

# **Annual Report of the College Ombudsperson**

For the period  
January 1, 2012 to December 31, 2012

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## **Executive Summary**

This report outlines the mandate and describes the activities of the Ombudsperson for the year 2012. It includes the statistical summary where appropriate, for the past three years on the number of issues that were presented to the Ombudsperson, the areas in the College that were associated with the concerns and the types of services provided. There is reference to the revised and confirmed new Terms of Reference for Seneca's Ombuds Office that was completed in 2012. This report includes the link to view the final Terms of Reference. Concluding comments are made with respect to the implementation this past year of revisions to the Dispute/Conflict Resolution processes at the College. There are some general observations and comments made as a result of Seneca's Ombudsperson's completion of the second year in this role.

## **Introduction**

This Annual Report is an opportunity for the Ombudsperson to share a review of the activities of his second 12 months in the role of Ombudsperson at Seneca. The report gives information on the types of issues that are brought to the Ombuds Office and the means that are used to address those issues in the interest of promoting and ensuring fairness in the day-to-day application of college policies, procedures and practices.

The report can be referenced as a possible learning resource for the Seneca community. All Senecans have a responsibility for contributing to consistent fairness in the College operations. Summarizing the types of issues that have been brought to the Ombudsperson gives insight into the necessity of ensuring that the right to be heard and understood is respected at all levels in the College. Furthermore, the examples demonstrate that support for student learning or effective employee performance should be the foremost consideration in the application of the College's policies and procedures.

## **Mandate**

In the interest of ensuring a fair and equitable environment for learning and working at Seneca, the Office of the Ombudsperson was established by the College in 1996. Currently its mandate is to provide a final option within the College offering help when the regular channels of appeal have been exhausted and there is still a need to review a complaint, conflict or problem to ensure fairness in the application of the College's policies and procedures. The Ombuds Office, from its inception, has addressed issues presented by students and employees, although members of the bargaining units have also had alternative external avenues available to them. However, as a result of the recent revisions to conflict and dispute resolutions processes at Seneca, effective September 2012, the Ombuds Office will only address issues raised by the student constituency at the College. The Employee groups are now directed to present their issues and concerns to Seneca's Human Resources Department for resolution.

The Ombudsperson's involvement is limited to a review of the application of College policies and/or procedures and that is only after all other internal avenues for resolution have been exhausted and the outcome is still perceived by a client as unsatisfactory. It is a credit to Seneca that most concerns or disputes are resolved through the regular channels and few concerns require involvement by the Ombudsperson.

The Ombudsperson seeks to resolve issues through an informal approach that may involve listening and clarification, explanation and advisement, or mediation. In a few instances, a formal investigation may be required to draw conclusions and make recommendations. Seneca employees have, without exception, always been generous with their time, information and insights when the Ombudsperson has sought clarification and information related to various issues.

The hallmarks of an Ombudsperson's practice are fairness, impartiality, independence and confidentiality. The Ombudsperson reports to the President to present recommendations to the College with a view to remedying unfairness in a particular situation or in general procedures, practices, policies or rules. Otherwise the Ombuds Office operates independently.

Seneca’s Ombudsperson is an active member of the Association of Canadian College and University Ombudspersons (ACCUO). This national association has been working diligently over the past year to update the ACCUO Standards of Practice document. The process to develop, finalize and confirm the Terms of Reference for the Ombuds Office at Seneca has drawn from the principles of the ACCUO Standards of Practice document. The Seneca Ombuds Office Terms of Reference have been specifically tailored to outline the operational directives for the role of the Ombuds Office at Seneca. The finalized and approved Seneca Ombuds Office Terms of Reference can be viewed at the following link:

<http://www.senecacollege.ca/students/ombudsperson/Ombuds-Office-Terms-Of-Reference.pdf>

A key item that is central to the Terms of Reference relates to impartiality as noted in the following statement:

The Ombudsperson acts in consideration of and with respect for the legitimate interests and concerns of all affected parties. He/she advocates neither for the client, nor for the College in relation to disputes. Rather, the Ombudsperson maintains a neutral position between/among parties with a view to achieving fair resolution.

The Ombudsperson is engaged primarily in hearing concerns, assessing approaches, advising clients and mediating resolution. In very few cases, formal investigations require formal reports. The Ombudsperson does not make decisions for the College. The Ombudsperson shares their assessments of fairness and recommends remedies in the interests of fairness and accountability.

### **Who Uses the Ombuds Office Services**

In previous years, the Ombuds Office services were used primarily by students. Effective September 2012, the Ombuds Office Terms of Reference changed such that the Ombudsperson no longer provides services to Seneca employees. Other post-secondary institutions and government offices and agencies contact the office from time to time seeking general information or referring specific clients to the service. (See Table 1)

**Table 1**

### **Ombuds Office - Categories of Clients Serviced in 2011 vs. 2012**

<b>Category</b>	<b>% of Total for 2011 *</b>	<b>% of Total for 2012 *</b>
Seneca Admissions Candidates	7.0%	6.0%
Full-Time Students	73.75%	65.25%
Part-Time Students	9.5%	19.75%
Former Students	4.25%	1.5%
Part-Time Staff	1.75%	4.5%
Part-Time Faculty	2.25%	3.0%
Other	1.5%	0%

\* Note: Percentages have been rounded up to the nearest .25%

There continues to be a dynamic fluctuation in the demand for the service over the past three years. The number of requests for Ombuds Office service in 2009-10 was 45. In the 2011 calendar year, the number of requests significantly increased to 114. However, the final numbers for the 2012 calendar year decreased to 66. (See Table 2)

There are several viable explanations for the fluctuations of the past three years. The increase in year-over-year “traffic” noted for 2009-2010 vs. 2011 can be attributed to the College’s published announcement of the appointment of a new Ombudsperson thus raising a broader awareness of this service. Furthermore, many employees had encouraged possible clients to seek assistance of the Ombuds Office because they were familiar with the new Ombudsperson. The published announcement of the piloted scheduled Ombuds Office Hours may have also resulted in an increased awareness of the Ombuds Office resource for conflict resolution. Finally, the increase in requests in 2011 might be directly attributed to the overall increase in enrolment at the College.

The significant decrease in the number of Ombuds Office requests in 2012 can likely be attributed to the following reasons:

- Improved awareness of when a client should approach the Ombuds Office.
- Improved awareness of the limits of the role of the Ombudsperson.
- The introduction, implementation and promotion of the revised Dispute/Conflict Resolution Processes effective Fall 2012 at Seneca.
- The impact of the revised role of the former Resolution, Equity & Diversity Centre (REDC) to the renamed Student Conduct Office
- The revisions and implementation to the Academic Appeal Process and Procedures effective Fall 2012 at Seneca.
- Changes in the Ombuds Office mandate to only provide services to the student constituency.
- Improved tracking and record keeping of Ombuds Office contact statistics

It is appropriate to note that of the reasons identified above, the changes to the Academic Appeal process has resulted in a notable decline over previous years in client requests to further appeal a final grade. Furthermore, during the first two years in office, the Ombudsperson had many opportunities through the process of informal discussion with many Senecans to clarify the role of the Ombuds Office and specifically identify the point in the dispute/conflict resolution process when an individual should be contacting the Ombudsperson for assistance. There continues to be a number of initial contacts that are immediately redirected to the appropriate starting point, but these have declined as well.

Table 2 illustrates a three year comparison of contact with the Ombuds Office by department or faculty.

**Table 2**  
**Concerns – by Department or Faculty**

Department or Faculty	2009- 2010	2011	2012
Business, Arts and Commerce	8	21	12
Continuing Education and Training	5	18	12
Applied Arts and Health Sciences	8	8	9
Applied Science and Engineering Technology	2	7	2
Information Arts and Technology	1	8	2
Registrar's Office including Financial Aid	6	19	16
Other College Services	8	23	10
College Management / Supervision (of employees)	2	7	3
Information Requests by other agencies ( e.g., government offices/agencies, other postsecondary institutions, other departments)	5	3	0
<b>Total</b>	45	114	66

### **Types of Service Provided by the Ombudsperson**

Most contacts or clients to the Ombuds Office seek advice about resolving an issue, often before they have sought assistance through the existing channels that have been established. For example, in the case of some student clients, the Ombudsperson frequently referred them to the Financial Aid staff as the starting point for resolving OSAP related challenges. However, sometimes students simply need someone to hear and understand their issue and provide an explanation of College practices or policies before they decide to move on to resolve the issue directly with the department or individual concerned. In such cases, they are not required to report back to the Ombudsperson and as a result this office rarely hears the ultimate outcome. Therefore, one could assume it was remedied satisfactorily. In other cases, the clients have already pursued assistance through other channels without satisfaction. In those situations, the Ombudsperson meets with them to hear their concerns, gather information and determine the best course of action. This may include Ombuds Office intervention to facilitate discussion, or to mediate a resolution with the area concerned.

Table 3 illustrates the breakdown by category of the types of services provided to clients serviced during the past three years.

**Table 3**

**Ombuds Office Cases**

**3-Year Comparison of the Frequency of Types of Service Provided**

Type of Service Provided	Sept. 2009 to Aug. 2010	%	Jan. 2011 to Dec. 2011	%	Jan. 2012 to Dec. 2012	%
Referral	20	44%	46	40%	21	32%
Advisement (including listening)	18	40%	52	46%	43	65%
Investigation/Intervention	7	16%	16	14%	2	3%
Total	45	100%	114	100%	66	100%

The continuing evolution of the College’s policies, procedures and practices as a result of the experiences learned during the past 46 years has resulted in fewer instances of confusion or lack of clarity for all participants. In September 2012, the announcement, promotion and implementation of the finalized revised Dispute/Conflict Resolution process have contributed to improved student understanding of how to go about resolving their concerns at Seneca. The cases that were brought to the Ombuds Office in 2012 were for the most part very specific rather than representative of general systemic concerns. The following is a summary of the typical kinds of concerns brought to the Ombuds Office:

- Issues with grades awarded
- Eligibility to continue studies
- Fees charged
- OSAP eligibility issues
- Admissions decisions appeals
- Classroom instruction and delivery concerns
- Seneca part-time employment issues
- Academic honesty appeals
- Seneca residence and off campus housing concerns
- Employee services concerns
- Counselling, advisement and accommodation concerns
- Co-op and field placement issues
- Deferred exam issues
- Medical accommodation challenges
- Convocation rescheduling issues
- PLA assessments
- Wait list and refund issues

## **Office Operation**

The Ombuds Office is a one-person operation staffed with an Ombudsperson who is a contracted part-time employee. The Ombudsperson is normally on campus with posted Office Hours scheduled 2 days/week. The Ombudsperson is also readily accessible by phone and email and can arrange for meetings outside the normal office hours schedule. Meetings commonly take place in the Ombuds Office location Rm. C3005 at the Newnham Campus, but the Ombudsperson is also available to meet to hear concerns at other campus locations that are more convenient to the clients.

## **Concluding Comments**

### **The Dispute Resolution Process at Seneca**

The dynamic and ongoing evolution at the College over the past two years has seen a number of organizational changes and subsequent realignment of several college departments that form part of the initial stages of the dispute/conflict resolution process. The confirmation, implementation and promotion of the revised Conflict/ Dispute Resolution Process at Seneca effective September 2012 is seen as a direct positive outcome as a result of these institutional changes. Students should have a much clear understanding of how to go about getting a dispute or concern investigated. All members of the Seneca Community should have an improved understanding and awareness of how to advise a student in resolving conflicts and disputes at the College. The decline in clients served in 2012 by the Ombuds Office is evidence of the success of the revised process as fewer individuals are seeking assistance from the Ombuds Office.

### **The Academic Appeals Procedures at Seneca**

Another significant change that has impacted the Ombuds Office demand as of September 2012 was the result of the revisions to the Academic Appeal procedure in Seneca's Academic Policy. Replacing the previous Second Level Academic Appeal process with a request for an Assessment of the Appeal Committee's decision through the Appeal Assessment Committee has also reduced the number of Ombuds Office requests for a review of an Academic Appeal decision. It will be interesting to see if this trend continues in the coming year as more students seek to further appeal a final grade.

### **My Second Year**

In closing I would like to comment on my second full year in the role of College Ombudsperson. My previous years of experience working in a variety of positions at the College have clearly continued to provide a definite advantage when it came to understanding the larger Seneca community. With specific lessons learned during my first year in the role, I know that I have become more effective at working with individuals who contact and request the services of the Ombuds Office. However, there was and continues to be a significant learning curve for effective dispute and conflict resolution. The need to act independently of other College support resources



adds to the challenge of this role. My Ombudsperson's membership in the Association of Canadian College and University Ombudspersons, ACCUO, has been a valuable resource. As Ombudsperson, I can seek advice and input by consulting with other fellow seasoned Ombudspersons on an issue and be assured of maintaining complete confidentiality. I am also very pleased to confirm that there continues to be a large number of Senecans I come in contact with while seeking resolution to problems that are equally committed to promoting and ensuring fairness in the day-to-day application of College policies, procedures and practices.

In closing, I want to acknowledge that I am fortunate to report to Seneca's President who has past experience in the role of an Ombudsperson. He is aware of the challenges associated with the role. There is always support and understanding of the valued importance of the Ombuds Office at Seneca. Therefore, I look forward to my continued role as Seneca's Ombudsperson.

George Fry  
May, 2013