

Annual Report of the College Ombudsperson

For the period
January 1, 2013 to December 31, 2013

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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 2013. It includes the statistical summary, where appropriate, for the past two 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. This report includes the link to view the final Terms of Reference for Seneca's Ombuds Office completed in 2012.

Observations are made regarding some initial challenges associated with the introduction of expanded ONE CARD payment options for parking services, the continuing implementation this past year of revisions to the Dispute/Conflict Resolution processes and the revised Academic Appeal procedures at the College. There are some general comments made as a result of Seneca's Ombudsperson's completion of the third year in this role.

Introduction

This Annual Report is an opportunity for the Ombudsperson to share a review of the activities of his third 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'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 in the College. Furthermore, the examples demonstrate that support for student learning 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 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 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 revisions to conflict and dispute resolutions processes at Seneca, effective September 2012, the Ombuds Office only addresses 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 continue to be 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 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 at Seneca. 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 the College. 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 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 2012 vs. 2013

Category	% of Total for 2012 *	% of Total for 2013 *
Seneca Admissions Candidates	6.0%	1.0%
Full-Time Students	65.25%	66.7%
Part-Time Students	19.72%	19.4%
Former Students	1.5%	6.5%
Part-Time Staff	4.5%	1.0%
Part-Time Faculty	3.0%	.0%
Other	0%	5.4%

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

There continues to be a dynamic fluctuation in the demand for the services of the Ombuds Office at Seneca. In the 2011 calendar year, the number of requests was 114 which was a significant increase over the 45 requests in 2010. However, the final numbers of requests for the 2012 calendar year decreased to 66. In 2013, the number of Ombuds Office contacts has increased to 93 requests. (See Table 2)

There are several viable explanations for the fluctuations of the past 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. Although there was a subsequent decline in contacts in 2012, the resurgence of requests in 2013 might be directly attributed to the publicized changes to the Dispute/Conflict resolution process combined with the overall increase in enrolment at the College.

The 2012 decreases in the number of Ombuds Office requests 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 Resolution Processes effective Fall 2012 at Seneca.
- The impact of the dissolution of the Resolution, Equity & Diversity Centre (REDC) that dealt with both student and employee complaints.
- 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

Informal surveying of Ombuds Office contacts have shown there are number of possible reasons for a resurgence of Ombuds Office clients in 2013. A more web savvy client population has contributed to increased contacts based on the Ombuds Office web site information. As well, increases in referrals by other students who have availed themselves of the Ombuds Office services has been confirmed. Seneca employees are better acquainted with the role of the Ombuds Office and will advise students of this option when appropriate. Finally, given the increases in media and publicity of public sector Ombuds’ activities in Ontario and Canada, more students are becoming informed of the Ombuds Office dispute/conflict resolution services that are available at the College.

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	2011	2012	2013
Business, Arts and Commerce	21	12	23
Continuing Education and Training	18	12	12
Applied Arts and Health Sciences	8	9	15
Applied Science and Engineering Technology	7	2	5
Information Arts and Technology	8	2	6
Registrar’s Office including Financial Aid	19	16	17
Other College Services	23	10	10
College Management / Supervision (of employees)	7	3	3
Information Requests by other agencies (e.g., government offices/agencies, other postsecondary institutions, other departments)	3	0	2
Total	114	66	93

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 listen to 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	Jan. 2011 to Dec. 2011	%	Jan. 2012 to Dec. 2012	%	Jan. 2013 to Dec. 2013	%
Referral	46	40%	21	32%	59	63.45%
Advisement (including listening)	52	46%	43	65%	25	26.88%
Investigation/Intervention	16	14%	2	3%	9	9.67%
Total	114	100%	66	100%	93	100%

The continuing evolution of the College’s policies, procedures and practices as a result of the experiences learned during the past 47 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 2013 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
- One Card usage clarifications
- 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 assessments 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 to hear concerns at other campus locations that are more convenient to the clients.

Observations

ONE CARD Issues

In the summer of 2013, the College Services Department expanded the numbers of Seneca services that could be paid for using the Seneca One Card. One of these new choices was the addition of being able to use the One Card for the new Campus Parking options for both staff & students. However, there was some initial confusion as to how the charges would be calculated and collected. The revised published Campus Parking options contained some gaps in clarity as well. Once identified, College Services rapidly modified the parking website and these specific concerns were rectified. Where justified, some customers were credited for parking charges that had been made to their One Card accounts. It will be important that future promotions of Seneca One Card usage, clearly identifies the differences for when the One Card covers an immediate purchase as compared to when the One Card is used to buy future confirmed Parking Services. The clients need to understand that the charges will be deducted for the confirmed parking services regardless of whether or not the client actually uses the parking on the reserved dates.

The Dispute Resolution Process at Seneca

The dynamic and ongoing evolution at the College 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 should have a much clearer understanding of how to go about getting a dispute or concern addressed. 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 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.

The actual numbers of appeal issues that go to an Appeal Assessment Committee are not known by the Ombuds Office, but they are believed to be very few since the implementation of the change to the Academic Appeal process. It will be interesting to see if this trend continues in 2014.

Concluding Comments

My Third Year

In closing I would like to comment on my third full year in the role of College Ombudsperson. My previous years of experience at the College 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 the Association of Canadian College and University Ombudspersons, 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 college policies, procedures and practices.

After a decline in number of clients served in 2012 by the Ombuds Office, the subsequent increase in client contacts in 2013 can be seen as supportive evidence of the need to continue to maintain an Ombuds Office at Seneca.

There continues to be support and understanding of the importance of the Ombuds Office at Seneca. I believe this is a direct result of Seneca's President who has past experience as an Ombudsperson. He is aware of the challenges associated with the role. Therefore, I look forward to my continued role as Seneca's Ombudsperson.

George Fry
June 10, 2014