

Annual Report of the College Ombudsperson

For the period
January 1, 2015 to December 31, 2015

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Ombudsperson for Seneca College

Executive Summary

This report outlines the mandate and describes the activities of the Ombudsperson for the year 2015. It includes the statistical summary, where appropriate, for the past four years on the number of issues that were presented to the Ombudsperson, the areas at Seneca that were associated with the concerns and the types of services provided. This report includes the link to view the Terms of Reference for Seneca's Ombuds Office, which were completed in 2012.

Observations are made regarding:

- The challenges associated with the implementation of the new i3 Student System
- Continuing implementation of 2012 revisions to the Dispute/Conflict Resolution processes
- The transition to the revised Academic Appeal procedures at Seneca
- Seneca's new policy with respect to Sexual Assault and Sexual Violence
- Fairness in Communications

There are some general comments made as a result of Seneca's Ombudsperson's completion of the fifth year in this role.

Introduction

This Annual Report is an opportunity for the Ombudsperson to share a review of the activities of his fifth year 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 Seneca 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 Seneca's operations. Summarizing the types of issues that have been brought to the Ombudsperson gives insight into the necessity for ensuring that the right to be heard and understood is respected at all levels at Seneca. Furthermore, the examples demonstrate that support for student learning should be the foremost consideration in the application of the Seneca'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 in 1996. Currently its mandate is to provide a final option within Seneca to offer 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 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 revisions to conflict and dispute resolutions processes at Seneca, effective September 2012, the Ombuds Office only addresses issues raised by the student constituency. 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 Seneca 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 continue to be resolved through the regular channels and few concerns require investigated 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 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 is committed to an on-going process to diligently review and update the ACCUO Standards of Practice document. The Terms of Reference for the Ombuds Office at Seneca are based on 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. The Seneca Ombuds Office Terms of Reference were finalized and approved in 2012 and 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 Seneca. The Ombudsperson shares assessments of fairness and recommends remedies in the interests of fairness and accountability.

Who Uses the Services of the Ombuds Office

In previous years, the Ombuds Office’s services were used primarily by students. Effective September 2012, the Ombuds Office Terms of Reference changed such that the Ombudsperson only provides services to the student constituency at Seneca. Other postsecondary 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 Yearly from 2012 to 2015.

Category	% of Total for 2012 *	% of Total for 2013 *	% of Total for 2014 *	% of Total for 2015 *
Seneca Admissions Candidates	6.0%	1.0%	3.0%	5.3%
Full-Time Students	65.25%	66.7%	67.5%	64.9%
Part-Time Students	19.72%	19.4%	16.0%	17.9%
Former Students	1.5%	6.5%	4.0%	5.9%
Part-Time Staff	4.5%	1.0%	1.5%	.7%
Part-Time Faculty	3.0%	0%	0%	1.3%
Other	0%	5.4%	8.0%	4.0%

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

There continues to be a gradual increase in the demand for the services of the Ombuds Office at Seneca. In the 2012 calendar year, the number of contacts was 66. In 2013, the number of Ombuds Office contacts increased to 93 requests. In 2014, the number of Ombuds Office contacts continued to increase to 126 requests. The number of contacts further increased to 151 in 2015. (See Table 2)

There are several viable explanations for the recent trend of increased requests of the Ombuds Office over the past three years:

- The College strategy launched in 2012 to publicize changes to the Dispute/Conflict Resolution Process improved awareness and understanding of all members of the Seneca community regarding the role of Seneca’s Ombuds Office.
- There has been a heightened general public awareness of the role of an Ombuds Office for dispute resolution process through both local and national media coverage during the last several years.
- The use of the available electronic search features for student assistance resources has resulted in more students becoming aware of the Ombuds Office services when seeking resolution to their issues.
- As more students seek assistance from the Ombudsperson, they will often refer their fellow classmates to take advantage of the Ombuds Office Services when trying to resolve issues at Seneca.
- The final other factor for increased Ombuds Office requests can be attributed directly to the result of the continued increases in enrolment at Seneca.

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

Table 2

Concerns – by Department or Faculty

Department or Faculty	2012	2013	2014	2015
Business, Arts and Commerce	12	23	29	39
Continuing Education and Training	12	12	20	25
Applied Arts and Health Sciences	9	15	21	12
Applied Science and Engineering Technology	2	5	8	29
Information Arts and Technology	2	6	14	15
Registrar’s Office including Financial Aid	16	17	21	16
Other College Services	10	10	2	11
College Management / Supervision (of employees)	3	3	5	1
Information Requests by other agencies (e.g., government offices/agencies, other postsecondary institutions, other departments)	0	2	6	3
Total	66	93	126	151

Types of Service Provided by the Ombudsperson

Most contacts or clients of 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 refers them to the Financial Aid staff as the starting point for resolving OSAP related challenges. However, sometimes students simply need someone to listen to and understand their issue and provide an explanation of 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 4-Year Comparison of the Frequency of Types of Service Provided

Types of Service Provided	Jan. 2012 to Dec. 2012	%	Jan. 2013 to Dec. 2013	%	Jan. 2014 to Dec. 2014	%	Jan. 2015 To Dec. 2015	%
Referral	21	32%	59	63.45%	93	73.8%	104	68.9%
Advisement (including listening)	43	65%	25	26.88%	30	23.8%	40	26.5%
Investigation/Intervention	2	3%	9	9.67%	3	2.4%	7	4.6%
Total	66	100%	93	100%	126	100%	151	100%

The continuing evolution of Seneca’s policies, procedures and practices as a result of the experiences learned during the past 48 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 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 2015 were, for the most part continued to be 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
- 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 issues
- PLA assessment issues
- 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 two 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 in Rm. C3005 at the Newnham Campus, but the Ombudsperson is also available to meet and hear concerns at other campus locations that are more convenient to the clients.

Observations

i3 Student System Issues

2015 saw several major implementation stages of the new Seneca i3 Student System. Although there were specific initial problems with a select number of areas such as tuition fees paid and refund processing records, once identified, adjustments were very quickly implemented to remedy these issues. Considering the massive size and scope of the new system, the dedicated work of the advisory group ensured that most students were not adversely affected with the implementation of the new i3 Student System.

The Dispute Resolution Process at Seneca

The dynamic and ongoing evolution over the past years has continued to see 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 appear to have a much clearer understanding of how to go about getting a dispute or concern

addressed. All members of the Seneca community also have an improved understanding and awareness of how to advise a student in resolving conflicts and disputes.

The Academic Appeals Procedures at Seneca

Revisions to the Academic Appeal procedures in Seneca's Academic Policy have continued to reduce the number of Ombuds Office requests for a review of an Academic Appeal decision. This is clearly a result of two major Policy/Procedural changes:

1. Encourage a progressive attempt for both participants to resolve issues at the Informal Appeal level.
2. 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.

In 2015, there was a slight increase in the number of First Level Appeals that, after being heard, made a formal request to have the decision reviewed by the Appeal Assessment Committee. However, this continues to demonstrate that the Academic Appeals process ensures student academic concerns can be successfully addressed through the academic appeal dispute resolution process at Seneca.

Seneca's New Sexual Assault and Sexual Violence Policy

Like many postsecondary institutions in North America, Seneca has been actively working to formulate, confirm and approve a new policy with respect to the issues of sexual assault and sexual violence. These efforts have now concluded with Seneca's updated policy that was formally announced and implemented effective March 31, 2015. Here is the link on Seneca's website to the new policy:

<http://www.senecacollege.ca/policies/sexual-assault-and-sexual-violence/policy.html>

Fairness in Communications:

In an institution that is usually structured around standardized procedures and step-wise processes, it is important not to lose sight of what can be best described as *Relational Fairness*. A mistake that can be made by the institution is to assume that procedural accuracy alone guarantees fair treatment and outcomes. This past year saw a couple of situations in Seneca that resulted in a number of contacts to the Ombuds Office because of what the students described as unfair treatment.

The Association of Canadian College and Universities Ombudspersons, ACCUO, has long recognized the importance of this issue as it is often a part of the root cause of dispute issues. Therefore, this organization has committed considerable resources over a number of years resulting in the development of a guide detailing *A Sampling of Practices and Resources on Cultivating Fairness*. This updated resource document was posted to the ACCUO Web Site in 2015. It can be found under the *Resources & Tools* heading. Here is the link:

http://www.uwo.ca/ombuds/accuo_aucc/english

This is an excellent resource for ensuring decisions being made are successfully meeting the Fairness criteria. Of particular note is the section on the *Fairness Triangle Adapted for Use at Post-Secondary Institutions*.

Concluding Comments

My Fifth Year

In closing I would like to comment on my fifth full year in the role of Seneca Ombudsperson. Once again, my previous 35 years of full-time experience at Seneca have clearly continued to provide a definite advantage when it came to understanding the larger Seneca community. I know that with the increasing experiences as Seneca's Ombudsperson, I continue to become more effective at working with individuals who contact and request the services of the Ombuds Office. My membership in ACCUO continues to be a valuable resource. As Ombudsperson, I am able to seek advice and input by consulting with other fellow seasoned ombudspersons on an issue. This ensures the very critical requirement for maintaining complete confidentiality when necessary while working to resolve an issue.

It is also important to acknowledge the 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 policies, procedures and practices.

The gradual increase in the number of contacts for the Ombuds Office over the past three years should not be interpreted as a negative indication on how Seneca is serving its community. I believe this is a positive indication of our student community and its awareness and understanding of the dispute resolution options available to them.

The importance of the Ombuds Office at Seneca has been and continues to be a priority of the senior college administration. No doubt this is a direct result of Seneca's President who has past experience as an Ombudsperson. He is aware and very supportive when it comes to the challenges associated with the role. As a result, I look forward to my continued role as Seneca's Ombudsperson.

George Fry
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