

2012-2013

ANNUAL REPORT

Promoting fairness at Concordia

PREPARED BY:

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information

relations

independent

seek

procedural

promote

reasonable

fairness

community

tact

diplomacy

concerns

recommendation

Ombudsperson

investigation

outcome

impartial

act

complaints

advice

sensitivity

coaching

confidential

defender



Ombuds Office

April 10, 2014

Members of the Board of Governors
Concordia University
1455 de Maisonneuve Blvd. West
Montreal QC
H3G 1M8

Dear Members,

As per article 29 of the Terms of Reference of the Ombuds Office, I am pleased to submit the **2012-2013 Annual Report of the Ombuds Office: *Promoting Fairness at Concordia***. This report provides a brief history of the Ombuds Office, its Terms of Reference, and activities of its 34th year of operation including statistics on the concerns and complaints received from the community, annual recommendations as well as progress made toward the implementation of recommendations made in previous reports.

I look forward to making a brief presentation of the report at your April 16th 2014 meeting and answering any questions you may have.

Sincerely,



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MANDATE OF THE OMBUDS OFFICE

History of the Ombuds Office

Concordia University has supported the existence of an independent and confidential Ombuds Office on campus to address concerns and complaints about University life since 1978. It was created by the merger of the Ombuds Offices of its two founding institutions, Sir George Williams University and Loyola College. The former was created in April 1971 and served all members of the university community. The 1969 Computer Centre Riot was the catalyst for its creation. The latter office was also created in 1971 and served its student body. When both offices merged in 1978, a decision was made to ensure that Concordia University's Ombuds Office was accessible to all its members. As a snapshot of landmarks in the development of the Ombudsman role in higher education in Canada and in other parts of the world shows http://www.uwo.ca/ombuds/accuo_aoucc/english/ACCUO30En.pdf, the founding institutions and Concordia were at the forefront. The planning of a celebration of the Concordia's Ombuds Office 35th Anniversary is underway.

Terms of Reference of the Ombuds Office

Based on the Swedish model of the Parliamentary Ombudsman that goes back a little over 200 years and is nicely described at <http://www.jo.se/en/About-JO/History/>, the Ombuds Office is established by Terms of Reference. It primarily uses informal resolution methods and has the power to investigate and report which are characteristic features of classical/legislative Ombuds Offices http://www.ombudsmanforum.ca/en/?page_id=172.

The Terms of Reference of the Ombuds Office define its mandate. These are available in English and French on the University Policies website at <http://www.concordia.ca/content/dam/common/docs/policies/official-policies/BD-2.pdf>. They are also found in section 17.40 of the Undergraduate Calendar, Part VI of the Graduate Calendar, on the Ombuds Office webpage at <http://www.concordia.ca/campus-life/ombuds.html> and in our office. The current Terms of Reference were adopted by the Board of Governors in June 2010. The scope and functions of the Ombuds Office are described below.

Scope

As described in previous annual reports, the scope of the Ombuds Office is outlined in articles 1-5 of the Terms of Reference (2010). The five defining parameters are as follows:

- The Office is defined as **independent** of the University's administrative structures;
- Its services focus on **concerns** and **complaints** related to application of policies, rules and procedures as well as to their improvement;

- Services are to be **impartial, confidential** and **accessible** to all members of the community;
- The Ombudsperson’s power is to **recommend** rather than to impose means to resolve concerns and complaints and to improve policies, rules and procedures;
- As **informal dispute resolution** is key to the approach of the Ombuds Office, it does not have jurisdiction to inquire into the application or interpretation of a collective or employee agreement nor into the alleged violation of the duty of fair representation against a certified union.

Functions of the Ombuds Office

Article 6 of the Terms of Reference (2010) highlights the functions of the Ombuds Office:

“Specifically, the Ombudsperson shall”:

- Actively promote these Terms of Reference and the services offered;
- Inform Members about existing policies, rules and procedures and advise them as to the appropriate channel of redress for any concern or complaint they may have;
- Assist Members to resolve complaints informally and quickly;
- At his/her discretion, conduct an independent and objective inquiry into complaints when normal channels of recourse have been exhausted;
- At his/her discretion, conduct an independent and objective inquiry into the application of any policy, rule or procedure of the University;
- Explain decisions taken by University authorities when complaints are not substantiated;
- At his/her discretion, recommend solutions to help resolve complaints;
- Bring to the attention of University authorities any policies, rules or procedures which appear unclear or inequitable or which might jeopardize the rights or freedoms of any Member. The Ombudsperson may suggest changes to the existing policies, rules or procedures or offer advice on the development of new policies, rules or procedures.”

In carrying out its functions, the Ombuds Office is entrusted to advocate for fairness and a reasonable outcome. It does not automatically defend the individual seeking assistance nor does it automatically defend the university. Instead, it focuses on describing processes that are available to resolve problems, brainstorms as to available options for resolution, coaches and role plays as to possible approaches to follow, enquires into versions of events, considers all facets of a situation before arriving at a conclusion and consults with pertinent parties when making individual and/or systemic recommendations. In the course of its work, the Ombuds Office staff use tact, diplomacy and sensitivity in their dealings with Members of the community.

Reporting Structure

As stated in article 29 of the Terms of Reference of the Ombuds Office, the Ombudsperson reports to the Board of Governors that is the senior governing body of the University. This places the Ombuds Office in the best position to ensure its independence which is key to fulfilling its unique role. With regard to administrative issues that need to be addressed, the Secretary-General (SG) serves as the liaison between the Board of Governors and the Ombudsperson. These relationships are schematized in the following adaptation of the Vice-President, Institutional Relations and Secretary General's (VPIRSG) organizational chart that is found at <http://www.concordia.ca/content/dam/concordia/offices/vpdersg/docs/concordia-vpdersg-organigram.pdf>

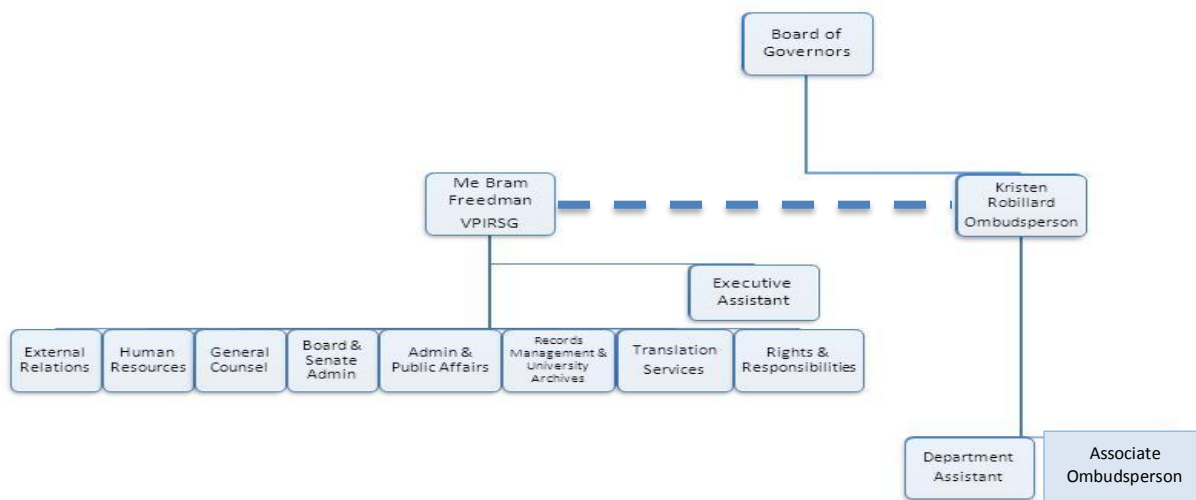


Figure 1 VPIRSG Organisational Chart

The Ombuds Office Resources

In 2012-2013, the Ombuds Office's resources included its team, physical space and budget:

Team

- Kristen Robillard, Ombudsperson
- Marie Berryman, Assistant Ombudsperson (retired November 2012)
- Julie Boncompain, Associate Ombudsperson (joined January 2013)
- Caroline Danis, Project Assistant (assignment shared with the Office of Rights and Responsibilities ended September 2012)
- Michael Rassy, Department Assistant (hired October 2012) who assumes the same part-time role in the Office of Rights and Responsibilities.
- Caseworker (.5) position recommended subsequent to the Board of Governors approval of the **Report and Recommendations of the Appraisal Committee of the Ombuds Office Concerning the Ombuds Office** on June 21 2012 has not been filled due to budgetary cuts announced by the former MELS. The rationale for this recommendation was "to better allow for the fulfillment of all of the obligations provided for in the Terms of Reference." (Recommendation #4)

Space

The Ombuds Office shares adjacent space with the Office of Rights and Responsibilities in suite 1120 of the Guy-Metro Building (GM). Though these offices provide distinct services to the community, their proximity is useful for ease of client referral and consultation. This arrangement has been in place for over 10 years.

However, the space continues to be deficient with regards to safety, accessibility and confidentiality. There is in only one door to enter and exit the suite of offices. The reception area is very small and includes the Department Assistant's working space. Entering the suite and negotiating the space is a challenge for anyone with reduced mobility. When there are people in the reception area, maintaining confidentiality of case information requires the Department Assistant to have to interrupt his work.

In 2012-2013, much work was done with Facilities Management to find our offices a new permanent location that will meet our unique needs. Our new home will be located on the 10th floor of the GM Building. Occupancy is scheduled for July/August 2014. We are confident that the safety of both our staff and visitors will improve as well as the efficiency of our operations.

Budget

As has been reported in previous Annual Reports, the Ombuds Office's budget includes funds for the usual salary and office expenses along with a small amount for professional development. Memberships in professional organizations as well as attendance at meetings, workshops and conferences to promote best practices are described later in this report.

Comments about Services

Undergraduate

"Once again, I am grateful for your help and I am relieved that this issue has been finally resolved" Course management wrongful scheduling of an exam during the mid-term break

"Thank you for your email and a special thank you for your efforts in my file. I tried over a year to find my missing exam and could not reach a result until you handled my case" Missing final exam written abroad

"I am really thankful to you for your help in deferring my convocation to spring 2013. Now it is a dream comes true for me and my family." International student's second request to defer convocation so that his mother who is in poor health could attend.

"I am very happy that I could find a solution to my dilemma. Thank you so much for sitting with me yesterday and guiding me the right way. I very very much appreciate it :)" Independent student application for a transfer program was denied-advice

"Why I am emailing you is because of the stonewalling from the Ombuds Office. I have given the office all the evidence, but I was told, "The information I sent to the office is not substantial enough to make a case" Request for change of the final grade

Graduate

"I wanted to thank you for your help regarding the readmission to the program last year. I defended yesterday and all went well. I wanted to share the news with you and thank you again for your support." Student was notified that he would have to leave the program due to supervision complications

"I would like to convey my gratitude and appreciation for the assistance and support you provided in the completion of my PhD requirements. There is no doubt in my mind that I would not have been able to complete my degree without your support and perseverance. I am fortunate that Concordia University employed an Ombudsman with your abilities and dedication." Accumulation of significant delays to finish degree due to lack of feedback from supervisor

"Merci de votre précieux soutien"

Coaching how to present his case to the Department in light of concerns about his safety practices in the lab.

Employees

"Thanks for our recent conversation -- you helped me get to a mid-place, where I could act as mirror and mediator to show how both parties are struggling. So thank you very much for helping me see both sides on this one, and take a leadership/advocate role in the confusion!"

Coaching Faculty member in conflict to resolve a disagreement between a TA and a student

"..thanks for your assistance and expertise in handling this situation."

Verification of the authenticity of a medical note, student wanted an accommodation

"I thank you greatly for receiving me in your office this morning and being attentive to my plight.

Should I run into obstacles down the road, I will most likely seek you out for another appointment.

But for now, thank you for your assistance, your time and your advice." Staff member experiencing concerns about new supervisor's directives and approach

Others

« Vous aviez eu l'amabilité de m'écouter présenter le cas de ma fille, lors de mon récent passage à Montréal. Je lui ai recommandé, sur votre conseil, de s'adresser à vous, mais je ne suis pas sûr qu'elle l'ait fait. Nous vous remercions ainsi que Concordia de l'accompagner dans la poursuite de ses études. » Parent concerned about the academic progress of his daughter who is an international student.

"Your quick response is very much appreciated. Thank you." Citizen who raised a health and safety concern

INFORMING THE COMMUNITY OF TERMS OF REFERENCE AND SERVICES

Promoting the role and services is done on an ongoing basis as well as on a cyclical basis that is in keeping with the rhythm of the academic year.

On-Going Promotion

- Pamphlet titled Promoting Fairness at Concordia/Pour la Promotion de l'Équité à Concordia
- Link to the Terms of Reference of the Ombuds Office in e-mail staff signatures
- Web page <http://www.concordia.ca/campus-life/ombuds.html>
- Presence on all digital screen information loops on both the SGW and Loyola campuses

Cyclical Promotion

This type of promotion is carried out at the start of both the fall and winter terms. In preparation for the fall term, we send thousands of pamphlets to the New Student Program and the International Students Office to be included in their welcome packages for incoming students. Pamphlets are also sent to academic departments and non-academic offices.

We publicized our services in the following publications:

- CSU Handbook
- GSA Handbook
- The Bridge

In 2012-2013, we participated in the following orientation activities for different university audiences:

- Concordia Equity Week
- Engineering and Computer Science New Faculty Orientation
- Engineering and Computer Science Teaching Assistants (TA) Orientation
- Graduate Student Orientation
- International Student Orientation
- New Student Program Fairs
- New Undergraduate Student Orientation
- Orientation for Diploma in Chartered Accountancy students
- Orientation for MSc/Ph.D. Administration students
- Orientation for New Chairs
- Student Transition Centre Orientation

FOSTERING BEST PRACTICES

Ombudsman Associations

The Ombudsperson, the Assistant Ombudsperson before her retirement and the Associate Ombudsperson held memberships in the:

- Association of Canadian College and University Ombudspersons (ACCUO)
- Association des Ombudsman des Universités du Québec (AOUQ)
- European Network of Ombudsmen in Higher Education (ENOHE)
- Forum of Canadian Ombudsman (FCO)
- International Ombudsman Association (IOA)

The Ombudsperson has been a member of the ACCUO since 2000 when she began her role at Concordia. She has been an active member of the Executive Committee since 2004 and President since May 2010. She began her second mandate as President at the 2012 Annual General Meeting in Edmonton.

As for her participation in the AOUQ, the Ombudsperson has been a member of the Executive Committee since 2002.

The Ombudsperson is active in the ENOHE. Despite its name, the organization has an international membership with members from Canada, the United States, Mexico and Australia.

Standards of Practice/Normes d'exercice de la fonction

For a number of years, the Ombuds Office has been involved in the ACCUO's efforts to define Standards of Practice/Normes d'exercice de la fonction. These were adopted in June 2012 <http://www.uwo.ca/ombuds/SoP.pdf>. They have been followed since then as a complement to the Terms of Reference of the Ombuds Office

Meetings, workshops and conferences

In 2012-2013, staff in the Ombuds Office attended the following:

- **AOUQ Annual General Meeting** (McGill University, Montreal, May 3-4 2012)
- **ACCUO Annual General Meeting** (University of Alberta, Edmonton, June 6-8 2012) At that meeting the Ombudsperson made a presentation to the participants on the **Appraisal of the Ombuds Office at Concordia University**.
- **Gestion des comportements déraisonnables des plaignants** (FCO, Montreal, November 28 2012)
- **AOUQ Midyear Meeting** (Université de Sherbrooke, Longueuil, November 30 2012)
- **ACCUO Midyear Meeting** (University of Ottawa, Ottawa, February 7-8 2013)
- **Non-violent Crisis Intervention** (Security Department, Concordia University, Montreal, February 27 2013)

- ENOHE 10th Annual Conference - Alternative approaches to dispute resolution in higher education in turbulent times (Oxford, UK, April 10-12 2013). The Ombudsperson and her counterpart from the University of Alberta gave a presentation that focused on ACCUO's Standards of Practice/Normes d'exercice de la fonction. It was titled **Calm in the midst of student complaints: adopting standards of practice to navigate safely in difficult times**.

CONCERNS AND COMPLAINTS RECEIVED

Data Collection

When an inquiry is made regarding a University related concern or complaint, a file is opened and the following information is collected:

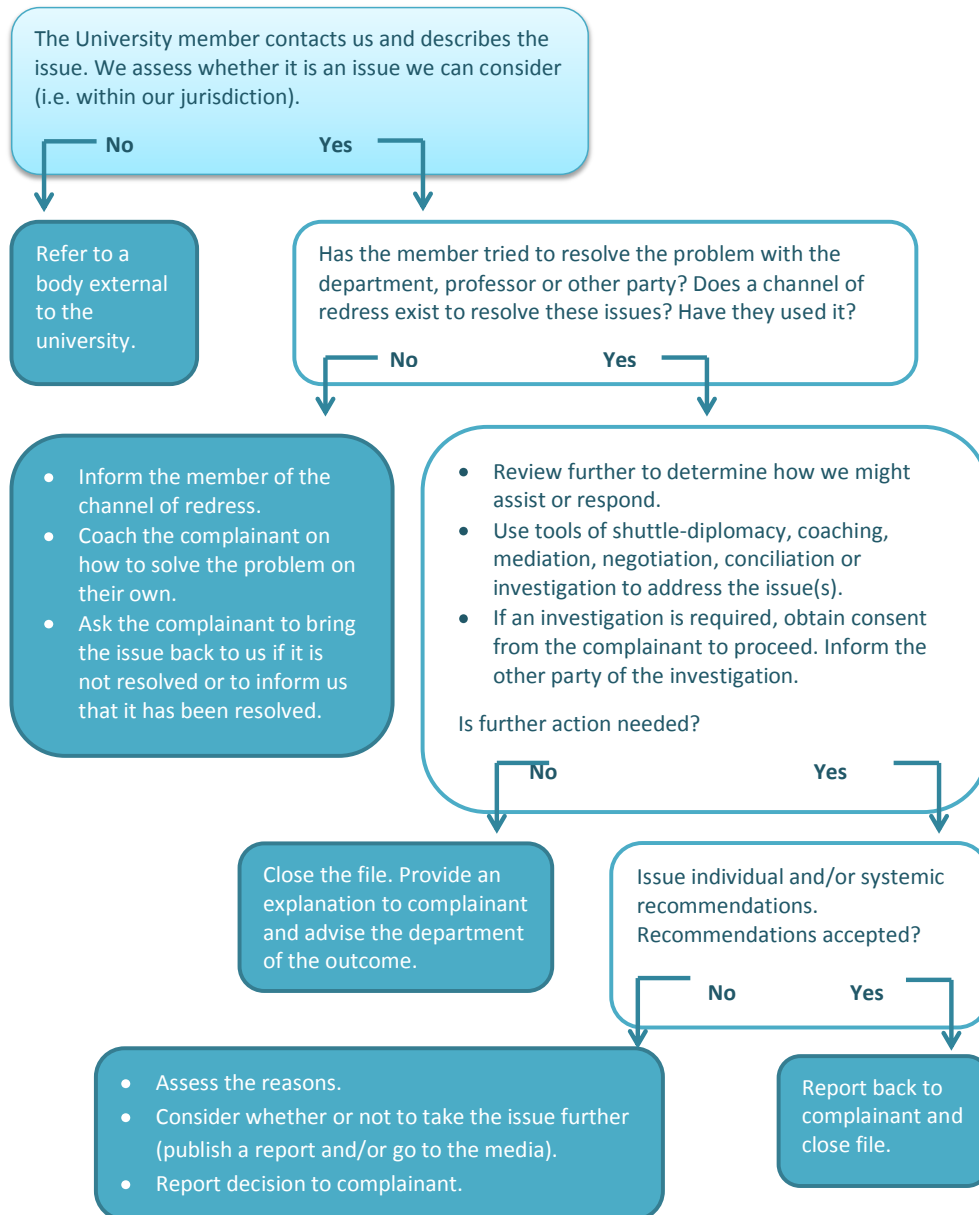
- (a) Status at Concordia University
- (b) Demographic information
- (c) Contact information
- (d) Means used to contact the Ombuds Office
- (e) Identification of parties aware of the concern/complaint
- (f) Description of the concern/complaint and steps taken to address the matter
- (g) How the concern/complaint might be resolved
- (h) Whether permission will be given to the Ombuds Office staff person to discuss the case with other involved parties.

The prominent issue of concern is then categorized according to a Case Category list. This describes the nature of the issue of concern. At the conclusion of a case, a Case Result is then selected. This describes the action taken in a particular case and how it relates to the different functions of the Ombuds Office. Finally, any individual and/or systemic recommendation made is noted and implementation is monitored.

The Flow of an Ombuds Office Case

As each Ombuds Case is unique, there are different routes that it can follow in order that it be addressed. The following flow chart provides an illustration.

What happens when we receive a concern/complaint?



Adapted from "Complaint Flowchart" from Ombudsman Saskatchewan.

Fall 2011

Figure 2: Flow chart of the Ombuds office

2012-2013 CASES

During the 2012-2013 year, that corresponds to both the University's academic and financial year (May 1st to April 30th), the Ombuds Office caseload numbered **547**. Each case can relate to more than one issue but only one is recorded. The Ombuds Office aims to respond to a request for service within 24 hours excluding weekends and holidays.

The time it then takes to resolve the concern/complaint varies depending on the nature of the situation, the actions proposed by the Ombuds Office, the motivation of the user, the availability of the other parties involved and their responsiveness. Resolution can range from the same day to a longer period of time. To assess casework efficiency, processing times as well as other factors are monitored.

Caseload by Status

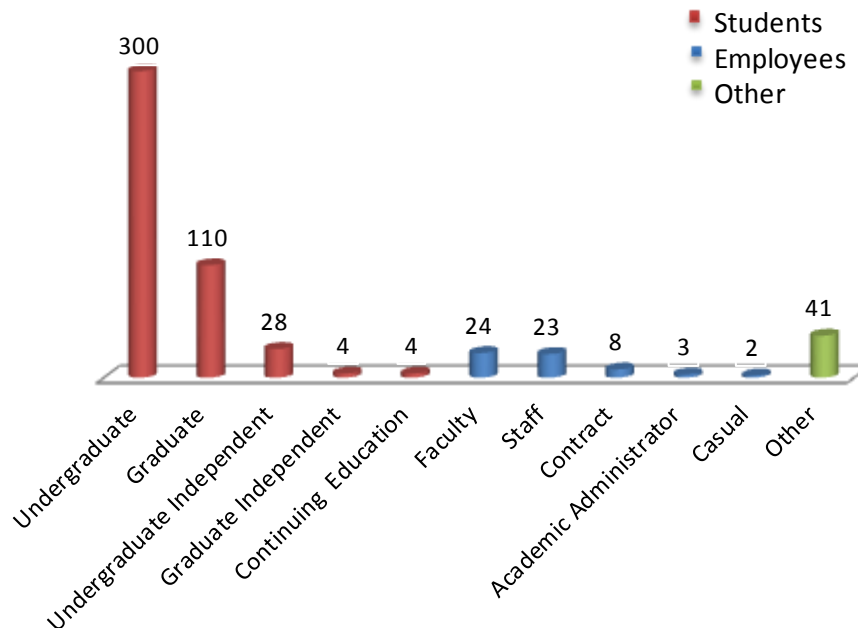


Figure 3: Caseload by Status

When analyzing the overall caseload for the year, a total 442 cases representing 80.8% of users were students studying for credit. Four other cases originated from Continuing Education. Sixty employees representing 11% of the overall caseload availed themselves of our services. Forty-one cases representing 7.5% in this year's caseload were brought to the attention of the Ombuds Office by individuals that are referred to as "other" parties. These are not current

members but have a relationship with Concordia (alumni, former students, applicants, parents, etc).

Means of Contact

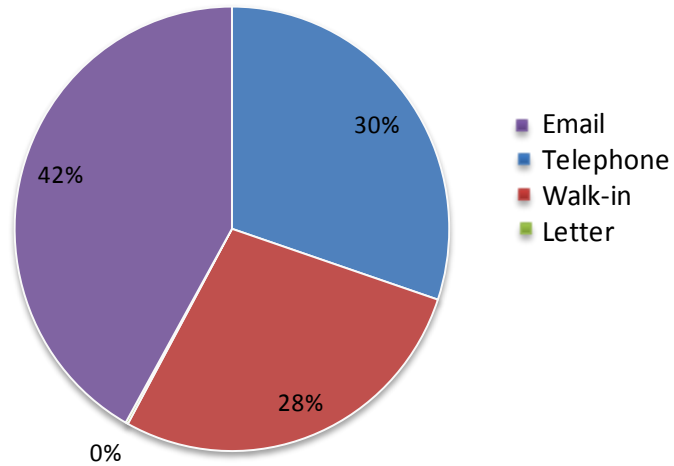


Figure 4: Means of Contact

This year, the preferred method to access services of the Ombuds Office was by e-mail (42%). The phone was used by 30% of users. More than one-quarter (28%) of our users accessed services by coming to the Ombuds Office without an appointment (Walk-Ins). Only one letter was received.

Caseload by Month

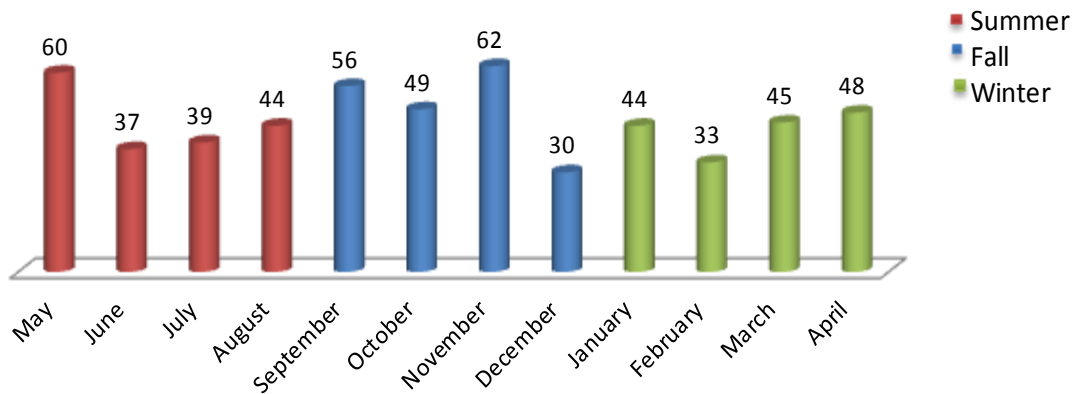


Figure 5: Caseload by Month

In 2012-2013, the greatest volume of new cases was found in the fall term (36%) followed by the summer term (33%) and the winter term (31%). The greatest number of cases was opened in November 2012 followed closely by May 2013. The fewest number of cases were opened in December 2012 and February 2013. This is not surprising given the Holiday break in the former month and the mid-term break in the latter month.

Student Caseload

As highlighted above in the Caseload by Status graph (p. 14), 442 students studying for credit consulted the Ombuds Office. The caseload is characterized by cycle as follows:

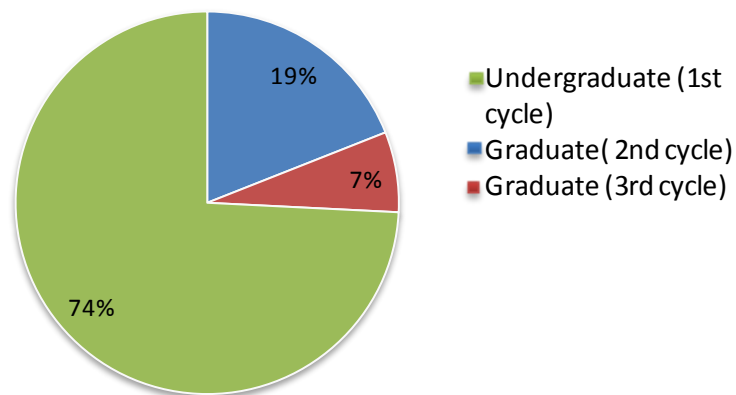


Figure 6: Caseload by Cycle

Close to three-quarters of the student caseload was made up of undergraduate students. A little less than one in five students who used our services was a graduate student (2nd cycle). One in every fifteen students who consulted the Ombuds Office was a graduate student (3rd cycle).

The total student caseload represents 1.0% of the overall student body of 43 874 at Concordia in 2012-2013 (Concordia Institutional Planning Office, 2013). The undergraduates who consulted the Ombuds Office represented 0.9% of that segment of the student population. The graduate students (2nd cycle) represented 1.4% of that segment of the student body. The Ombuds Office provided services to 2.1% of the graduate students (3rd cycle) studying at Concordia for this reporting year (Concordia Institutional Planning Office, 2013).

International Students

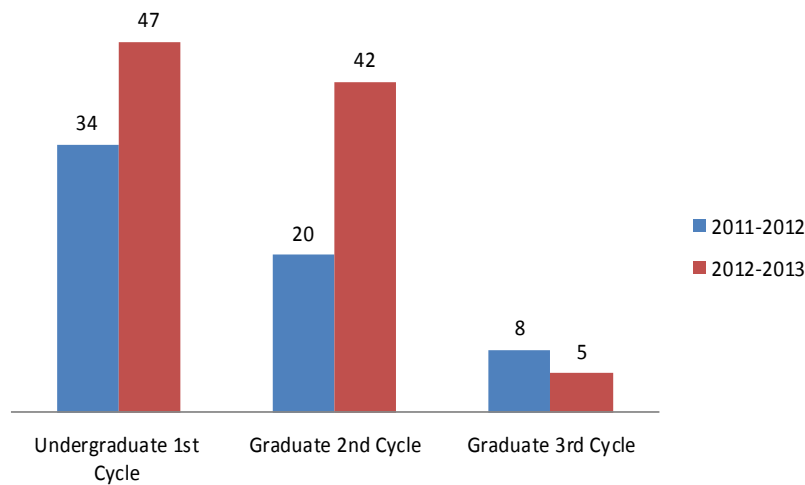


Figure 7: International Students

This year, the Ombuds Office was consulted by 51.6 % more international (visa) students than in 2011-2012. While it is the case that Concordia saw an increase of 1.6% in its international (visa) student population from 2011-2012 (Concordia Institutional Planning Office, 2013), the Ombuds Office international student clientele rose 6.1% from 15.2% in 2011-2012 to 21.3% this year. By cycle, 14.4% of 1st cycle students in the Ombuds Office caseload were international and for the graduate students (2nd and 3rd cycle) the proportion was 41.2%. This compares respectively to 10.5% and 33.3% in the overall student body (Concordia Institutional Planning Office, 2013).

Student Concerns

As in years past, academic concerns are the predominant reason for students to consult the Ombuds Office. In 2012-2013, this was the case for two-thirds (67.6%) of the issues brought to our attention.

	Undergraduate	Undergraduate Independent	Graduate	Graduate Independent	total
Academic Concerns					
Academic Standing	20	2	5		27
Advising/Supervision			16		16
Academic Misconduct	13	2	2		17
Admission	5	1	5	1	12
Course Management	30	7	4		41
Exams	33	1			34
Grades/Re-evaluation	54	3	21		78
Missing Exams and Papers	2				2
Program/Degree requirements	28		11		39
Registration/Course Change	24	2		1	27
Intellectual Property	1		5		6
Total Academic Concerns	210	18	69	2	299

Figure 8: Academic concerns

Grades/re-evaluation was the academic concern raised the most often by undergraduate (1st cycle) at 25%. This was followed by course management (16.2%), exams (14.9%), program/degree requirements (12.3%), registration/course change (11.4%), academic standing (9.6%) and academic misconduct (6.6%).

With regards to the academic concerns of graduate students (2nd and 3rd cycle), grades/re-evaluation was raised in 29.6% of cases. Close to one in four (22.5%) students had concerns about advising/supervision, followed by program/degree requirements (15.5%), admission (8.5%) and academic standing (7.0%) and intellectual property (7.0%).

Other Concerns					
Fees	25	7	13	2	47
Financial Aid	1		7		8
Medical/Compassionate/ Humanitarian Situations	4		8		12
Non-Academic Misconduct	5	1	1		7
Libraries	5				5
Residences	1				1
Student Associations	5		1		6
Security/Safety	5		1		6
Employment	2		3		5
Access to Infor/privacy	7		1		8
Univ. Policy & Procedures	22	1	4		27
Non Jurisdiction	1		1		2
Miscellaneous	7	1	1		9
Total Other Concerns	90	10	41	2	143

Figure 9: Other Concerns

Of the non-academic concerns, fees were an issue for 31.6% of undergraduate (1st cycle) students. University policies and procedures was the next category of concern at 23.5% followed by miscellaneous issues (8.2%), access to information/privacy (7.1%), non-academic misconduct (6.1%), libraries (5.1%) and safety/security (5.1%).

For one-third (34.9%) of graduate students (2nd and 3rd cycle), fees were their most common non-academic issue. In close to one in five cases (18.6%), students were faced with a medical/compassionate/humanitarian situation for which they were requesting an accommodation. Financial aid was an issue raised by 1 in 6 (16.3%) graduate students and information/interpretation of University policies and procedures was an issue in 9.3% of cases.

Action Taken in Student Cases

	Undergraduate	Undergraduate independent	Graduate	Graduate Independent	total
Info/Advice/Referral/Non-Jurisdiction	181	20	75	1	277
Expedite	17	2	3	1	23
Informal Conflict Resolution	75	4	23	1	103
Investigation With/ Without Recommendation	12	1	4		17
Witness	2			1	3
Withdrawn	13	1	4		18
Prevention	0		1		1
Total	300	28	110	4	442

Figure 10: Action Taken in Student cases

The table above provides a description of the actions taken in each of this year's 442 student cases. Interestingly, the different actions were used in very similar proportions for undergraduate students (1st cycle) and graduate students (2nd cycle and 3rd cycle).

Providing information/advice/referral was the action taken in 62.7% of student cases. When there are channels of recourse available to address a problem, the objective of this action is to provide students with the tools to engage in the process on their own. When the means available are less clear cut and depending on the student, the staff and student will brainstorm about different options and evaluate them. The student will subsequently decide on a course of action. In so doing, we hope that students will appreciate that problems and conflict will occur, better understand the principles of natural justice and look to find constructive ways to address their concerns. Hopefully, these skills and the confidence to use them will serve them well in their studies at Concordia and beyond.

In almost one-quarter (23.3%) of student cases, informal conflict resolution was the action used in our work. Informal fact finding, shuttle-diplomacy and mediation techniques are used in these situations that position the Ombudsperson or the Associate Ombudsperson in an active role as an intermediary to foster a reasonable outcome.

In another 5.2% of student cases, situations were expedited by Ombuds Office staff. This can include cutting through red tape, gathering information needed by a student to resolve a problem or setting up an appointment for a student after providing some background to the person he or she will meet.

Sometimes student cases are withdrawn because a concern is resolved through other means, a student decides to no longer pursue the matter, the student doesn't follow-up as planned or the student doesn't wish to identify him/herself thereby preventing any possible resolution of the concern/complaint. In 2012-2013, 4.1% of student cases were withdrawn.

When a student has followed the usual avenues of recourse to resolve a particular problem and believes that the outcome is unfair, he or she might approach the Ombuds Office for assistance. If a member of the staff assesses the preliminary facts and determines that there is some merit to the claim, she will conduct an investigation as per The Terms of Reference. Seventeen of these were conducted in 2012-2013.

Cases are categorized as "witness" when the Ombuds Office is notified of a situation and no action is requested, appropriate or possible. The student is essentially informing his/her addressee that the Ombudsperson is now aware of a situation. As a matter of course, she will then acknowledge receipt of the copy of the correspondence and suggest to the student that he allow the recipient time to respond to the concern. The Ombudsperson will also invite the student to share the outcome. Three cases were categorized as "witness".

One graduate case was categorized as "prevention". This categorization is used when a member is designing/reviewing a program, procedure or policy and asks the Ombuds Office for its advice on questions of fairness. In these situations, there is no complaint. The focus is to anticipate and prevent problems. This year, the issue of concern focussed on the bylaws of a student association.

Employees

As highlighted in the Caseload by Status graph (p.14), there were 60 employees who availed themselves of services of the Ombuds Office. Of that total, 24 (40.0%) were faculty members, 23 (38.3%) were staff (13.3%), 8 were contract employees, 3 (5%) were Academic Administrators and 2 (3.3%) were casual employees. Compared to the previous year, fewer staff and Academic Administrators consulted the Ombuds Office.

Employee Concerns

	Academic Administrator	Faculty	Staff	Contract	Casual	Total
Academic Concerns						
Academic Standing	1					1
Advising/Supervision		1				1
Academic Misconduct		2	1			3
Admission			1			1
Course Management		2	1			3
Exams		1	1			2
Grades/Re-evaluation		3	2	1		6
Missing Exams and Papers						0
Program/Degree Requirements	1					1
Registration/Course Change						0
Intellectual Property		1				1
Total Academic Concerns	2	10	6	1	0	19
Other Concerns						
Fees				1		1
Financial Aid						0
Medical/Compassionate/ Humanitarian Situations		3	2			5
Non-Academic Misconduct		3	2	2		7
Libraries						0
Residences			1			1
Student Associations						0
Security/Safety						0
Employment	1	4	5	3	2	15
Access to Infor/Privacy						0
Univ. Policy & Procedures		2	7	1		10
Non Jurisdiction				0		0
Miscellaneous		2	0			2
Total Other Concerns	1	14	17	7	2	41
Total	3	24	23	8	2	60

Figure 11: Employee Concerns

For faculty members, 58.3% of concerns raised were non-academic in nature. Of those, 35.7% were issues related to employment, 28.5% were issues related to medical/compassionate/humanitarian concerns about students and 21.4% of concerns had to

do with student behavior. Locating and interpreting University policies and procedures was the subject of the remaining 2 cases.

Of those issues raised by faculty members that were academic in nature, just under one-third related to the issue of grades/re-evaluation (30%) followed by academic misconduct (20%) and course management (20%).

Three-quarters (74.0%) of staff concerns focused on non-academic issues. Of those, the most common (41.2%) was related to locating and interpreting University policies and procedures, often relating to the topic of conflict of interest. Concerns relating to employment (29.4%) included managing a difficult relationship with a colleague or supervisor. Issues related to medical/compassionate/humanitarian concerns about students were raised in 11.8% of these cases and another 11.8% were related to concerns regarding student behavior.

Academic issues raised by staff that were varied and yet made up 26% of the overall total of staff concerns.

Close to three-quarters (71.5%) of issues raised by contractual employees pertained to both conditions of contract termination as well as timely remuneration once expected deliverables were submitted (42.9%) and concerns regarding behavior (28.6%).

Action Taken in Employee Cases

	Academic Administrator	Faculty	Staff	Contract	Casual	Total
Info/Advice/Referral/Non-Jurisdiction	2	18	21	6	1	48
Expedite		1	1	1		3
Informal Conflict Resolution		3	1	1		5
Investigation With/Without Recommendation					1	1
Witness	1	1				2
Withdrawn		1				1
Total	3	24	23	8	2	60

Figure 12: Action Taken in Employee Cases

As the table above indicates, providing information and advice was the action taken in 80 % of employee cases. Five cases (8.3%) were concluded using informal conflict resolution tools, 5.0% were expedited, one investigation was conducted regarding casual employment, two cases were witnessed and resolved by other parties and one was withdrawn.

“Other” Parties

This caseload is a grouping of individuals who are not current members of Concordia (students, employees) but have a relationship with the institution. In 2012-2013, there were 41 cases in this category. Close to one-third (31.7 %) were alumni, 17.1% were citizens, parents (14.6%), former students (9.8%) and applicants (7.3%).

"Other" Parties' Concerns

"Other" Parties' concerns	cases
alumni	13
Exams	1
Academic Misconduct	2
Grades/Re-Evaluation	1
Fees	2
Intellectual Property	1
Univ. Policy & Procedures	1
Non Jurisdiction	2
Miscellaneous	2
Access to Infor/Privacy	1
Citizen	7
Program/Degree Requirements	1
Non-Academic Misconduct	3
Security/Safety	1
Miscellaneous	2
Parent	6
Academic standing	2
Admission	1
Exams	1
Registration/Course Change	1
Fees	1
Former Student	4
Admission	2
Fees	2
Applicant	3
Miscellaneous	1
Admission	2
CSU Rep	2
Exams	1
Univ. Policy & Procedures	1
Business	1
Non jurisdiction	1
Conference Participant	1
Miscellaneous	1
External Recruiter	1
Admission	1
Teacher of Former Student	1
Non-academic misconduct	1
Student from Another Country writing an exam at Concordia	1
Fees	1
PDF	1
Academic Misconduct	1
Total	41

Figure 13: "Other" Parties' Concerns

The “other” parties’ clientele had diverse concerns. The most common concerns for alumni were academic misconduct, fees, miscellaneous issues such as obtaining letters of reference after having graduated for some years and other issues that were not in the jurisdiction of the Ombuds Office.

Citizens’ most common concern related to non-academic misconduct. Those focused particularly on student activities during the Maple Spring.

Concerns of parents related to their child’s academic standing or performance, admission, exams, course registration/change and fees. Former students had concerns about admission to a new program and fees. Applicants were concerned about the admission process and refusal.

Action Taken in Cases of “Other” Parties

Other Concerns	cases
Alumni	13
Info/Advice/Referral/Non-Jurisdiction	8
Expedite	2
Informal Conflict Resolution	1
Investigation With/Without Recommendation	2
Citizen	7
Info/Advice/Referral/Non-Jurisdiction	3
Expedite	1
Witness	2
Withdrawn	1
Parent	6
Info/Advice/Referral/Non-Jurisdiction	4
Expedite	1
Informal Conflict Resolution	1
Former student	4
Info/Advice/Referral/Non-Jurisdiction	3
Investigation With/Without Recommendation	1
Applicant	3
Info/Advice/Referral/Non-Jurisdiction	3
CSU Rep	2
Info/Advice/Referral/Non-Jurisdiction	1
Informal Conflict Resolution	1
Business	1
Info/Advice/Referral/Non-Jurisdiction	1
Conference Participant	1
Expedite	1
External Recruiter	1
Info/Advice/Referral/Non-Jurisdiction	1
Former professor of Concordia Student	1
Info/Advice/Referral/Non-Jurisdiction	1
Student from Another Country writing an exam at Concordia	1
Informal Conflict Resolution	1
PDF	1
Info/Advice/Referral/Non-Jurisdiction	1
Total	41

Figure 14: Action Taken in cases of “Other” Parties

The actions taken in cases of “other” parties are described above. Information and advice was provided most frequently for each category of user. This ranged from 42.9% (citizen) to 100%. The Ombuds Office staff became involved as an intermediary in 3 alumni cases, 1 case of a parent, 1 case of a former student and 1 case involving a CSU Representative.

ANNUAL RECOMMENDATIONS

2012-2013 Recommendations

During its review of the 2012-2013 caseloads, the Ombuds Office has reflected on the diverse nature of the cases handled, the diversity of those involved and the actions taken. In that analysis, it is interesting yet not surprising that we have identified a common thread between cases where there has been some degree of conflict.

This common thread involves 1) discomfort in having to give difficult news to either a student, a supervisor, a contract employee or an alumnus; 2) one's ability (real or perceived) to convey difficult news and 3) the hope that the problem will somehow go away. No matter the origin of the malaise, our experience is that the conflict will linger if not addressed and will inevitably have a cost in terms of stress and time.

In our conflict coaching sessions or in acting as an intermediary in a conflictual situation, a quote we sometimes highlight is from Mahatma Gandhi. He once said: "A NO uttered from deepest conviction is better and greater than a YES merely uttered to please, or what is worse, to avoid trouble". This is not to say that giving difficult news is not a challenge or that some members are not adept in these situations. But, could the community become more proficient and comfortable in carrying it out?

Given these reflections, it is recommended that:

- The academic sector and the human resource sector assess the circumstances in which their members could be better equipped to give difficult news in the context of their work responsibilities.
- Based on these more specific assessments by sector, internal or external resources be identified to assist university members in becoming more proficient and comfortable in giving difficult news.

Progress made in the implementation of outstanding recommendations from previous Annual Reports

The progress made in the implementation of outstanding recommendations made in previous Annual Reports is presented below. These pertain to the areas of the Office of the Provost and VP Academic Affairs (PVPAA), Human Resources (VPS) and the School of Graduate Studies (SGS):

Office of the Provost and VP Academic Affairs (PVPAA)

Common Course Outline

- That all Professors adopt the Office of the Provost's recommendation that the Common Course Outline http://provost.concordia.ca/documents/Course_Outline_Guide.pdf be adopted for their courses.

The e-mail response of Lisa Ostiguy (Deputy Provost) regarding the implementation was provided on October 15, 2013 and January 8, 2014 and can be summarized as follows. While there is too much diversity among Faculties to implement a common course outline, the Office of the Provost will recirculate information to the Faculties about elements for the course outline (required, recommended and optional as per Course Outline (May 14, 2009, Office of the Provost)). Circulation will be done through the normal channels (i.e., through the Deans to the Chairs, and to the Department Faculty). This circulation will be done annually. The document is also part of the package given to new faculty at new faculty orientation.

Ombudsperson's comments:

When this recommendation was made in 2009-2010, the Ombudsperson wrote that student concerns about the grading of work often arose when course outlines were unclear, incomplete or changed during the term. As a result, students felt that they had been graded in an arbitrary manner and would turn to the Academic Re-evaluation Procedures for recourse. Had the expectations been clear from the outset, following this process may not have been required saving time, upset and energy of all those involved.

The Ombudsperson is therefore pleased to know that the PVPAA will be providing this course outline information on an annual basis to new faculty as well as to current faculty members. She would also recommend that there be special attention given to informing both new Chairs and PT faculty members of the elements to include. The former will benefit when taking on their new role and the latter because of their less frequent opportunities to be present in their department. Finally, the Course Outline (May 14, 2009, Office of the Provost) should be made available on line.

Academic Regulations

- That the Office of the Registrar review the Academic Definitions and Regulations in the Undergraduate Calendar as well as other related information on the web to determine what is essential to convey to the University community;
- That the Office of the Registrar ensure that the chosen text can be understood by the average student;

- That the Office of the Registrar ensure that the chosen information is easily accessible to students, faculty and staff.

Brad Tucker (Associate VP, Enrolment and Student Services) provided an update on October 15, 2013 and January 8, 2014 with regard to the implementation of this 2010-2011 recommendation. He wrote: “These revisions are ongoing with the development of the WCMS system as the various websites get scheduled for update (Registrar by the end of October). There is also an upcoming calendar working group that will plan the revision to the entire calendar.”

Ombudsperson’s comments:

The migration of the different sites pertaining to the responsibilities of the Office of the Registrar to the Web Content Management System (WCMS) was being planned in 2012-2013. As of this writing, the often overlapping and sometimes inconsistent information previously available to members is now centralized in a single, searchable public site. Access to information is now much easier, members are more confident about what they find on line and the language is uniform.

“Emerging” student clientele

- That the University continue in its efforts to work with other universities, the CREPUQ and the MELS to ensure the availability of services to respond to the growing needs of this student population;
- That the University consider revising the Policy on Accessibility for Students with Disabilities (VRS-14) issued in April 2003 given the context of growing needs of “emerging” clientele.

Brad Tucker (Associate VP, Enrolment and Student Services) provided the following update on October 15, 2013: “Since the change in government, there has been much discussion at the MESRST about devolving responsibilities to the universities, but no word on incremental funding. This situation continues to be monitored. The CREPUQ position remains unchanged.”

Ombudsperson’s comments:

Though the Ombudsperson appreciates that there is little movement on this file at the Ministry level, it is clear that these “emerging” clientele continue to increase overall and at Concordia. Statistics published by the Association Québécoise Interuniversitaire des Conseillers aux Étudiants en Situation de Handicap (AQICESH)’s are instructive.

The statistics presented in the Évolution 2008-2013 des clientèles émergentes et traditionnelles table found in the Statistiques Concernant les Étudiants en Situation de Handicap dans les

Universités Québécoises 2012-2013 at http://aqicesh.ca/docs/STATS_AQICESH_-2012-13.pdf on p. 88 show a twofold increase in that period for the former group and a 71% increase in the latter group. As students with disabilities at Concordia University represented 18% of all those who chose to studying in a Quebec university in the same year (p. 25), it is clear that its clientèles émergentes have increased. The staff of the Access Centre for Students with Disabilities continue to observe this. Ombuds Office staff also report that more of these students avail themselves of our services, particularly when accommodations are not made. In these circumstances, monitoring the evolution of these clienteles and their needs is needed. As stated in the 2011-2012 Annual Report, the Ombudsperson is hopeful that the University will remain flexible and proactive in its response to these clienteles.

Policy on Intellectual Property

- That the Office of the Provost and the Office of the Vice-President Research and Graduate Studies take concrete measures to ensure that the University's Policy on Intellectual Property is communicated to both students and the faculty with whom they engage in research activities.

The response of Lisa Ostiguy (Deputy Provost) regarding the implementation on October 15, 2013 was: "Work is being done in this area on a Faculty by Faculty Basis. A working group to review the policy has been formed that includes the Deputy Provost."

Ombudsperson's comments:

The Ombudsperson is hopeful that the results of these efforts bring further clarity to the understanding of the rules related to the intellectual property created by community members including ownership, dissemination and commercialization. Pertinent nuances by discipline will be essential to issue for those who are attempting to define contribution at the outset of a research working relationship or at any other time in the process.

As concerns described in the 2011-2012 Annual Report that gave rise to the recommendation persist, it would be useful to inform the community of the work currently being done on Intellectual Property including the process being followed and the expected timeframe for completion. Similarly, it would be useful that the message include information about what is in place at present in order that those involved understand their rights and obligations.

Peer Evaluation of Students by Students

- That the Office of the Provost and the Office of the General Counsel issue notice to the Faculty and student body of the provisions that pertain to student access to peer evaluations.

Lisa Ostiguy (Deputy Provost) provided the following update on October 15, 2013: “The Deputy Provost and VP Research and Graduate Studies will investigate further on how the issue can be addressed in the context of policy review.”

Ombudsperson’s comments:

Peer evaluation of students by students is commonly used as a valuable learning tool, particularly in the context of group projects. To make it as useful as possible, clear parameters for professors and students about access to this type of information is needed.

Human Resources (VPS)

Employee Categories

- That Human Resources create an employee categories policy that is devoted to defining each of the six (6) categories highlighted in HR-1, HR-4 and HR-5.

Carolina Willsher (Associate VP, HR) reported on November 6 2013 that: “The draft policies for employee categories will be prepared for December 2013 as noted.”

Ombudsperson’s comments:

The Ombudsperson acknowledges that updating policies is always an undertaking and is pleased that the process is underway.

Time-Sheet employees

- That Human Resources reinforce to the community that employees paid according to hours submitted on a time-sheet are casual employees;
- That Human Resources inform the community of the rights and responsibilities of these casual employees, particularly with regard to the impact of extending the status over a prolonged period of time.

Carolina Willsher (Associate VP, HR) reported on November 6 2013 that: “The Non-Academic Hiring workshop has been offered as part of our Learning and Development Calendar programming. Further dissemination of information related to casual employees is also being considered. “

Ombudsperson’s comments:

The Ombudsperson is still of the opinion that broader dissemination of the rights and obligations of casual employees is warranted due to the number of individuals who are hired in this capacity. Hopefully, consideration of this recommendation will lead to its implementation.

School of Graduate Studies (SGS)

Supervision of Graduate Students

That the SGS want to ensure:

- 1) That supervisors and students devise both an Academic and Research plan at the start of the student's studies.

Brad Nelson (Associate Dean of Student Affairs and Postdoctoral Studies) reported the following on November 16 2013: "Latest numbers place the response rate at 94.4%. Plans are in the works to allow GPDs to close the Annual Progress Reports at the program level and forward those reports that indicate that there may be issues surrounding the student's progress, supervisory relationship, etc. This will allow SGS to focus on those students who may need further assistance. The APR now establishes the anticipated goals for the upcoming year in three distinct categories: academic, research/thesis, and productivity (presentations, conferences, publications, etc.)

Currently, students and supervisors may access reports from previous years through links embedded in the report. See comments below concerning the "cumulative report" mentioned above.

Currently, Virginia Bruce from SGS is working with the Student Information Team on a new Research Tracking System that students and supervisors will work on together at the beginning of the student's program. This will be an on-line tracking feature that can be updated from year to year. The tracking system will include a thesis completion timeline that can be updated. In conjunction with the research tracking platform, we will encourage all programs to implement regulations that will establish deadlines for students to register for key milestones (e.g., comprehensive exams, research seminars, etc.) within a certain time after their first registration."

Ombudsperson's comments:

As was the case in previous years, concerns about advising/supervision were also significant for graduate students (2nd and 3rd cycle) in 2012-2013. With a few years of implementation and fine-tuning, this Annual Progress Report system seems to be evolving nicely to keep students on a healthy and productive path with appropriate support from their supervisor. It will serve graduate education well, particularly as the number of students increases with time.

- 2) That orientation sessions for Graduate Program Directors (GPD) be offered to solidify their important role in program management and development

Brad Nelson (Associate Dean of Student Affairs and Postdoctoral Studies) reported the following on November 16 2013: “SGS has continued to run orientation workshops in the fall for new and returning GPDs. This fall we have also initiated “GPD lunches,” which are more or less informal discussions of topics of interest to GPDs on all aspects of graduate education. Over 20 GPDs attended the first one. The second such lunch is scheduled for November 18, 2013, and over 20 GPDs have registered for it.”

With regard to the revisions to the Guidelines for Supervisors and Graduate Students, Brad Nelson reports that these have been delayed until the spring of 2014. “In the interim, a separate tab has been added to the School’s web site. The tab is named *graduate program administration*, and it intended for graduate program assistants and directors. It is a “one-stop” page to find information required for the daily administration of programs (admissions, student affairs, policies, code of conduct, student requests, thesis, etc...).”

Ombudsperson’s comments:

From this update, it is clear that progress is being made in supporting Graduate Program Directors and students toward successful outcomes.

- 3) That students be invited to participate in seminars about techniques to successfully complete their requirements.

Brad Nelson (Associate Dean of Student Affairs and Postdoctoral Studies) reported the following on November 16 2013: “September 2011 marked the launch of a three-year pilot program called GradProSkills. Phase 1 of the program grouped together all workshops and seminars currently provided to graduate students by different service providers and student groups across the University. The workshops have been grouped together in order to build students’ non-curricular experience and knowledge in targeted areas, with workshops in language training, research management, strategic communications, and leadership, to name a few. In addition, Phase 2 includes the development of a series of workshops not currently offered to our students by either internal or external providers, including workshops on research career map, student/supervisor relationship, graduate level reading/writing/presentation skills, entrepreneurial strategies and thesis preparation strategies. A significant advantage and strength of the GradProSkills program is that workshops can be offered by a variety of university partners including SGS, the Ombuds Office, Office of Research, International Students Office, Library and experienced graduate students.

GradProSkills has been, and continues to be, an outstanding success. The GradProSkills team has expanded its offerings by continuing to partner with internal and external partners. Many of the 445 workshops (529 sections), have been oversubscribed with wait lists common. To date (i.e., November 2013) there have been almost 2862 different students and postdoctoral

fellow (identified/differentiated via student ID) who have registered for workshops with almost 1000 attending 5 or more workshops! In keeping with the Phase 2 objectives, GradProSkills has worked with internal and external partners, faculty, student associations and students to build additional resources for graduate students and postdoctoral fellows to build the complementary skills required to complete graduate studies and prepare for professional careers in academic or non-academic sectors. In particular, in the Fall 2013 we introduced the "GradProSeries" which included expanded graduate reading/writing/presentation skills, research career map, Meet the Entrepreneur and Research Conversation Series. In the Winter GradProSkills will be introducing a series of "Meet your writing deadline" workshops focused on strategies and practical exercises for completing writing projects related to coursework, thesis, conference presentations and publications. Working with a team of current graduate students, GradProSkills plans to continue to develop workshops and on-line training resources to meet the needs of our graduate and postdoctoral population."

Ombudsperson's comments:

GradProSkills is clearly a great success in providing different tools to graduate students and the postdoctoral population to successfully complete their requirements at the University and prepare for their role beyond its walls.

APPRECIATION

It is understandable that in Concordia's large and diverse community, misunderstandings do occur, mistakes are made, language is not always clear, decisions might not be fully reasoned or timely, feelings sometimes get hurt and feathers get ruffled. In this context, we want to extend our appreciation to students, academic administrators, faculty, staff and other community members who took the time from their busy schedules to come forward with their concerns and complaints. You worked patiently and creatively with us to arrive at solutions. We understand that these situations are not always easy to address. We thank you for your efforts in promoting fairness and making Concordia a better place to work and study.

In closing, thanks go to all members of the team listed earlier in this report for your contribution to the important work of the Ombuds Office. Finally, special thanks go to Julie Boncompain who joined us in January 2013 as the Associate Ombudsperson. She is an asset to our team and has been instrumental in the preparation of this report.

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