Business & Management – CE	1	0.4
Business Studies	10	3.7
Career Development in Business & Health	1	0.4
Communication Arts	8	3.0
General Studies	29	10.8
Health Sciences	11	4.1
Human Services	20	7.4
Information technology	9	3.3
James N. Allen Campus	3	1.1
Manufacturing Sciences	18	6.7
Motive Power technology	2	0.7
Nursing	17	6.3
Oxford County Campus	2	0.7
School of Continuing Education	1	0.4
St Thomas/Elgin Campus	0	0
Technology – CE	0	0
Tourism & Hospitality	7	2.6
SERVICE AREAS		
Ancillary Services	2	0.7
Athletics	1	0.4
Bursaries & Scholarships	1	0.4
Career Services	2	0.7
Counselling & Student Life	5	1.8
Development & Partnerships	1	0.4
Financial Aid Services	16	5.9
Health, Safety & Security Service	1	0.4
Office of the President	2	0.7
Network Services	1	0.4
Office of the Registrar	22	8.2
Student Residence	1	0.4
OTHER AREAS		
Student Union	4	1.5
Respondents without Division	5	1.8
Cases without Respondents	43	16.0
Total	269	100

STATISTICS

**Table 6. Respondents By Group Status
2002-2003**

Group description	# of Clients	% of Total
Employee		
Administration	66	28.4
Faculty	134	57.8
Support	12	5.2
Group Total	198	91.4
Other		
Division	9	3.9
Other	2	0.9
Student Union	4	1.7
Group Total	15	6.5
Student		
Full-Time	5	2.2
Other	0	0
Group Total	5	2.2
Total # of Respondents	232	100

Table 7. Outcome of Cases 2002-2003.

Outcome	#of Cases	%
Appeal	50	18.7
Complaint Filed	16	6.0
Compromise	34	12.6
Complaint Withdrawn	40	15.0
Favoured Complainant	10	3.7
Favoured Respondent	22	8.2
No Resolution	1	0.4
Ombuds Withdrew	5	1.9
Provided Information	73	27.3
Referral	18	6.7
Unknown	0	0
Total	269	100

Fanshawe College Ombuds Office

Fairness Checklist

- 1. Organization, Information & Communication**
 - Public information is available and understandable
 - Forms are in plain language
 - Students, and Employees are given all the information they need
 - Staff are given clear titles for the functions they perform
 - College rules and procedures are available and implemented appropriately
 - Divisions cooperate with one another to provide better service
 - Individuals are treated with courtesy

- 2. Facilities and Services**
 - Telephones, voicemail and correspondence are answered promptly
 - College identifies, removes and prevents barriers to people with disabilities
 - The environment is safe and healthy for workers and the general public
 - Student and Employee privacy rights are respected

- 3. Decision Procedures**
 - Members of the College community are invited to participate in planning
 - Those affected by a decision have a chance to give information and evidence to support their position
 - Those affected by a decision have a chance to hear and respond to information presented by others that the decision maker will consider
 - Decisions are made within a reasonable time
 - Criteria used for decision making are available
 - Reasons are given for decisions

- 4. Appeal, Review, and Complaint Procedures**
 - At the time of decisions, people are told of any existing appeal or review procedures
 - Complaint and appeal procedures are clearly defined
 - Appeal and complaint procedures adhere to the rules of procedural fairness and natural justice.

APPENDIX 2

Agreement Between Fanshawe College of Applied Arts and Technology And Fanshawe Student Union Concerning the Mandate for The Fanshawe College Ombuds Office

1. Preamble

Fanshawe College is committed to the just and fair treatment of every member of the college community. In keeping with this commitment, the College joined with the Fanshawe Student Union in 1993 to create a jointly funded Ombuds Office.

2. Ombuds Office Mandate

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.

3. Statement of Principles

In order to accomplish its mandate, the Ombuds Office will adhere to the following principles.

1. **Impartiality:** The Ombuds shall take a non-aligned, impartial role when, receiving, assessing and investigating complaints, and making recommendations.
2. **Independence:** The Ombuds Office operates independently of the usual College and Student Union administrative structures. Fanshawe College and Fanshawe Student Union jointly fund the Ombuds Office. The Ombuds reports to the College President and an advisory committee made up of members from all College constituencies, including the Student Union.
3. **Confidentiality:** All communication with the Ombuds Office will be treated as confidential. The Ombuds will only access files, and release information, so that an investigation may proceed, when the party initiating the complaint has given their permission. Notwithstanding these provisions, the Ombuds reserves the right to break confidentiality in cases where imminent physical safety is at risk, or the Ombuds is legally required to disclose information.
4. **Fairness:** During an inquiry or investigation and in making recommendations, the Ombuds will seek to ensure the principles of natural justice, and administrative and procedural fairness are observed.
5. **Accessibility:** The Ombuds Office is open to all members of the college community – including Students, Faculty and Staff. The College and Student Union reaffirm that the primary function of the Ombuds Office is to receive and seek to resolve complaints from students. The Ombudsperson has discretion to prioritize cases in order to meet this provision.
6. **Informality:** Whenever practical, the Ombudsperson shall seek the resolution of complaints in a timely and effective manner, ideally at the lowest level. The Ombuds Office is not meant to replace established channels of assistance but may be used if an individual needs assistance in identifying where to go, would prefer to discuss a problem with an impartial third party, or has already gone through established channels without satisfaction.

continued on next page...

APPENDIX 2

...CONTINUED

4. Operation of the Ombuds Office.

- 4.1 Access to Information:** The Ombuds shall be provided with access to information and files pertaining to a particular case under investigation, and information needed to fulfill the functions of the office. Members of the College community should handle requests by the Ombuds for information in a mutually convenient and expeditious manner.
- 4.2 Recommendations:** The Ombuds may make recommendations regarding complaints to appropriate officials. If a recommendation is not acted upon to the satisfaction of the Ombuds, the Ombuds may report to a higher authority.
- 4.3 Area Campuses:** Although the Ombuds Office is located on the London Campus, its mandate encompasses all campuses and satellite locations where Fanshawe College programs are offered.
- 4.4 Office Functions:**
- 4.4.1** The Ombuds shall maintain suitable records of inquiries and cases. These files shall be for the exclusive use of the Ombuds and shall not be released to anyone else for any purpose.
- 4.4.2** The office will normally function on a first come, first served basis, though the Ombuds shall have discretion to make exceptions. Informality and openness will characterize the procedures of the office. Cases will be handled promptly.
- 4.4.3** The Ombuds may refuse to investigate a complaint, or withdraw from a case, that appears frivolous or vexatious or would otherwise be an abuse of the Ombuds Office's function. The Ombuds will provide a letter of explanation to a refused client at the client's request.
- 4.5 Reports:** The Ombuds shall make an annual report to the Ombuds Advisory Committee and College President. The annual report will be made available to the college community. For reporting purposes the year will run from July 1 to June 30. The Ombuds may, at other times during the year, submit additional reports or recommendations to appropriate authorities, or to the Ombuds Advisory Committee.
- 4.6 Additional duties:** The Ombuds may assume additional tasks from time to time with the approval of the Ombuds Advisory Committee. Such tasks should serve the community in a manner that is consistent with the basic mandate of the office.
- 4.7 Complaints:** Consistent with Fanshawe College policy 2-J-03, "Complaint Policy For The Ombuds Office," complaints about the Ombuds are to be heard by the Ombuds Advisory Committee
- 4.8 Terms of Employment for Ombuds:** The Ombuds is an Administrative position, jointly appointed and funded by the Fanshawe Student Union and Fanshawe College. Therefore, the Ombuds shall be subject to all the usual rights and responsibilities of an Administrative Staff position at Fanshawe College. The Ombuds directly reports to the College President and the Ombuds Advisory Committee. The Ombuds Advisory Committee will be responsible for serving as the selection committee for the Ombuds.
- 4.9 Funding for the Ombuds Office:** Fanshawe College and the Fanshawe Student Union have expressed their agreement that it is important to provide the Ombuds Office with stable and equitable funding. In order to protect the independence of the Ombuds Office from both the College and the Fanshawe Student Union, the cost of the office shall be divided evenly, each party contributing half. The Ombuds Advisory Committee shall negotiate annual budgets for the Ombuds Office with the College and Student Union
- 4.10 Advocacy:** The Ombuds Office primary consideration is to promote fair and effective resolution of complaints. The Ombudsperson is not an advocate for the students, that role remains the responsibility of the Fanshawe Students Union.
- 4.11 Ombuds Advisory Committee:** The terms of reference for the Ombuds Advisory Committee are outlined in Fanshawe College policy 1-G-18 "Terms Of Reference Of The Ombuds Advisory Committee."

continued on next page...

APPENDIX 2

...CONTINUED

4.12 Protection from Reprisals: Any member of the College community, who is making a good faith effort to resolve a problem or raise a concern, has the right to seek the assistance of the Ombuds Office. In order to protect individuals who make use of the Ombuds Office, the College prohibits reprisals, or threat of reprisal against any person who uses the office or participates in any way in an investigation.

5. Term of this Agreement:

This agreement will be in effect from the date of signing by the parties and will continue in effect until mutually agreed otherwise by the parties.

6. Revision of this Agreement:

This agreement may be revised by mutual agreement of the parties. The parties agree to provide at least thirty days written notice of a desire to discuss revision of this agreement.

Original signed copies are held in the Fanshawe College Ombuds Office, the Office of the President and Fanshawe Student Union. If there is any discrepancy between the electronic version and hardcopy, the original will be considered correct.

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 lose 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 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 cognizant 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.

ADMINISTRATIVE RESPONSES

Jeanine Buss, Registrar and Joy Warkentin, Senior Vice-President Academic provided the following responses to the formal recommendations contained in this annual report.

Appeals through the Office of the Registrar

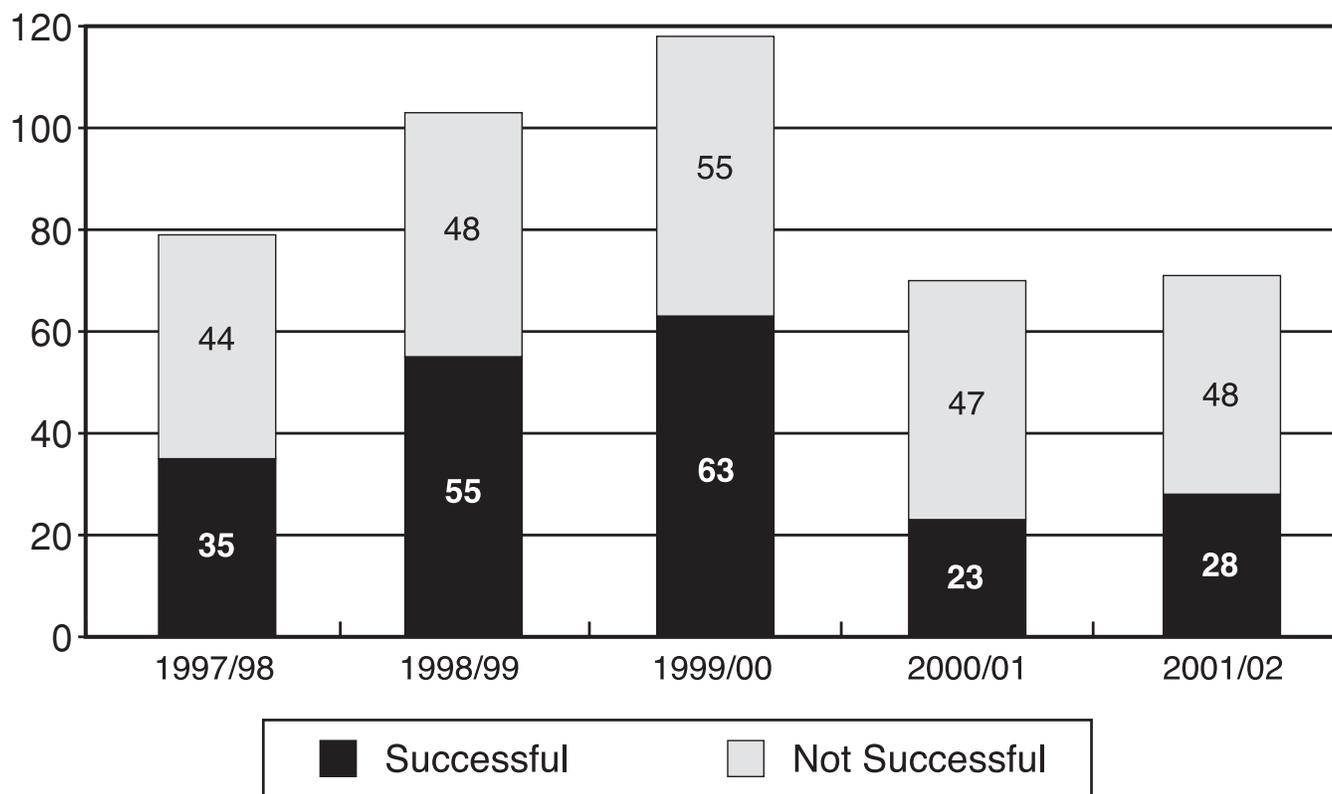
For the past two years, the Office the Registrar prepared information related to fee appeals in preparation for a monitoring report to the Board of Governors. Following is an excerpt from the January 2003 report.

“The College’s policy related to fees clearly sets out the requirement of students to pay the fees applicable to their programs, consistent with the Board’s Interaction with Students policy. The College’s policy also specifies that, in order to be eligible for fee refunds, students must have withdrawn within specific time periods. Students withdrawing after the specified time periods may appeal for fee refunds. The following graph shows the number of fee appeals and the outcomes for the past five years. In 46% of the fee appeals, refunds were approved. Reasons for granting fee refunds

after the specified time periods include student illness, death or illness in the student’s family and financial hardship. The seventy one fee appeals submitted in 2001/02 represent less than 6% of the full-time post secondary students who withdrew.”

During the implementation of the FACS project, the structure of fee charges will be significantly changed. Policy 2-E-01 Student Fees will require revisions to recognize these changes and it has been our intention to address fee appeals as part of these revisions. The comments in the Ombuds report together with the information gathered for the Board of Governors’ monitoring report can be used to frame the appeal section of the new Student Fee policy. It is certainly recognized and agreed that this process, as with any other, requires clearly articulated criteria, timelines and responsibilities. We will undertake to complete this policy review over the next year.

**Jeanine Buss,
Registrar
November, 2003**



continued on next page...

APPENDIX 4

ADMINISTRATIVE RESPONSES ...CONTINUED

Academic Appeal Timelines.

Joy Warkentin, Senior Vice-President Academic discussed the recommendations with Chairs and Deans at an Academic Management Group meeting and provided the following comments:

“It is difficult to tell from your data if student approval of a delay was sought or received. It takes from 3 to 5 days for the appeal to reach a Division from the Registrar’s office. The policy states that the time frame is 14 days from RECEIPT of the appeal. On many occasions, a meeting is hard to arrange given student and teacher schedules. This is especially problematic in spring and summer when the faculty are often on vacation. I have indicated to Chairs and Deans that we need to improve and that flagrant violations will be dealt with by automatic upholding of the appeal.

Several suggestions for improvement were discussed and include:

- Changing the policy to give 14 days for a response and a meeting and a further 7 days for a written response
- Having Divisional assistants respond to the student immediately and set up a meeting
- Ensuring that the student’s permission for a delay is received and documented.

I am hopeful that these will improve the situation.

With respect to Second level appeals, the situation is quite different. Juggling the timetables of the members of a committee of review is very problematic. In each case the student receives a letter and they are informed of the process and timeframes.”

*Joy Warkentin,
Senior Vice-President Academic
October 2003.*