



ANNUAL REPORT
2006-2007



Volume XIV
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, 2006 to June 30, 2007, and is available to any member of the Fanshawe College Community.

Annual Report Message

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

ADDING VALUE

Recently, I was asked to discuss with a colleague about how an Ombuds Office adds value to an institution which already has a variety of complaint or redress mechanisms available. The answer to the question is interesting, and illustrative of the role of the Ombudsperson at Fanshawe. I have included the topic here because it provides a perspective on how the office functions at the college.

There are four major categories where the Ombudsperson demonstrates and adds value in an organization. They are related to: The role of the Ombudsperson as outlined in the terms of reference for the office; Improved informal dispute resolution and increased institutional capacity to resolve complaints; The role of the Ombudsperson as a toxin handler and; The goodwill created by the position.

The role of an Ombudsman is outlined in the terms of reference or mandate for the office. Generally, Ombudsmen receive and investigate complaints and provide recommendations to redress unfair practice. They act as a form of independent oversight, with the goal of ensuring fair treatment of constituent groups (citizens for legislative Ombudsmen and students and staff for college and university Ombudspersons). This oversight creates value by reducing the chance that

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unfairness will occur, and allows for corrective measures in cases where the Ombudsperson deems it necessary to make a recommendation. The capacity to make specific and systemic recommendations is valuable because it improves policy and practice, which in turn prevents further complaints. This means that the institution spends less time responding directly to complaints.

An Ombudsperson helps to improve the capacity of an institution to informally resolve complaints by offering dispute resolution alternatives and by assisting the disputing parties. This can occur informally through discussions and quiet intervention, or through a more formal mediation or negotiation process. The Ombudsperson often assists individuals in articulating their concerns, and helps them to identify realistic outcomes to complaints. At other times, the Ombudsperson coaches college officials in how to appropriately respond to complaints. Activities directed toward assisting informal resolutions are largely unseen, but remain an important component of Ombuds-work.

A large component of the role of the Ombudsperson is to act as a toxin handle. Toxin handler refers to an individual who formally, or informally, is involved in decreasing anger and toxic emotions in a workplace¹. An Ombudsperson within the workplace plays an important role in handling emotionally toxic situations. The Ombudsperson provides an outlet where visitors can vent their emotions, and create plans of action to deal with the situation. The Ombudsperson can also reduce toxic interaction by reframing issues, carrying messages between parties and allowing visitors to feel heard. Deescalating toxic situations allows parties to a dispute to focus on the issues rather than emotional turmoil.

Finally, the existence of an Ombuds Office, and the work of an Ombudsperson, demonstrates that the institution is committed to fair treatment of its constituents, thereby creating goodwill. It is clear from my conversations with prospective students and parents that they value the fact that the college and student union have demonstrated their commitment to fair treatment of the college community by hiring an Ombudsperson. An independent office can reduce the impact of reactive devaluation. Reactive devaluation refers to the phenomenon where parties to a conflict devalue statements or offers of settlement made by the opposing party, simply by virtue of the fact that they were made by a perceived opponent². An independent Ombudsperson can validate information supplied by college officials, thereby increasing trust in the institution.

Much of the work done by the Ombudsperson is confidential, or not directly in the public eye. The annual report is one way in which the Ombuds Office can demonstrate its value, and contribution to the community by showing how the office works to resolve complaints. ♦



SEEK FIRST TO UNDERSTAND, THEN TO BE UNDERSTOOD – GUIDANCE FOR COMPLAINT HANDLERS.

The fifth habit of Stephen Covey's 7 Habits of Highly Effective People³ is "Seek first to understand, then to be understood." This habit is essential in resolving complaints, because effective resolution requires the decision-maker to truly understand the issues at stake before responding. This is true for responding to a complaint, hearing an appeal or responding to a grievance. It is an area where college officials could improve their practice. While it is important to be decisive, I often feel when meeting with someone who is responding to a complaint, that they are more interested in responding to what they perceive the complaint to be than understanding the issues at stake. This is challenging because when the respondent does not fully understand the problem, the proposed resolutions do not address the problem at hand.

Understanding can be enhanced by: giving adequate time for parties to a dispute to tell their story; seeking the other party's perspective of the problem by asking questions to clarify; paraphrasing and summarizing discussion to ensure an accurate understand (to demonstrate understanding to other party); and delaying the urge to respond. Attempting to change how one responds to difficult situations is not an easy task, but the payoff will be evident with more effective resolutions. ♦



WORDS OF CAUTION – ACADEMIC APPEALS

In 2005, the academic appeals policy was revised with the intent, in part, to address issues related to the college not following the timelines proscribed in the academic appeals policy. The changes in this policy have improved the practice related to appeals, and the appeals system is working more effectively than previously. I will offer two cautionary observations related to the role of the Dean in the appeal process. In the appeal policy it states that the Dean has 14 days to respond to a first-level academic appeal. I am concerned that the number of incidents where the Dean does not meet this deadline is gradually increasing. This was a problem prior to the revised policy coming into effect, and I am hopeful that by raising awareness of the issue, it will be corrected before it becomes problematic.

The second note of caution relates to the Dean's obligations when conducting an appeal investigation. The policy states that the Dean is required to hear from the student, speak with the faculty member, then let the student respond to the information supplied by the teacher. I am concerned that on occasion, Deans issue their decision after meeting with the teacher and neglecting to allow the student to respond to the new information. This is not consistent with the appeal policy, and is unfair because the student is unable to respond to the case against them. Some Deans meet with the student and teacher at the same time. This accomplishes the objective of allowing the appellant to present their case and respond to the case against them. When the Dean does not follow the process as stipulated in the policy it creates grounds for a second-level appeal because the college has not followed its own rules. It is my hope that by mentioning these obligations, that it will prevent problems from arising in the future. ♦

WORDS OF CAUTION – SECURITY.

The Ombuds Office received 15 complaints about Campus Security Service last year. This is a significant increase - the previous high was 2 complaints in 2005-6. The complaints tended to fall into two major categories: Students with a student code of conduct offence approached the Ombuds Office to inquire about an appeal and; Students complained about the tactic of Campus Security - such as sending two security guards to call students out of a class for a meeting.

Increases in visits from students who have codes of conduct are the bi-product of increased security enforcement. This does not cause concern as the codes of conduct reports were appropriate, and it reflects that students are aware of their rights to appeal code of conduct offences. As I write this report, the college is reviewing the student code of conduct. I am hopeful that the revised code of conduct will address the perceived

shortcomings of the current policy, and we will see more effective use of the policy in a manner that meets the needs of the campus community.

The rise in complaints about security corresponds to an increase in security enforcement on campus. This increase was necessary, and has placed Fanshawe College on the forefront of campus policing in Canadian community colleges however; this has led to some concern over how security conducts itself. Concern expressed by students about having security guards come to their class to take them to meetings with representatives of Campus Security is one example of the concerns I have heard. I offer these words of caution as we move forward. The college community needs to understand the necessity for more comprehensive security. At the same time, campus security needs to be aware of the impact of how they conduct themselves and how they are perceived by the college community. ♦

2006-2007 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).

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); Christine Thompson (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 several times during this reporting period to discuss the annual report, the work of the office, and the role of the Ombudsperson in relation to teaching. 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. ♦

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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, academic offices, the Student Success Centre, 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 sixth 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 (www.fanshawec.ca/ombuds).

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. Information about 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.

Outreach activities extended beyond the campus to include both national and international activities. In January I hosted the annual mid-year meeting of the Association of Canadian College and University Ombudspersons. In May I was invited to speak to a group of parliamentary ombudsmen from the Russian Federation. The project was funded by CIDA as part of the Governance Advisory and Exchange Program. I discussed the role of Ombudsmen in Colleges and Universities and provided an overview of the scope of Ombudsman practice in Canada.

My most significant professional development activity came when I was given the opportunity to teach two classes for the school of Business and Management. This gave me a sense of the dynamics in the classroom, the challenges faced by teachers and provided me with a better sense of the academic cycle and teacher-student relationships. This experience has informed my practice as Ombudsperson and I am grateful to have had the opportunity. Despite measures to ensure students in the class had an independent Ombudsperson available to them, the Student Union did not support my continuing to teach. I am thankful for the opportunity, and look back on the experiment as a very valuable learning experience.

In May I attended the Third Bi-annual conference of the Forum of Canadian Ombudsman. The focus of the conference was on difficult problems faced by Ombudsmen. The sessions and

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discussions were very thought provoking, and provided an example of the breadth of Ombuds practice in Canada. At the conference I was elected to a second term as Vice-President of the FCO. ♦

Discussion Of Cases

This section provides a statistical breakdown and analysis of this year's caseload. 617 members of the College community were in contact with the Ombuds office this year, regarding 334 files. This is a decrease of 8 cases compared last year, which was the highest caseload since the inception of the Ombuds office, but is on-par with the number of cases in the two previous years. It took an average of 4.4 days to conclude each case, which is consistent with 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. Intervention refers to cases where the Ombudsperson took an active role in the resolution of a complaint. 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 1. Cases by action 2001-2007

	2006-7		2005-6		2004-5		2003-4		2002-3		2001-2	
	#	%	#	%	#	%	#	%	#	%	#	%
Advice	257	76.9	253	74	242	72.2	259	77.8	222	82.5	210	84.3
Information	47	14.1	52	15.2	42	12.5	48	14.4	26	9.7	16	6.4
Intervention	30	9.0	37	10.8	51	15.2	26	7.8	21	7.8	23	9.2
Total Cases	334	100	342	100	335	100	333	100	269	100	249	100

Cases where the Ombudsperson intervenes are the smallest proportion of the caseload, but require the most work. Table 2 reports the five 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

Table 2. Intervention by type 2006-7

Intervention type	Number
Clarification	8
Negotiate and Facilitate solutions	9
Mediation	3
Review and Recommendation	6
Investigation and Recommendation	3
Total	30

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policies, or to request reasons for a decision. Cases classified as “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 illustrates that even when an intervention is required, the preferred approach is to encourage informal resolutions at the lowest level.

CASELOAD BY ISSUE

Table 3 (previous page) 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.

Table 3. Caseload by Issue 2002-2007

	2006-7		2005-6		2004-5		2003-4		2002-3	
	#	%	#	%	#	%	#	%	#	%
Academic	193	57.8	194	56.7	178	53.1	179	53.8	160	59.5
Admission	4	1.2	13	3.8	19	5.7	2	0.6	With registration	
Conduct	31	9.3	27	7.9	21	6.3	31	9.3	22	8.2
Harassment & Discrimination	8	2.8	5	1.5	11	3.3	13	3.9	2	0.7
Employee Case	10	3.0	12	3.5	11	3.3	6	1.8	NA	
Financial Aid	17	5.1	10	2.9	11	3.3	15	4.5	16	5.9
Fees	13	3.9	10	2.9	8	2.4	17	5.1	8	3.0
Other	2	0.6	4	1.2	6	1.8	22	6.6	24	8.9
Other Student	0	0	1	0.3	2	0.6	4	1.2	2	0.7
Outside Mandate	11	3.3	4	1.2	9	2.7	7	2.1	10	3.7
Inter-Personal Relations	0	0	2	0.6	6	1.8	5	1.5	4	1.5
College Policy	12	3.6	20	5.8	16	4.8	4	1.2	4	1.5
College Service	13	3.9	11	3.2	9	2.7	NA	NA	NA	NA
Registration & Withdrawal	5	1.5	14	4.1	14	4.2	16	4.8	12	4.5
Residence	7	2.1	5	1.5	3	0.9	1	0.3	0	0
Disability	6	1.8	9	2.6	7	2.1	11	3.3	5	1.9
Student union	2	0.6	1	0.3	4	1.2	6	2.1	0	0
Total Cases	334	100	342	100	335	100	333	100	269	100

2006-7 featured a significant drop in the number of complaints about admissions. These complaints relate to all aspects of the admissions process – from admissions decisions, to concerns that arise when students lose their place in programs when they do not confirm their acceptance, or pay on time. In 2004-5 there were 19 complaints about admissions. In 2006-7 there were only 4 complaints. This improvement is due in part to efforts to increase the amount, and relevance of information available to students during the admission process. The result of this increased transparency is that students understand the admission process better, and they are better able to meet their obligations to supply information and pay fees by specific dates. There will always be complaints about the admission process, but the drop in complaints about admissions reflects a significant improvement.

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

Table 4. Breakdown of Academic Issues 2003-7

Issue	2006-7		2005-6		2004-5		2003-4	
	#	%	#	%	#	%	#	%
Academic Appeals	57	29.5	52	26.8	39	21.9	66	36.8
Academic Dishonesty	21	10.8	17	8.8	11	6.2	17	9.5
Evaluation concerns	18	9.3	19	9.8	26	14.6	18	4.5
Inter-personal relations	11	5.7	3	1.5	10	5.6	12	6.7
Other (Academic)	4	2	3	1.5	6	3.4	30	16.7
Practicum/Placement/Co-op	13	6.7	13	6.7	15	8.4	15	8.4
Program Policies	3	1.5	3	1.5	2	1.1	6	3.3
Program structure/ operation	18	9.3	7	3.6	10	5.6	6	3.3
Readmission	2	1	5	2.6	1	0.5	7	3.9
Teaching style concerns	3	1.5	14	7.2	4	2.2	2	1.1
Specific issue unidentified	43	22.3	58	27.5	54	30	NA	NA
Total Cases	193	100	194	100	178	100	179	100

WHO VISITS THE OFFICE?

Tables 5 and 6 (next page) 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 department 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 reports the number of files according to the school or department from which the complaints originate. Table 6 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. During the 2006-7 report year, there was an increase in complaints from Part-time students. It is too early to tell if this is a one-year anomaly, or part of a wider trend.

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Table 5. Clients by Division of Complainant 2002-2007

	2006-7		2005-6		2004-5		2003-4		2002-3	
	#	%	#	%	#	%	#	%	#	%
ACADEMIC AREAS										
Academic Services	1	0.3	0	0	0	0	1	0.3	0	0
Art And Design	21	6.3	16	4.7	16	4.8	16	4.8	14	5.2
Building Technology	15	4.5	2	0.6	5	1.5	8	2.4	13	4.8
Business Studies	25	7.5	22	6.4	37	11.0	22	6.6	18	6.7
Communication Arts	11	3.3	9	2.6	16	4.8	26	7.8	15	5.6
General Studies	19	5.7	22	6.4	26	7.8	22	6.6	30	11.1
Health Sciences	13	3.9	21	6.1	27	8.0	35	10.5	17	6.3
Human Services	49	14.7	60	18.7	50	14.9	46	13.8	37	13.7
Information Technology	21	6.3	14	4	17	5.1	14	4.2	16	5.9
James N. Allan Campus	5	1.5	1	0.3	2	0.6	3	1	3	1.1
Manufacturing Sciences	27	8.1	24	7	24	7.2	28	8.4	22	8.2
Motive Power Technology	1	0.3	6	1.7	1	0.3	4	1.2	3	1.1
Nursing	13	3.9	9	2.6	21	6.6	15	4.5	21	7.8
Oxford County Campus	19	5.7	16	5.3	5	1.5	8	2.4	5	1.8
School Of Continuing Education	17	5.1	25	8.3	20	6.0	8	2.4	4	1.6
St. Thomas/Elgin Campus	1	0.3	3	0.9	1	0.3	2	0.6	2	0.8
Tourism & Hospitality	13	3.9	6	1.7	5	1.5	7	2.1	13	4.8
SERVICE AREAS										
Athletics	1	0.3	0	0	0	0	1	0.3	0	0
Counselling And Student Life Services	3	0.9	9	2.6	13	3.9	13	3.9	5	1.8
Facilities	0	0	1	0.3	0	0	0	0	0	0
Financial Aid	1	0.3	0	0	0	0	0	0	0	0
Finance And Corporate Services	0	0	1	0.3	1	0.3	1	0.3	0	0
Human Resources	3	0.9	3	0.9	1	0.3	2	0.6	0	0
Information Technology (Service)	3	0.9	0	0	2	0.6	3	0.9	0	0
Library & Media Services	0	0	4	1.3	2	0.6	1	0.3	0	0
Office Of The President	2	0.6	1	0.3	0	0	1	0.3	0	0
Office Of The Registrar	3	0.9	3	1	1	0.3	2	0.6	3	1.1
Partnerships	0	0	2	0.6	0	0	0	0	0	0
Student And Staff Services	0	0	0	0	1	0.3	1	0.3	0	0
OTHER	0	0	0	0	0	0	0	0	3	1.1
COMPLAINTS WITHOUT DIVISION	47	14.1	64	18.7	46	12.9	43	12.9	25	9.3
Total Complainants	334	100	342	100	335	100	333	100	269	100

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 faculty.

Table 7 (below) shows the number of complaints per full-time post secondary enrolment in the 2006-7 report year. This table shows the number of complaints per 100 full time enrolments in each school. 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 complaints, in relation to the size of each school.

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

Table 9 (page 12) 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

Table 6 Complainants by Group Status 2006-7

Group	# of Clients	% of Total
EMPLOYEE		
Administration	21	6.0
Faculty	24	6.9
Support	12	3.4
Group Total	57	16.3
OTHER		
Alumni	2	0.6%
Other	18	5.2%
Student Union	4	1.1%
Group Total	24	6.9%
STUDENT		
Continuing Education	10	2.9%
Full-Time	226	64.8%
Other	12	3.4%
Part-Time	20	5.7%
Group Total	268	76.8%
Total Number of Complainants	349	100

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

School	Summer 06 enrolment	Fall 06 enrolment	Winter 07 enrolment	Total enrolment	Complaints per 100 Full-time enrolments
Art & Design	242	1,093	1,148	2,483	0.8
Building Technology	197	577	579	1,353	1.1
Business and Management	135	1,596	1,519	3,250	0.8
Contemporary Media	10	873	789	1,672	0.7
Language and Liberal Studies	101	988	968	2,057	0.9
Health Sciences	260	1,044	894	2,198	0.6
Human Services	58	1,805	1,632	3,495	1.4
Information Technology	130	749	700	1,579	1.3
James N. Allan Campus	32	141	156	329	1.5
Manufacturing Sciences	215	772	731	1,718	1.6
Motive Power Technology	0	242	230	472	0.2
Nursing	65	416	400	881	1.5
Oxford County Campus	10	259	274	543	3.4
St. Thomas Campus	115	194	155	464	0.2
Tourism & Hospitality	95	568	537	1,200	1.1
Total	1,665	11,317	10,712	23,694	1.4

Table 8 Clients by Division of Respondent 2002-2006

	2006-7		2005-6		2004-5		2003-4		2002-3	
	#	%	#	%	#	%	#	%	#	%
ACADEMIC AREAS										
Academic Services	0	0	1	0.3	2	0.6	2	0.6	1	0.4
Art And Design	12	3.6	8	2.3	13	3.9	12	3.6	12	4.5
Building Technology	12	3.6	1	0.3	3	0.9	8	2.4	10	3.7
Business Studies	11	3.3	15	4.4	21	6.3	13	3.9	10	3.7
Communication Arts	11	3.3	8	2.3	8	2.4	18	5.4	8	3.0
General Studies	15	4.5	24	7.0	20	6.0	20	6.0	29	10.8
Health Sciences	8	2.4	15	4.4	17	5.1	25	7.5	11	4.1
Human Services	34	10.1	25	7.3	29	8.6	25	7.5	20	7.4
Information Technology (Academic)	12	3.6	9	2.6	11	3.3	10	3.0	9	3.3
James N. Allan Campus	4	1.2	1	0.3	2	0.6	1	0.3	3	1.2
Manufacturing Sciences	24	7.2	27	7.9	20	6.0	23	6.9	18	6.7
Motive Power Technology	1	0.3	5	1.5	1	0.3	1	0.3	2	0.8
Nursing	14	4.2	9	2.6	15	4.5	12	3.6	17	6.3
Oxford County Campus	8	2.4	10	2.9	2	0.6	2	0.6	2	0.8
School Of Continuing Education	16	4.8	23	6.7	18	5.4	6	1.8	3	1.2
St. Thomas/elgin Campus	1	0.3	3	0.9	1	0.3	2	0.6	0	0
Tourism & Hospitality	3	0.9	2	0.6	5	1.5	4	1.2	7	2.6
SERVICE AREAS										
Athletics	1	0.3	0	0	1	0.3	0	0	1	0.4
Awards & Schollarshis	0	0	1	0.3	1	0.3	0	0	1	0.4
Career Services	0	0	0	0	0	0	0	0	1	0.4
Counselling And Student Life Services	3	0.9	3	0.9	2	0.6	7	2.1	5	1.8
Environmental Health & Saefty Service	0	0	0	0	0	0	0	0	1	0.4
Facilities Maintenance	1	0.3	0	0	0	0	2	0.6	0	0
Facilities Management	0	0	0	0	2	0.6	1	0.3	0	0
Facilities Support Services	3	0.9	4	1.1	3	0.9	3	0.9	2	0.8
Finance & Corporate Services	1	0.3	3	0.9	0	0	0	0	0	0
Financial Aid Services	17	5.1	10	3.9	11	3.3	20	6.0	16	5.9
Fitness Centre	0	0	0	0	0	0	0	0	0	0
Human Resources	1	0.3	3	0.9	1	0.3	3	0.9	0	0
Information Technology Service	1	0.3	0	0	1	0.3	2	0.6	1	0.4
Library & Media Services	0	0	4	1.1	1	0.3	1	0.3	0	0
Office Of The President	1	0.3	1	0.3	0	0	0	0	2	0.8
Ombudsman	0	0	0	0	0	0	1	0.3	0	0
Partnerships	0	0	0	0	1	0.3	0	0	1	0.4
Planning Services	1	0.3	0	0	0	0	2	0.6	0	0
Registrar's Office	23	6.9	29	8.5	34	10.1	28	8.4	22	8.2
Retail Services	0	0	1	0.3	2	0.6	0	0	0	0
Residence	9	2.7	5	1.5	4	1.2	0	0	1	0.4
Security	15	4.5	2	0.6	1	0.3	0	0	0	0
Student & Staff Services	0	0	1	0.3	0	0	0	0	0	0
OTHER										
Student Union	2	0.6	1	0.3	4	1.2	6	1.8	4	1.5
Respondents Without Division	2	0.6	5	1.5	0	0	7	2.1	5	1.8
Total Cases without Respondent	67	20.0	84	24.6	78	23	72	21.6	43	16.0
Total Cases	334	100	342	100	335	100	333	100	269	100

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.

The past three years have shown a gradual increase in the number of complaints about the student residences. Most of these complaints are related to the discipline and appeal process. The Residence policy is to be reviewed in 2007-8. I am hopeful that this will encompass a review of the discipline and appeal processes with the intent of making the process more transparent.

Table 9 Respondents By Group Status 2006-7

Group	# of Clients	% of Total
EMPLOYEE		
Administration	113	42.2
Faculty	123	45.9
Support	8	3.0
Group Total	244	91.0
OTHER		
Division	18	6.7
Student Union	2	0.7
Group Total	20	7.5
STUDENT		
Continuing Education	0	0
Full-Time	4	1.5
Group Total	4	1.5
Total Number of Respondents	268	100

Outcome of Cases

The effectiveness of the Ombuds Office is often measured by its ability to facilitate the resolution of complaints. Table 10 (below) shows the outcomes of cases in the 2006-7 report year. The table indicates that the outcome of cases have remained fairly consistent when compared to previous years. Over the past two years, the number of cases where the Ombudsperson provided information has increased over the three preceding years. Providing information can be as simple as describing an appeal process or it may entail a comprehensive conversation about how to approach resolving a concern. I have identified that there is a wide range of cases which can be described as providing information, and hope in subsequent reports to have more specific information to clarify this outcome.

Table 10 Cases by Outcome 2002-2007

	2006-7		2005-6		2004-5		2003-4		2002-3	
	#	%	#	%	#	%	#	%	#	%
Appeal	51	15.3	50	14.6	44	13.1	59	17.7	50	18.7
Complaint Filed	13	3.9	19	5.6	19	5.7	36	10.8	16	6.0
Compromise	36	10.8	49	14.3	52	15.5	36	10.8	34	12.6
Complaint Withdrawn	33	9.9	28	8.2	54	16.1	46	13.8	40	15.0
Favoured Complainant	13	3.9	6	1.8	7	2.1	5	1.5	10	3.7
Favoured Respondent	20	6.0	20	5.8	28	8.3	29	8.7	22	8.2
No resolution	0	0	1	0.3	0	0	0	0	1	0.4
Ombuds Withdrew	9	2.7	11	3.2	13	3.9	5	1.5	5	1.9
Provided Information	112	33.5	119	34.8	81	24.2	98	29.4	73	27.3
Referral	47	14.1	39	11.4	37	11.0	18	5.4	18	6.7
Unknown	0	0	0	0	0	0	1	0.3	0	0
Total Cases	334	100	342	100	335	100	333	100	269	100

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.

STUDENT CONFIDENTIALITY CONUNDRUM

Jessica contacted the Ombuds office upset with a practice in one department which required students to provide photocopies of their identification. The student felt that it would be appropriate to show the identification, but did not accept that the college would retain a copy. Jessica asked that the practice be overturned. Jessica was angry because when she asked why the information was required, the staff member with whom she was interacting was unable to provide an explanation. The student met with the manager of the department, and was unable to resolve the issue. The manager referred Jessica to the Ombuds office. After spending some time to gather more information from Jessica, I agreed to discuss the matter with the manager. Over the course of the investigation, I met with the manager, reviewed the chain of e-mail messages between the parties and reviewed the provisions in legislation and regulations which allow the college to collect information from students. The manager shared the department's rationale for retaining the identification. The manager stated that the copies were retained in order to make the practice consistent with other areas, and to retain copies in case there were problems in the future.

I concluded that the regulations governing community colleges allow colleges to collect personal information as long as it is consistent with the aims of the college, and that it is kept secure such that students' privacy rights are not violated. Furthermore, the practice was supported by other programs of a similar nature. Therefore, I concluded that it was appropriate for the college to collect the information, and that appropriate measures

were being taken to protect the information. I met with both parties to share my conclusion. Jessica accepted my explanation of why the information was required, and findings that it was appropriate for the college to request the information. Jessica met the manager once more. During the meeting, they used the investigation findings to come to a compromise solution that both parties would be comfortable accepting. Jessica reported that she was happy with the resolution.

Discussion:

This case study is important because it reflects the increasing student awareness of importance of protecting their personal information. In 2006-7 the Ombuds Office received several complaints where confidentiality was an important element of the complaint. Examples include: teachers inappropriately disclosing personal information in class (like academic offence histories, results of evaluations and information about disability); college employees disclosing personal information over the telephone; and college employees sharing personal information which the student did not want revealed. Students have also expressed concern about why the college requires specific information (like birthdates), or why the Financial Aid Office requires students to show their social insurance card when releasing loans. In cases where there has been a breach of student's confidentiality rights, for the most part the breaches happen when well meaning employees inadvertently let something slip. That being said, once the information is released it is very difficult to right the wrong.

The college policy on confidentiality of student information provides a strong statement of the obligations of college

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employees to protect student information. I recommend that obligations related to student confidentiality be stressed during new employee orientation (both on a corporate and departmental level), and periodically discussed at departmental meetings. When receiving with personal information from students, employees should also make it regular

practice to discuss confidentiality expectations with students and how the information will be used. This will help employees maintain awareness of their responsibilities related to personal information, and will assist students understand the legitimate use of personal information by the college. ♦

STUDENT-TEACHER CONFLICT

Rupert attended the Ombuds Office to complain about the conduct of one of his teachers. Rupert reported that the teacher had made a series of inappropriate personal comments in class. The alleged behaviour included disciplining the student for poor attendance in front of the class, criticizing Rupert in class on days when Rupert was absent. Rupert stated that he spoke with the teacher about this behaviour after class one day, and received very poor marks on subsequent assignments. Rupert stated that he felt targeted and bullied. During our meeting, we reviewed the relevant policies (Student Concerns and Complaints, and the Respectful Campus Community Policy), and discussed how to attempt to resolve the problem informally. At this time Rupert angrily expressed concern that the college was already aware of the teacher's conduct and had done nothing to resolve the issues.

It was clear from Rupert's anger that it would not be appropriate for him to meet with the teacher, so I suggested that he contact the chairperson to initiate a complaint. Rupert was reluctant because he felt the chairperson was already aware of the problem. I encouraged Rupert to speak to the chairperson directly, rather than just assuming that the college was aware of the problems. Rupert was still reluctant, so I contacted the chairperson to establish a meeting among the three of us. The chairperson was unaware of the problems in the classroom. During the meeting the chairperson gathered information necessary to investigate the matter, and made the necessary arrangements for Rupert to complete the class. Following the meeting the chairperson investigated the complaint and took appropriate measures to address elements of the complaint that could be substantiated.

Rupert later complained that due to confidentiality provisions, he was not given a complete accounting of what disciplinary measures were taken. I contacted the chairperson to assess if the investigation was thorough and complete, and then reported to Rupert that the matter was appropriately handled. Although I did not tell Rupert the specific outcome of the investigation, or if the teacher received any sanction, I was able to validate that the college had responded appropriately.

Discussion:

This case study illustrates the risks inherent in assuming that the college is aware of complaints. Rupert was very angry that the college allowed alleged misconduct to continue; however the meeting with the chair was the first time the chairperson heard of the concerns about the teacher. The college acted quickly to ensure Rupert had an opportunity to complete the class, and investigated the allegations once it was aware of the complaint.

The role of the Ombudsperson in this complaint was to assist the parties in following the established complaint process. By attending the meeting, the Ombudsperson's presence brought legitimacy to a process which Rupert did not trust. The Ombudsperson's presence at the meeting with the chair helped to ensure Rupert was calm enough to tell his story.

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The Ombudsperson was also able to validate the actions of the chairperson following the investigation. In these interventions I act as conciliator to help establish conditions where parties to a dispute can participate in creating a resolution. In these cases a significant effort is made to prepare the parties such that they can have productive discussions by identifying interests, and identifying a range of options for resolution. In cases such as Rupert's the presence of an impartial third part had a profound impact on the ability of the parties to remain calm and focus on the issues in dispute with relatively little direct intervention by the Ombudsperson. ♦

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WHAT CONSTITUTES FAIR NOTICE?

Abigail contacted the Ombuds Office in late November to complain about the delay in receiving a decision on her application for readmission. Abigail stated that she had started school the previous September, and was given a conditional continuation at the end of her first semester in the program due to a combination of low GPA and failed courses. She failed two more classes at the end of the second semester, and was required to reapply. Abigail stated that she had submitted the reapplication several weeks earlier but had not received a decision. I agreed to contact the program coordinator to inquire as to the status of the application.

The coordinator reported that Abigail had only submitted the application one week prior to her contacting my office, and that decision letter was mailed the day before we met. The coordinator indicated that the student was not successful in her reapplication because she had not done enough to address the deficiencies which led to failed courses. When questioned further, the coordinator stated that she would have liked to see the student complete upgrading prior to readmission to the program. I informed Abigail of the decision. Abigail stated that this was the first time she heard that she was required to do any upgrading.

I spoke again with the coordinator to review the decision and the communication with the student. Following the review it was clear that the decision to require the student to reapply was consistent with college policy. The requirement for upgrading was supported by past practice, and program policies as successful upgrading was correlated with improved academic success. It was not clear however that the student was informed that she would be required to upgrade. The student was informed that she would be required to reapply when her final marks were posted on web advisor. The college did not inform the student that any further action was required than reapplying for the program.

Following the review I concluded that the student had not contacted the college prior to submitting the reapplication. In fact, Abigail stated that she did not check her final marks on web advisor until September. Therefore, Abigail bore some responsibility for the situation. At the same time, the college had not taken sufficient action to notify the student of what she was required to complete in order to be eligible for readmission. Following the review it was clear that readmitting the student into the program would be setting her up to fail because she had not addressed the cause of the failures. Following discussion between the student and coordinator, I was able to provide Abigail with a list of options how to upgrade. To conclude the case I met with the coordinator, and we discussed the need to notify students of what upgrading they will be required to complete prior to readmission. The coordinator suggested that the program would review how students were notified of conditions they must meet to be readmitted to the program.

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Discussion:

This case revolves around the concept of fair notice. When students are required to reapply to the program they are directed to contact the school in order to learn of conditions for readmission. Although Abigail did not make any effort to contact the school prior to her reapplication, the college is responsible for making timely and relevant information available to students. In the months since this case occurred, the college has improved how information about end of level decisions is provided to students. These activities include information on web advisor when students receive their grades, e-mails sent by the Office of the Registrar to notify students who are required to reapply of their obligations and next steps, and reviews by academic departments of the information provided to students.

The relevance of this case extends beyond communication of end of level decisions – it demonstrates the importance of fair notice and striving to ensure that decisions are transparent. When students are provided with all information relevant to their programs of study it improves their likelihood of being successful, prevents student complaints, and protects the college from allegations that it is treating students unfairly. ♦

Recommendations:

During 2006-7, I submitted several formal and informal recommendations, and advised of areas where improvement can be made to specific departments. These recommendations tend to be case-specific, 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 2007.***

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