



ANNUAL REPORT 2011-2012

Promoting fairness at Concordia

Ombuds Office

**Prepared by:
Kristen Robillard, M.S.S., M.L.S.P.
Ombudsperson**



January 23, 2013

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 Ombuds Office Annual Report for 2011-2012: *Promoting Fairness at Concordia*. The report describes the history of the Ombuds Office, its Terms of Reference, the activities for the year including statistics on the concerns and complaints received from the community, annual recommendations and progress made toward the implementation of recommendations from previous reports.

I look forward to making a brief presentation of the report to you at your meeting of January 30 2013 and answering any questions you may have.

Sincerely,

A handwritten signature in blue ink that reads "Kristen Robillard".

Kristen Robillard, M.S.S. M.L.S.P.

University Ombudsperson

T.: 514-848-2424 ext.: 4963

Kristen.Robillard@concordia.ca



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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 for almost 35 years. 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 in the wake of the 1969 Computer Centre Riot. It served all members of the university community. The latter 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. Based on the Swedish model that goes back 200 years, 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

TERMS OF REFERENCE OF THE OMBUDS OFFICE

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/vpirsg/documents/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/services/concerns/> 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

The scope of the Ombuds Office is described 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:

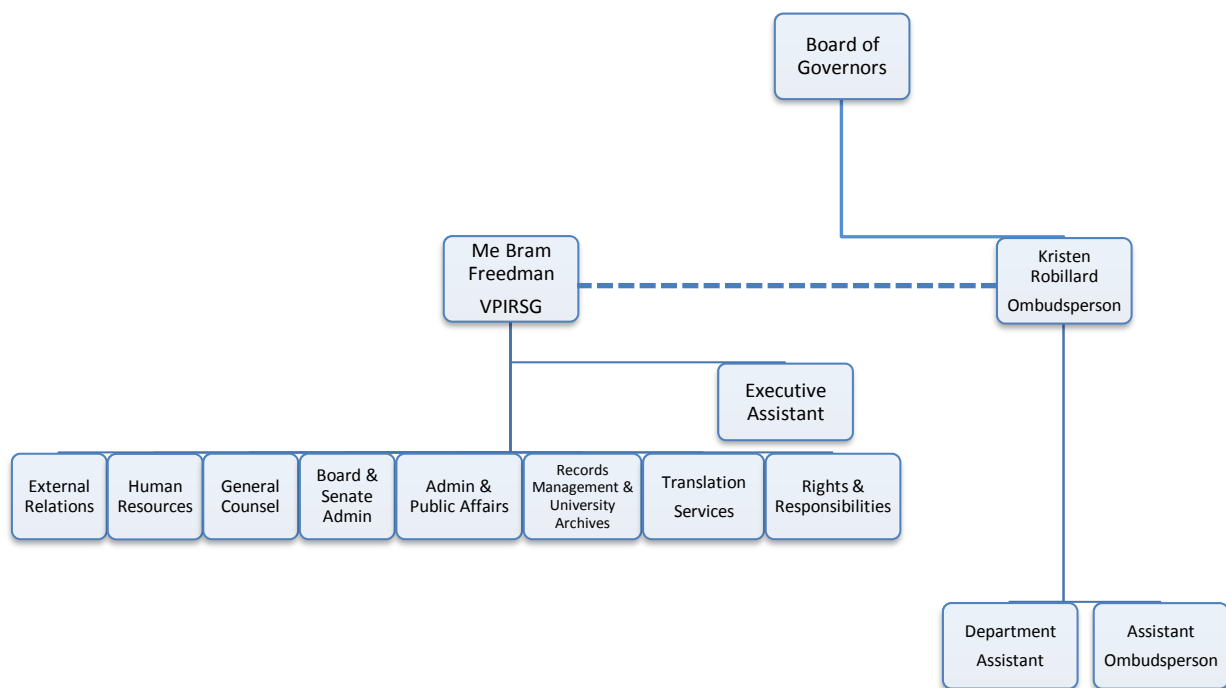
- actively promote these Terms of Reference and the services offered;
- inform Members about existing policies, rules and procedures and advise them as to the appropriate channel of redress for any concern or complaint they may have;
- assist Members to resolve complaints informally and quickly;

- 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 unique role, 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 per article 29 of the Terms of Reference of the Ombuds Office, the Ombudsperson reports to the Board of Governors. 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/vpirsg/documents/concordia-vpirsg-organigram.pdf>



OMBUDS OFFICE RESOURCES

Team

In 2011-2012, the Ombuds Office team included Kristen Robillard (Ombudsperson), Marie Berryman (Assistant Ombudsperson) and Sarah Comrie (Department Assistant) who assumed the same part-time role in the Office of Rights and Responsibilities.

Space

The Ombuds Office shares adjacent space with the Office of Rights and Responsibilities on the 11th floor of the Guy-Metro (GM) Building in suite 1120. Though these offices provide separate services to the University community, their proximity is useful for ease of client referral and consultation. While this arrangement has been successful, the space itself is lacking.

In particular, the space is deficient with regards to safety, accessibility and confidentiality. There is in fact only one door to enter and exit the suite of offices. The reception area is small and includes the Department Assistant's working space. Entering the suite and negotiating the space is a challenge for someone with physical limitations. When there are people in the reception area, maintaining confidentiality of case information requires the Department Assistant to have to interrupt her work. These concerns have been raised in an ongoing fashion for quite a number of years.

From April to September 2011 both offices were relocated during the GM re-cladding project. We were moved to the 6th floor where we had good accessible space with 2 exits. Following our return to GM 1120, we requested a Security Assessment. Recommendations were made and their implementation is planned. In parallel, efforts were being made to secure us with new permanent space in early 2014 that will meet our unique needs. We look forward to a time when we will be confident about the safety of both our staff and visitors and the greater efficiency of our operations that this confidence will bring.

Budget

In addition to salaries and office expenses, the Ombuds Office has a small budget that it devotes to professional development. Costs related to attending conferences and meetings, memberships in provincial, national and international ombudsman organizations as well as the purchase of books and other materials are incurred for the purpose of staying up to date with best practices in our field.

INFORMING THE COMMUNITY OF THE TERMS OF REFERENCE AND SERVICES

In a large, diverse and vibrant community where students, faculty and staff come and go, promoting the role and services of the Ombuds Office is a regular activity. Promotion is undertaken in a number of different ways that are both on-going and cyclical in keeping with the academic year.

On-going Promotion

At the initial contact with new users of our office, we explain our role and services. This explanation is provided in the context of a meeting, a verbal explanation is provided if the contact is by phone and if the contact is by e-mail, the user is referred to the Terms of Reference of the Ombuds Office and webpage. The webpage <http://www.concordia.ca/services/concerns/> offers a description of our role and services and links to the Terms of Reference, Annual Reports and the Report and Recommendations of the Ombuds Appraisal Committee. In 2011-2012 our bilingual office pamphlet was updated. Titled **Promoting Fairness at Concordia/Pour la Promotion de l'Équité à Concordia**, it was distributed at the beginning of 2012-2013 and is available at http://www.concordia.ca/documents/services/concerns/Ombuds_Brochure.pdf as of 2011-2012, the

Ombuds Office also has a presence on all digital screens on both the Sir George Williams and Loyola campuses.

Cyclical Promotion

Our cyclical promotion is mostly done at the onset of the fall and winter terms. In preparation for the fall, we send thousands of our office pamphlet to the New Student Program and the International Students Office to be included in their welcome packages. Pamphlets are also sent to academic departments and non-academic offices. We publicize our services in the Graduate Students Association (GSA) Handbook and in each issue of the New Student Program's magazine called **The Bridge**. We actively participate in orientation sessions for different university audiences. In 2011-2012, the following presentations and workshops were given:

- Concordia Equity Week
- Engineering and Computer Science 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

Thematic education as a means of promotion continued to be discussed with a committee of the Office of the General Counsel. The objective is to propose workshops/training sessions/courses that could be offered to various university constituents. Constructive approaches to conflict management, principles of natural justice, due process and fairness as well as active listening techniques are possible themes for Ombuds Office sessions.

NOW Article

Periodically, a university article will appear on the Ombuds Office. On September 15 2011, **Ombuds Office welcomes students – Staff of two well-equipped to address complaints and concerns from the entire community** appeared in NOW. It is available at <http://www.concordia.ca/now/university-affairs/governance/20110915/ombuds-office-welcomes-students.php>

FOSTERING BEST PRACTICE

The Ombudsperson and the Assistant Ombudsperson are active in staying abreast of current issues and best practices in the field. This is accomplished by participating in different Ombudsman associations and planning and partaking in networking and training opportunities. Staff members also keep abreast of current issues on campus. Community newspapers, on-line news, minutes of the meetings of the Board of Governors, Senate and Faculty Councils are some examples of publications we regularly consult. Community events and workshops are regularly attended.

Ombudsman Associations

The Ombudsperson and the Assistant Ombudsperson are members of the:

- Association of Canadian College and University Ombudspersons (ACCUO)
- Association des Ombudsman des Universités du Québec (AOUQ)
- Forum of Canadian Ombudsman (FCO)
- International Ombudsman Association (IOA)

The Ombudsperson has been a member of the ACCUO since she assumed her role at Concordia. She has been a member of the Executive Committee since 2004 and President since May 2010. In that capacity, she and the Ombudsperson at the University of Victoria finalized the report of a survey they conducted. Its aim was to document the characteristics of the ACCUO'S 35 member offices across the country. Titled **ACCUO Survey of member offices/ Sondage sur les bureaux membres de l'AOUCC**, it focused on the following: constituency served by the office, funding structure for the office, functioning of the office, accountability of the office and conditions of employment. At the end of 2011-2012, the Ombudsperson was preparing a presentation to give at the ACCUO Annual Conference in Edmonton. The subject was the **Appraisal of the Ombuds Office at Concordia University** that will be described later in this report.

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

Meetings, Workshops and Conferences

In 2011-2012, staff in the Ombuds Office attended the following:

- **The Ombudsman Office in Canada Today: Looking Towards Tomorrow** – Joint FCO/ACCUO Conference (Vancouver, May 15-18, 2011)
- AOUQ Annual General meeting (Sherbrooke, June 9-10 2011)
- **Conférence sur les clientèles émergentes** (Concordia University, January 12 2012)
- ACCUO Midyear meeting (Quebec City, February 2012)
- **Mentoring Students with Asperger's: A Look Outside the Classroom** Webinar session (Concordia University, February 29 2012)
- **Identifying and Managing Aggressive Student Behaviours, Attitudes and Emotions** Webinar session (Concordia University, March 4 2012)
- **Addressing Mental Health Concerns on College Campuses: Data, Trends and Practical Applications** Webinar session (Concordia University, March 29 2012)
- **Join the Conversation: Learn, Share, Grow** - 7th Annual IOA Conference (Houston TX, April 15-18, 2012)

APPRAISAL OF THE OMBUDS OFFICE AND INCUMBENT

In 2011-2012, an appraisal of both the Ombuds Office and the Incumbent were undertaken. In keeping with article 28 of the Terms of Reference of the Ombuds Office, the Board of Governors appointed a representative appraisal committee that was chaired by the VPIRSG. Its mandate was to:

- review the operations of the Office;
- make recommendations with respect to the Office;
- make a recommendation with respect to the renewal of the Ombudsperson

To assist the Appraisal Committee in fulfilling its mandate, it reviewed information from a number of different sources. These included:

- external appraisals conducted by Bradley Moss (Assistant Citizens' Representative, Office of the Citizens' Representative, Province of Newfoundland and Labrador)
- survey results from former clients, service departments and the Board of Governors
- Ombuds Office Annual Reports, appraisals and other documents
- Interviews of the external appraiser, former clients and community members

Both the **Report and Recommendations of the Appraisal Committee of the Ombuds Office Concerning the Ombuds Office**

http://www.concordia.ca/documents/services/concerns/Report_and_recommendations_Ombuds.pdf

and the confidential **Report and Recommendations of the Appraisal Committee of the Ombuds Office Concerning the Renewal of the Ombudsperson** were submitted to the Board of Governors and unanimously approved. This granted the incumbent another five year term from September 1, 2012 – August 31, 2017. Of the recommendations that were made in both reports, some were implemented in 2011-2012, some became objectives for 2012-2013 and some will be implemented when the Terms of Reference of the Ombuds Office are next reviewed.

CONCERNS AND COMPLAINTS RECEIVED

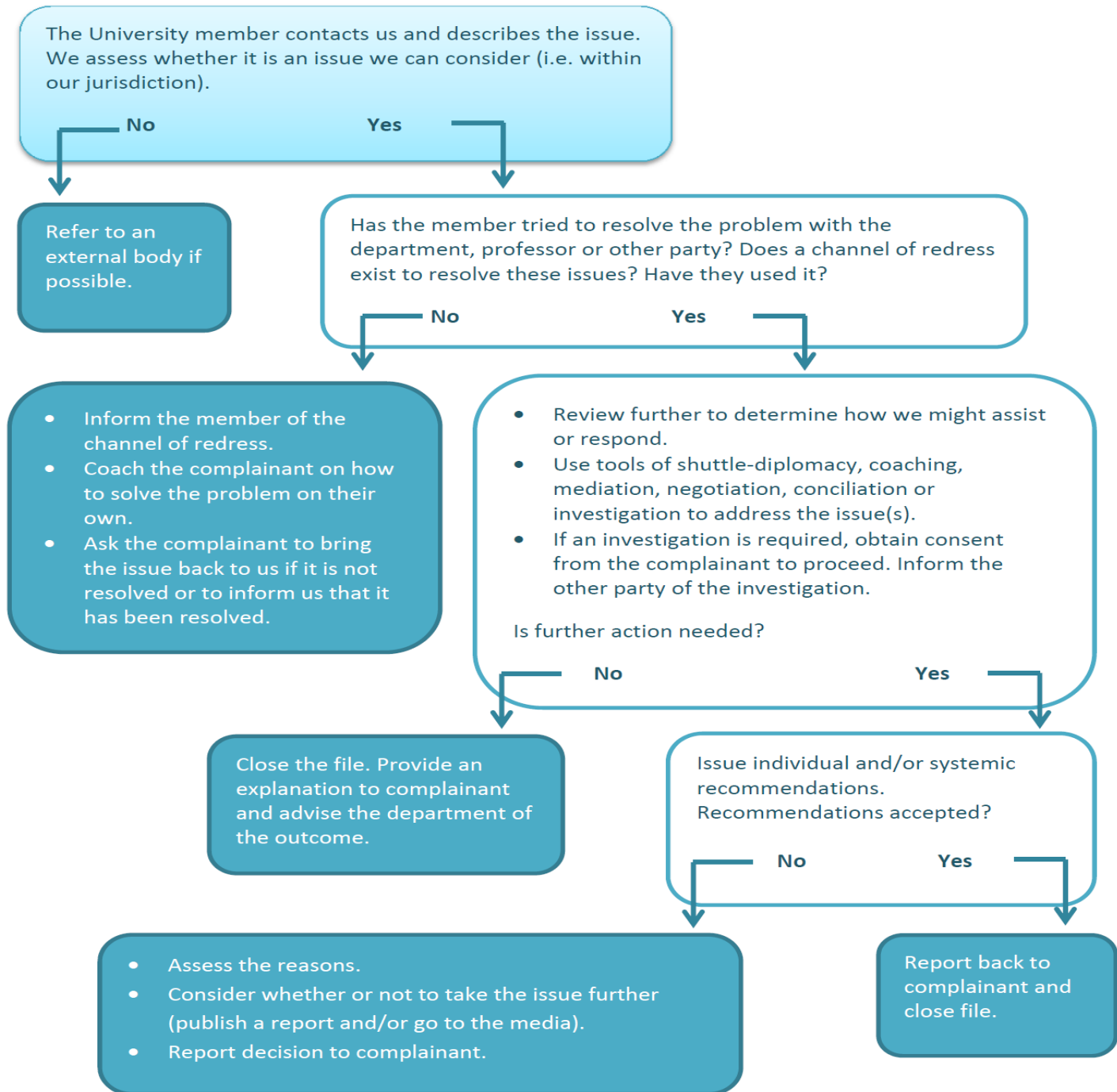
Data Collection

When an inquiry is made regarding a University related concern or complaint, the following information is collected and a case file is opened. The data is: (a) the person's status at Concordia University, (b) general demographic information, (c) contact information, (d) how contact was made with the Ombuds Office, (e) a brief description of the issues of concern and any steps taken to address the matter, (f) with whom the matter may have been discussed, and (g) whether permission will be given ultimately to the Ombuds Office staff person to discuss the case with other concerned parties. The prominent issue of concern is then categorized according to a Case Category list. This essentially 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?



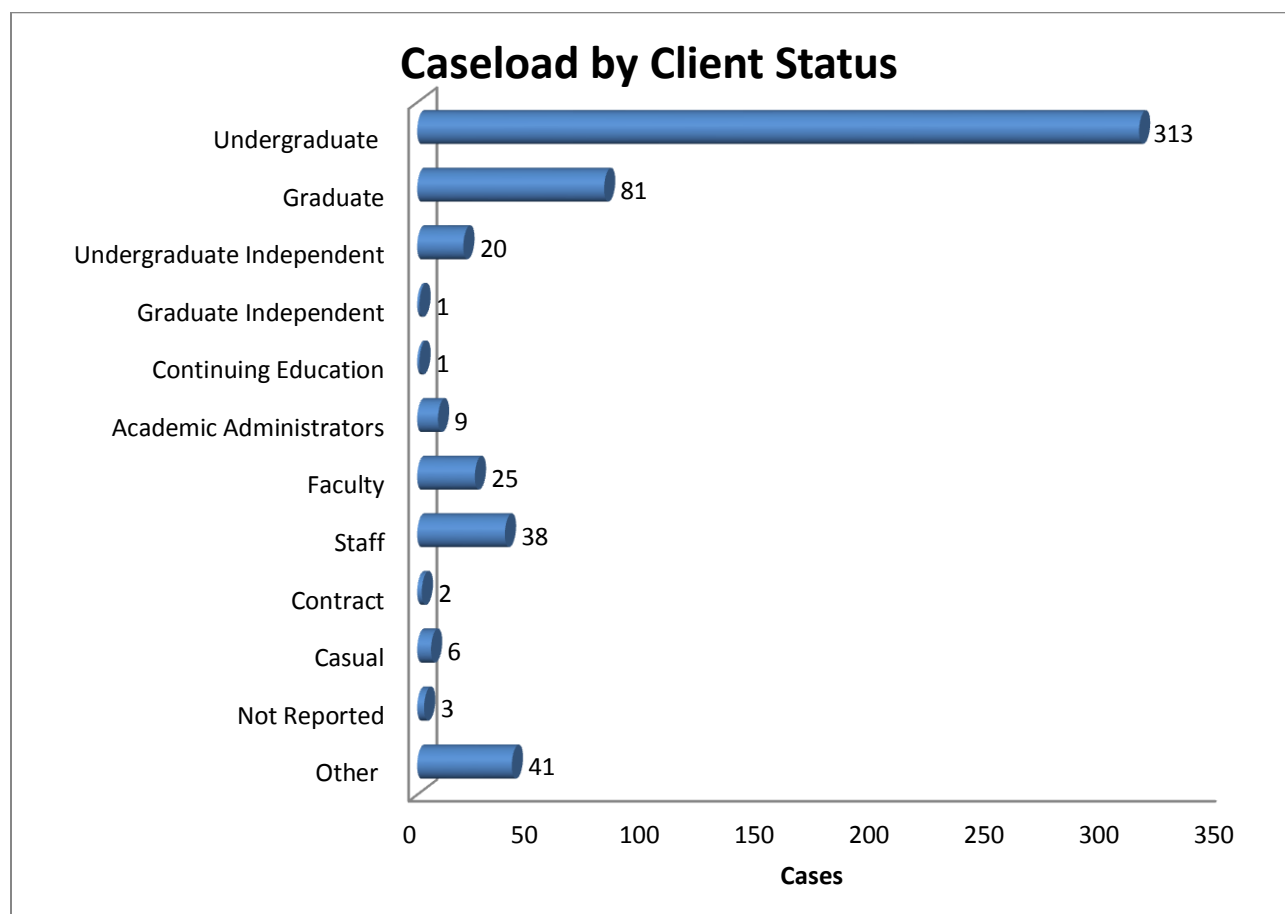
Adapted from "Complaint Flowchart" from Ombudsman Saskatchewan.

Fall 2011

2011-2012 Cases

For the 2011-2012 year, the Ombuds Office had a caseload of 540. 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. The time it then takes to resolve the concern/complaint varies greatly depending on the circumstances of the situation, the actions taken 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 better monitor casework efficiency, processing times as well as other factors will be assessed more closely.

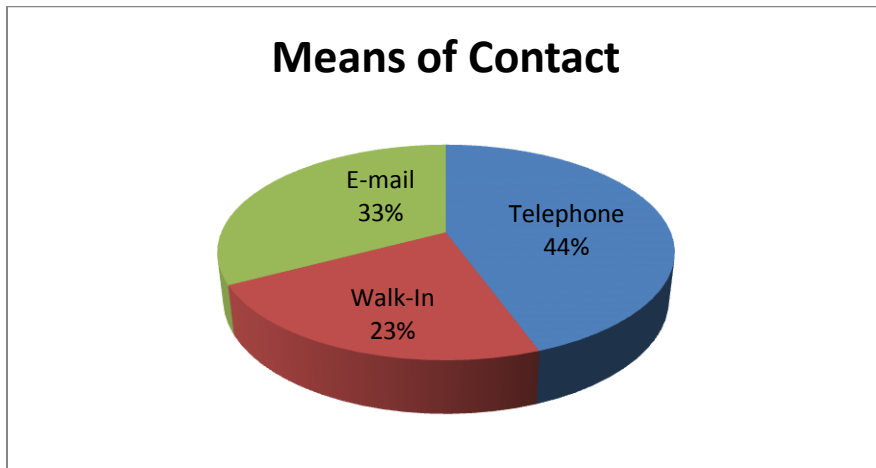
Caseload by Client Status



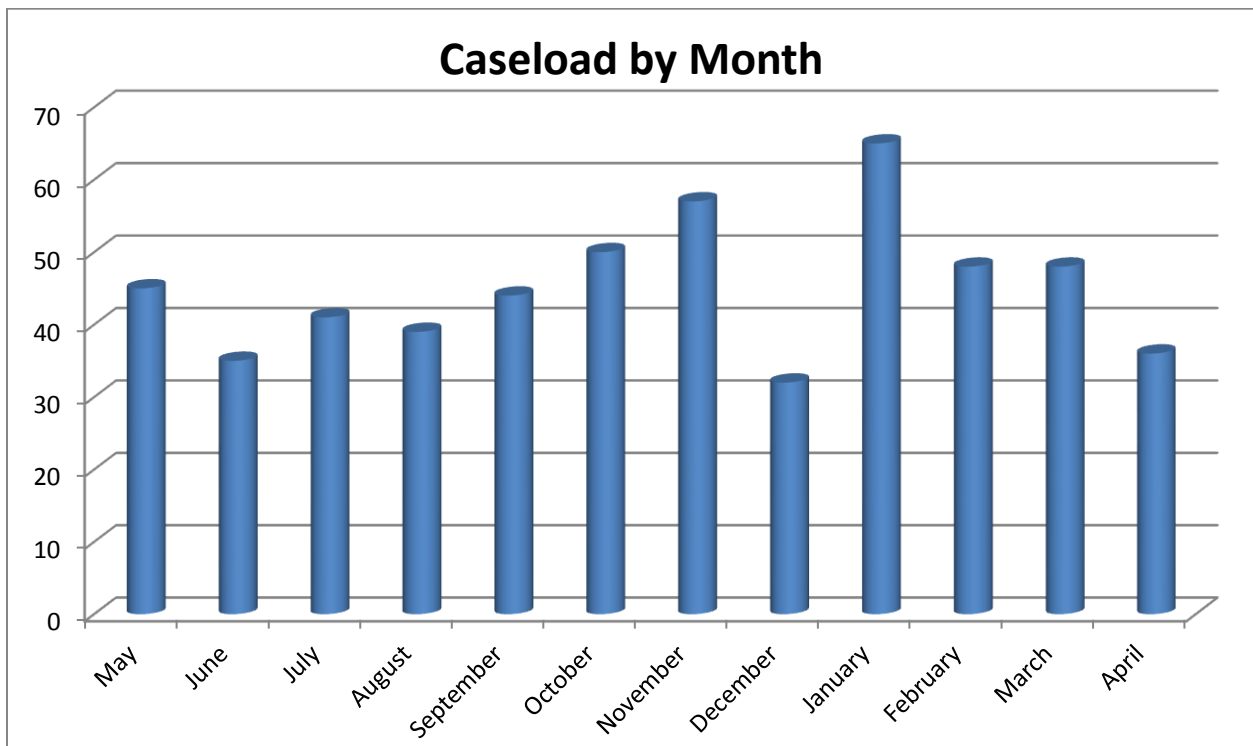
Just over three-quarters (76.9%) of the caseload in 2011-2012 or 415 cases were students studying for credit. Only one Continuing Education Student used our services. Eighty employees (14.8%) availed themselves of the services of the Ombuds Office. Forty-one or 7.6% of the caseload was characterized as "Other". These individuals were not current students, faculty or staff but did have a relationship with Concordia (applicants, former students, alumni, family member, retired employees and other interested parties).

Means of Contact

Users of the Ombuds Office mostly (44.4%) contacted us by telephone. A third (32.7%) communicated with us by e-mail. The balance of our clientele (22.9%) comes to our office without an appointment. While the latter means of contact is identical to past years, users are moving more to e-mail contact rather than using the telephone.



Caseload by month

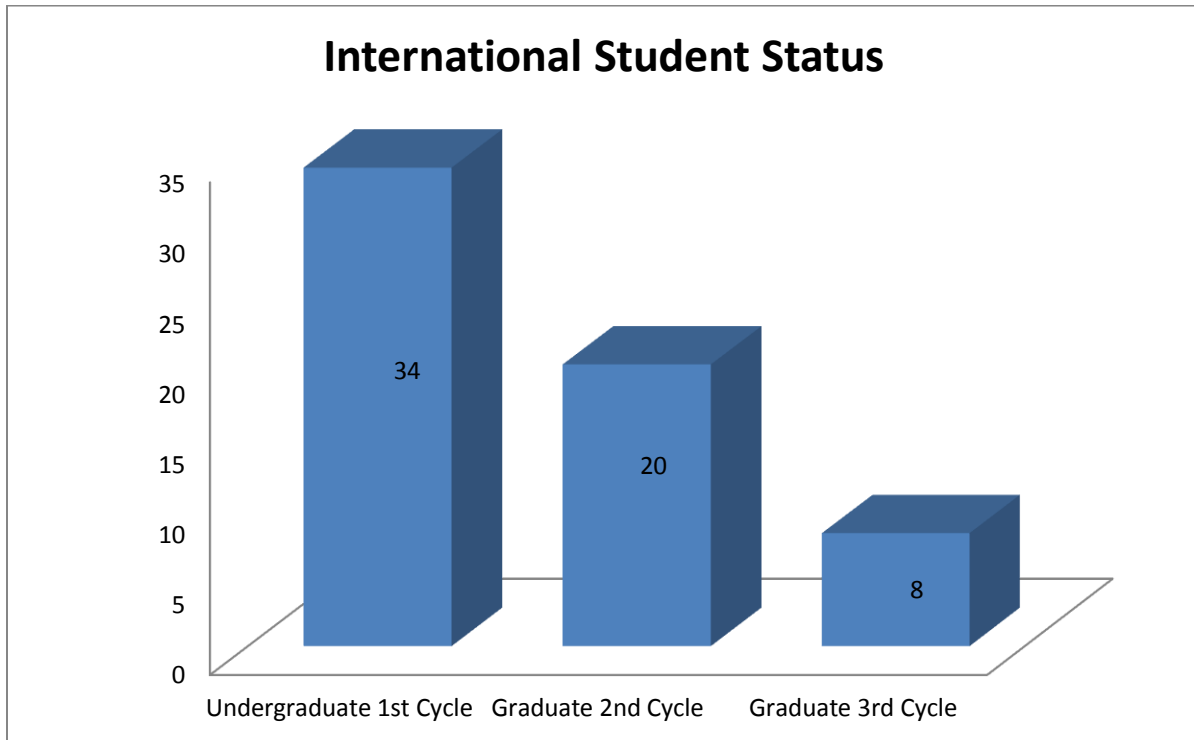


In 2011-2012, the peak months for case volume were January 2012 and November 2011. The slower months were April 2012, June 2011 and December 2011. When looking at the volume by academic term, the winter term volume was greatest at 36.5%, followed closely by the fall term volume at 33.9% and finally by the summer term volume of 29.6%.

Student Caseload

As mentioned previously, 415 students studying for credit were clients of the Ombuds Office. This represents 1.0% of the student body of 43 162 enrolled in 2011-2012 (Concordia Institutional Planning Office, 2012), a similar proportion found in previous years. Of those students, 333 (80.2%) were studying at the undergraduate level (1st cycle). Graduate students studying at the 2nd cycle (Masters, Diplomas, Certificates and Preparatory Studies) numbered 63 (15.2%). Nineteen students (4.6%) were studying at the Ph.D. level (3rd cycle). Comparing the Ombuds Office proportions by cycle to the overall student body, it saw proportionately fewer 1st cycle students and proportionately more 2nd and 3rd cycle students (Concordia Institutional Planning Office, 2012).

International Students



In 2011-2012, the Ombuds Office's caseload counted 63 international or Visa students. This proportion of 15.2% is higher than the proportion of 12.8% found in the overall student body (Concordia Institutional Planning Office, 2012). The proportion of international undergraduate students found in the Ombuds Office clientele was 10.5% compared to 9.7% for the overall student body. The proportion of 2nd cycle international graduate students (31.7%) in the Ombuds Office was greater than that found in the overall population (27.5%) (Concordia Institutional Planning Office, 2012). The difference in relative proportions was greatest for 3rd cycle students. Two out of five of these students seen in the Ombuds

Office had an international status compared to 30.5% in the overall 3rd cycle student body (Concordia Institutional Planning Office, 2012).

Student Concerns

	Undergraduate	Undergraduate Independent	Graduate	Graduate Independent	Visiting	TOTAL
Academic Concerns						
Academic standing	24	2	3			29
Advising/supervision	3		10			13
Academic misconduct	13		1			14
Admission	7	3	3			13
Course management	22		2			24
Exams	39	3	2			44
Grades/re-evaluation	69	2	17			88
Missing exams and papers	4					4
Program/degree requirements	26	1	5			32
Intellectual Property			2			2
Registration/course change	9	2	1			12
Total Academic Concerns	216	13	46	0	0	275
Other Concerns						
Fees	46	5	20			71
Financial Aid	2	1	5			8
Medical/Comp/Humanitarian	11	1				12
Non-academic misconduct	3		1			4
Libraries	1		2			3
Student Associations	4					4
Security/safety	5		2			7
Employment			1			1
Access to info/privacy	1		1			2
Univ. policy & procedures	14		2			16
Non jurisdiction						
Miscellaneous	10		1	1		12
Total Other Concerns	97	7	35	1	0	140

TOTAL	313	20	81	1	0	415
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As in previous years, student concerns related predominantly to those that are academic in nature. In 2011-2012, they counted for two-thirds (66.3%) of all the concerns brought to the attention of the Ombuds Office. For undergraduate students, the most common academic concern related to grades/re-evaluation (31.0%) followed by exams (18.3%), program/degree requirements (11.8%), academic standing (11.4%), course management (9.6%), academic misconduct (5.7%), registration/course change (4.8%) and admission (4.4%).

For graduate students, over half (56.1%) of their concerns were academic in nature. Interestingly, grades/re-evaluation was of greatest concern at 37%. Similar to years past, advising/supervision was of concern to more than 1 in 5 (21.7%) graduate students. Program/degree requirements were of concern to 1 in 10 (10.9%)

members of this clientele followed by academic standing (6.5%) and admission (6.5%). Two students contacted the Ombudsperson about intellectual property.

With regards to “other concerns”, half of these (50.7%) related to fees. This was the case for almost half (49.0%) of undergraduate students. As for other issues, undergraduate students inquired about various policies and procedures in 13.5% of cases. One in 9 raised questions about whether an accommodation for a health or other reason had merit. Close to one in 10 undergraduate students raised a range of miscellaneous issues. These included the quality of the Shuttle bus service, the quality of graduation pictures received in the post, the availability of Health Services walk-in hours, uncomfortable overly air conditioned classrooms and so on. Fees accounted for more than half (55.6%) of the “other concerns” raised by graduate students. Financial Aid was the second most common concern at 13.9%.

Action Taken in Student Cases

	Undergraduate	Undergraduate Independent	Graduate	Graduate Independent	Visiting	TOTAL
Info/Advice	178	13	42	1		234
Expedite	43	1	2			46
Conflict Resolution	70	4	33			107
Investigation	6	1	2			9
Witness	7	1	2			10
Withdrawn	9					9
TOTALS	313	20	81	1	0	415

In keeping with the functions outlined in the Terms of Reference of the Ombuds Office, providing information and advice to students was the action taken in the majority (56.4%) of cases. This was the case for both undergraduate (61.9%) and graduate students (52.4%). Whether there are institutional recourses available to the student or not, the purpose of our actions is to provide the student with the tools they require to attempt

independently to resolve their concerns. This may involve brainstorming, evaluating options, designing action plans and coaching. Providing information and advice can occur over a period of time, especially when a student is implementing a particular strategy and returns to consult about their progress.

A little over 1 in 10 (11.1%) of cases were expedited. This involves the Ombuds Office staff cutting through red tape, gathering information needed by a student to resolve a problem or setting up an appointment after providing some background information to the person he or she will meet. As in previous years, this action is much more frequently used with undergraduate students.

Conflict resolution is an action that is taken when the Ombudsperson or Assistant Ombudsperson become actively involved as an intermediary to fairly resolve a situation. Their tool kit includes techniques such as informal fact finding, facilitation, mediation and shuttle diplomacy. This year, conflict resolution was conducted more frequently. This was the case for a little more than 1 in 5 (22.2%) undergraduate student cases and 2 in 5 (40.2%) graduate student cases. When the usual avenues have been followed to resolve a particular problem and a student believes that the outcome is unfair, he or she may decide to consult the Ombuds Office for assistance. The Ombuds Office staff will then assess the preliminary facts of the case. If there appears to be some merit to the claim, an investigation will be conducted. In 2011-2012, nine such investigations were conducted.

Ten cases were coded this year in the “witness” category. In these situations, a student will write to a university member with a concern or complaint and will notify the Ombuds Office by copy. The notice is acknowledged by the Ombuds Office. An offer is also made to be contacted again should the matter remain unresolved. Throughout the year, nine cases were withdrawn. Sometimes, concerns are resolved via different means, students decide not to pursue the issue or they simply do not follow-up.

Employee Concerns

	Academic Admin.	Faculty	Staff	Contract	Casual	TOTAL
Academic Concerns						
Academic standing		1				1
Academic misconduct	3	4	1			8
Admission		1	2			3
Course management		1	4			5
Exams		3	2			5
Grades/re-evaluation	1	4	3			8
Missing exams and papers			1			1
Program/degree requirements			1			1
Intellectual Property		1				1
Registration/course change		1				1
Total Academic Concerns	4	16	14			34
Other Concerns						
Financial Aid			1			1
Medical/Comp/Humanitarian			1			1
Non-academic misconduct	2	2	1			5

Libraries						0
Student Associations						0
Security/safety						0
Employment	1	3	10	2	6	22
Access to info/privacy			3			3
Univ. policy & procedures	1	3	4			8
Non jurisdiction						0
Miscellaneous	1	1	4			6
Total Other Concerns	5	9	24	2	6	46
TOTAL	9	25	38	2	6	80

As the table above shows, eighty employees used the services of the Ombuds Office in 2011-2012.

Taking into account that the previous year was 11 months in duration, it is clear that the Ombuds Office saw one-third more employees this year. Almost half (47.5%) were staff, close to a third (31.5%) were faculty members, 11.3% were Academic administrators, 7.5% were casual employees and 2.5% were contract employees.

Action Taken in Employee Cases

Staff	38
Info/Advice/Referral/Non-Jurisdiction	28
Expedite	5
Informal Conflict Resolution	2
Investigation With/Without Recommendation	1
Witness	2
Faculty	25
Info/Advice/Referral/Non-Jurisdiction	23
Informal Conflict Resolution	2
Academic Administration	9
Info/Advice/Referral/Non-Jurisdiction	9
Contract	2
Info/Advice/Referral/Non-Jurisdiction	2
Casual	6
Info/Advice/Referral/Non-Jurisdiction	5
Informal Conflict Resolution	1
Total	80

The adjacent table indicates that providing information/advice was the action taken by the Ombuds Office in a little more than 4 out of 5 (83.8%) employee cases. Five cases were expedited. Conflict resolution was the action taken in another 5 cases, 2 were coded in the “witness” category and one was the subject of an investigation.

“Other” Concerns

Applicant	12
Admission	9
Non Academic Misconduct	1
Program Requirement	1
University Policies & Procedures	1
Former Student	8
Admission	2
Academic Misconduct	2
Course Management	1
Miscellaneous	3
Alumni	7
Academic Misconduct	1
Grades/Re-Evaluation	1
Registration	1
Security	1
Miscellaneous	3
Family member	6
Fees	3
Financial Aid	2
University Policies & Procedures	1
Interested Party	5
Exams	1

Program Requirements	1
Non Jurisdiction	1
Miscellaneous	2
Retired Employee	3
Employment	1
Non Academic Misconduct	1
Non Jurisdiction	1
Total	41

In the 2011-2012 caseload shown at the left, forty-one cases were categorized as “other”. Twenty-nine percent were applicants, 19.5% were former students, 17.1% were alumni, 14.6% were a family member, 12.2% were interested parties and 7.3% were retired employees.

While these different categories of the “other” clientele, had diverse concerns, applicants were of course most interested in admission to a program and family members were most concerned about paying for tuition fees.

Action Taken in “Other” Cases

The actions taken in “other” cases are described above. Information and advice was provided in almost two-thirds (68.3%) of these cases. A little less than a fifth (19.5%) of cases were expedited. Ombuds Office staff became involved as an intermediary in just under 1 in 10 (9.8%) cases.

ANNUAL RECOMMENDATIONS

Further to a review of the 2011-2012 caseload, the Ombuds Office would like to focus its annual recommendations on the Policy on Intellectual Property and Peer Evaluations of Students by Students.

Policy on Intellectual Property

The University’s Policy on Intellectual Property came into effect in 2010 and was amended in 2011

<http://www.concordia.ca/vpirsg/documents/policies/VPRGS-9.pdf>

It “sets forth the University’s rules with respect to the ownership, dissemination, and Commercialization of Intellectual Property developed by Members.” Members comprise “all students including those who are visiting from other institutions”. The experience of the Ombuds Office in recent years has been that in addition to the students who consult specifically about intellectual property, it is often raised when discussing a relationship with a supervisor. In these discussions, students are often not aware of the University’s Policy on Intellectual

Applicant	12
Info/Advice/Referral/Non-Jurisdiction	8
Expedite	2
Informal Conflict Resolution	2
Former Student	8
Info/Advice/Referral/Non-Jurisdiction	6
Expedite	1
Informal Conflict Resolution	1
Alumni	7
Info/Advice/Referral/Non-Jurisdiction	5
Expedite	1
Witness	1
Family Member	6
Info/Advice/Referral/Non-Jurisdiction	2
Expedite	4
Interested Party	5
Info/Advice/Referral/Non-Jurisdiction	5
Retired Employee	3
Info/Advice/Referral/Non-Jurisdiction	2
Informal Conflict Resolution	1
Total	41

Property. And, when they review it, they are not certain how it applies to their discipline, especially if it is other than pure sciences, engineering and computer science. As students involved in independent research at the upper level undergraduate and graduate level need to be aware and understand their rights and obligations, it is recommended:

- 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

Peer Evaluations of Students by Students

A peer evaluation of students by students is an evaluative method used by some university instructors, particularly in the context of group projects. The weight that peer evaluations are assigned can vary across courses. These evaluations can be formative or summative in nature. As an example of the latter, a professor might ask his students to give their group members a grade for their contribution to their project. These peer evaluations are then factored into the overall final grade for the project that the professor has assigned.

When a student wishes to have access to the assessment of a peer for general information or because he is considering requesting a re-evaluation, professors sometimes respond that for reasons of confidentiality, they are not at liberty to share their peers' comments. Such a conclusion is contrary to the **Act Respecting Access to Documents held by Public Bodies and the Protection of Personal Information** (see <http://www.concordia.ca/vpirsg/documents/policies/VPIRSG-9.pdf>) and prevents the student from exercising his right to request a re-evaluation of his work. It is therefore recommended that:

- The Office of the General Counsel add the example of access to the peer evaluation of students to the Questions and Answers section of the **Guidelines on the application of the Act Respecting Access to Documents held by Public Bodies and the Protection of Personal Information** <http://www.concordia.ca/vpirsg/documents/policies/New-Access-Guidelines.pdf>
- The Office of the Provost and the Office of the General Counsel issue notice to the Faculty and student body of the access provisions that pertain to student access to peer evaluations

PROGRESS MADE IN THE IMPLEMENTATION OF RECOMMENDATIONS FROM PREVIOUS ANNUAL REPORTS

Updates on the progress made in the implementation of the recommendations made in the **Annual Report 2010-2011: Promoting fairness at Concordia** are provided below:

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

Progress update:

In an Interoffice Memo to Me Bram Freedman (VPIRSG) dated October 26 2012, Brad Tucker (Associate, Vice-President, Student and Enrolment Services) wrote:

“At meeting with Ollivier Dyens, Vice-Provost Teaching and Learning, Kristen Robillard, Ombudsperson clarified that these three recommendations reference one section of the undergraduate calendar, viz., section 16, and in particular, the subsections referring to administrative notations. And while the nature of the calendar as a legal document requires precise language, Ms. Robillard also pointed out that several sites exist that interpret the calendar, such as the FAQs on the Registrar’s site, that simplify the calendar language and group descriptions of various administrative notations in a single place. The recommendations also express a concern about the consistency of various information presented at various places in the digital presence of the university. In the context of the implementation of both a web content management system a student information system by the university, consistency of calendar information will be addressed. These systems will take time to implement, however, with the SIS planned to come online in December of 2014. As sections of the calendar are modified, section 16, too, will be refreshed, and Student and Enrolment Services will prioritize revision of this section over the 2012-13 academic year with a view to its organization and readability.”

Ombudsperson’s comments

While the SIMS project moves ahead, students continue to raise similar concerns to those presented in last year’s report. The Ombudsperson is however pleased to know that the revision of section 16 of the Undergraduate Calendar is being prioritized in 2012-2013.

Students with Disabilities

Equal access to academic information

- That faculty members receive notice every term from their Chair that their responsibilities during exams also apply to students writing ACSD coordinated exams

Progress update:

On January 15 2013, Dr. Ollivier Dyens (Vice-Provost, Teaching and Learning) informed Kristen Robillard (Ombudsperson) that he had requested that the Associate Deans of Student Affairs remind all faculty of this responsibility.

Ombudsperson's comments

With faculty now being reminded that their responsibilities during exams also apply to students writing ACSD coordinated exams, hopefully fewer problems will arise. The Ombudsperson will ask the ACSD Coordinator to monitor if this is the case.

"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.

Progress update:

In an Interoffice Memo to Me Bram Freedman (VPIRSG) dated October 26 2012, Brad Tucker (Associate, Vice-President, Student and Enrolment Services) wrote:

"MELS continues its work to identify these emerging clientele and how they might be supported in a university environment. It would be wise for the university to await the outcome of these discussions before working to revise university policy, as the information that will come from the work the MELS conducts will be beneficial in so doing. Brigitte St-Laurent, Director of Advocacy and Student Support, chairs CREPUQ's Sous-comité des services aux étudiants and sits on the MELS's Sous-comité sur les clientèles émergentes du Comité de liaison de l'enseignement supérieur (CLES). Concordia is thus well placed to continue the efforts outlined in recommendation (4), although the MELS will need to develop mechanisms, funding and otherwise, to identify and provide services to these students. A report from the CREPUQ that appeared in May of 2012, "Position des établissements universitaires: À l'égard de l'intégration des clientèles émergentes à l'université," calls on the MELS to adapt its financing and financing models to adapt to this new clientele. The university thus awaits further action from the MELS in this regard. This same report calls on the réseau de la santé et des services sociaux to be involved, seeing that "universities do not have the expertise, capacity, or obligation to provide close medical care." It also calls for sharing of information between CEGEPs and universities within professional norms that will allow smooth transitions of students within these clientele to university, and finally it points out the lack of projects looking to inform the workplace about the likelihood that this clientele will be looking to enter the workforce in the near future."

Ombudsperson's comments

The dossier on "emerging" student clientele involves many actors and is indeed quite complex. While waiting for the different pieces to fall into place, the Ombudsperson is hopeful that the University will remain proactive and flexible in responding to the needs of these clientele.

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

Progress update:

In a report to Kristen Robillard (Ombudsperson) dated November 2, 2011, Carolina Willsher (Associate Vice-President, Human Resources) wrote:

“Human Resources is aware that there are multiple categories of employees referenced in various policies. As the University has evolved, the nomenclature and definitions were captured in policies as required to meet the specific needs of the University. Human Resources recently began a project to review all Human Resources policies, including definitions. Given that there are currently 38 Human Resources policies, this is a significant undertaking. Initial draft policies will be prepared for December 2013.”

Ombudsperson’s comments

The Ombudsperson is pleased to know that Human Resources is reviewing its policies. If possible, she suggests that those pertaining to defining each of the six employee categories highlighted in HR-1, HR-4 and HR-5 be reviewed early in the process. It seems that others will require those as a starting point.

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

Progress update:

In a report to Kristen Robillard (Ombudsperson) dated November 2, 2011, Carolina Willsher (Associate Vice-President, Human Resources) wrote:

“Policy HR-31 currently defines the employee status for casual employees. Human Resources recently introduced a policy awareness campaign to draw attention to various policies. While not specifically identified as a policy to be reviewed in the context of this policy awareness campaign, policies in general were highlighted to employees and managers. HR is currently offering a workshop through the Learning and Development program for ‘Non-academic Hiring’ which will include information about hiring casual employees. This workshop is available to all hiring managers at the University.”

Ombudsperson’s comments

Many individuals are hired as casual employees at the University. As casual employees are not targeted to attend the “Non-academic Hiring” workshop and not all employers will choose to attend, broader dissemination of the rights and obligations of casual employees should be considered.

Work-Study employees

- That any written Work-Study information communicated to students and to prospective employers about employment clearly specify that a Work-Study position is a casual appointment as defined in the Human Resources Introduction and Definitions policy (HR-1)
<http://www.concordia.ca/vpirsg/documents/policies/HR-1.pdf>
- That the Work-Study website clearly state that a Work-Study position is a casual appointment as defined in the Human Resources Introduction and Definitions policy (HR-1)
<http://www.concordia.ca/vpirsg/documents/policies/HR-1.pdf>

Progress update:

In an Interoffice Memo to Me Bram Freedman (VPIRSG) dated October 26 2012, Brad Tucker (Associate, Vice-President, Student and Enrolment Services) wrote:

“Stephanie Sarik, Director of Financial Aid and Awards, is overseeing the implementation of these adjustments to both printed materials and web presence. The web presence adjustments have already been made and adjustments to other materials as they need to be refreshed. She is ensuring that her staff are aware of this recommendation and are communicating in line with it.”

Ombudsperson’s comments

Notice that “all Work-Study positions are Casual appointments as defined in the Human Resources Introduction and Definitions Policy [HR1](#)” appears very clearly now on the FAA website <http://faao.concordia.ca/main/workstudy/index.shtml>? in the **Overall Goal of the Program** section. Staff has been informed and printed materials will be updated.

Progress made in the implementation of the recommendations made in the **Annual Report 2009-10: Focusing on Fairness** is provided below:

Supervision of Graduate Students

That the School of Graduate Studies ensure that 1) supervisors and students devise both an Academic and Research plan at the start of the student’s studies; 2) orientation sessions for Graduate Program Directors be offered to solidify their important role in program management and development and 3) students be invited to participate in seminars about techniques to successfully complete their requirements.

Progress update:

A report on the implementation of this recommendation was provided to the Board of Governors at its meeting on September 28 2011 (BG-2011-8-D14).

In a report dated December 13, 2012, Dr. Cameron Skinner (Associate Dean, Student Affairs and Postdoctoral Studies, School of Graduate Studies) wrote:

“The following is the 2012 update on the progress that has been made on the measures outlined in the 2009-10 Report. It includes the text of the previous report(s) with 2012 additions.

1. Academic and Research Plan

- I. *Currently, all thesis program students and their supervisors are required to independently complete annual progress reports. The reports are then submitted to the Graduate Program Director (GPD). In instances when either a supervisor or a student indicates a problem, the file is flagged for action by either the GPD or the Associate Dean of Graduate Studies.*

2012 Update: SGS sent out 1900 student progress reports to thesis students during the Summer 2012 term and received 1750 completed reports (92% response rate). The response rate has been steadily improved over the past few years from 65% in 2009, 87% in 2010 to 92% in 2011 due to pro-active measures put in place by SGS. The remaining 8% non-respondents are not a significant concern to SGS as they are largely comprised of students who have unofficially withdrawn from their programs, students who have completed their degree but not yet graduated etc. Of those who have responded, 98.6% self-identify that their progress is satisfactory.

- II. *SGS is planning on expanding on the current annual progress report to create a cumulative report. A key component of the report would be a section where the thesis completion timeline is established. Each year the student and supervisor would update the report, adjusting goals and expectations as necessary. We believe incorporating this element will encourage students and their supervisors to discuss and agree to the student’s plan of action.*

2012 Update: In early Summer 2012 the revised annual progress report was circulated. Included were new sections where progress from the past year was reviewed and students established anticipated progress for the upcoming year. Generally these sections have been well-received. Future reports will include a link to previous reports allowing the supervisor and student to review the report(s) and compare the work accomplished to what was anticipated for that year. This progress report also piloted a new section that will allow individual programs to set up to five questions of their choosing. These free-form questions are intended to give the program an opportunity to effectively survey all members of their graduate student populations.

- III. *There are plans to encourage all programs to implement regulation(s) 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. These program regulations should encourage student progress through their program in a more structured manner. It will also limit the variability from student to student to help foster a level of expectation on student progress and reduce the likelihood that students will flounder.*

2012 Update: The annual progress report now establishes the anticipated goals for the upcoming year in three distinct categories: academic, research/thesis and productivity (presentations, conferences, publications etc.). The academic goals are an opportunity for the both the student and supervisor to insure that critical academic activities, such as comprehensive exams, are planned and acted upon in a timely manner.

IV. *There is a new regulation in the 2011-12 Graduate Calendar, which primarily affects thesis based programs, regarding the necessity of having a supervisor. For a variety of reasons a student may lose their supervisor; however, past calendar text was silent on the status of students when such situations arise. The current calendar now states that the student may remain within the program to find an alternative supervisory/academic arrangement within a prescribed time (four months), otherwise the student will be prevented from continuing in the program. This new rule is intended to insure that in the rare instance when a student does not have the required supervision there is a clear process for resolving the problem.*

2012 update: This rule has now been in place for a full academic year. To date it has only been utilized to withdraw students in a few instances (about 3 times) but the rule has been cited in several more cases where the student has lost their supervisor. Generally students are granted a leave of absence during the search for a new supervisor so as to minimise their financial obligations.

V. *There is also a discussion underway to change the In Progress (IP) rule so that students will be required to complete the outstanding work in their courses by the DNE deadline of the following semester after receiving the IP notation. Students will not be permitted to register for additional courses by either the program or SGS if they are carrying too many IP (or IP extension) notations. The purpose of this proposed rule change is to ensure that students are given a fair amount of time to complete the course while insuring that they are also successfully completing each stage of their program before progressing to the next one. Discussions on the IP rule change will occur in the Fall of 2011, with the intention of implementing the change in the 2012-13 Graduate Calendar.*

2012 Update: The IP rule changes were implemented in the 2012/13 Calendar and academic year. These changes partially coincided with the student protests resulting in many students with incomplete courses in the Winter and to a lesser degree in the Summer. Students who requested Winter term IP's and IPE's were generally accommodated during the Summer with a small minority extending the IP into the Fall term. Summer term courses in some disciplines also required IP/IPE's due to the protests and these were generally approved on that basis and according to the new rules. It is expected that nearly all protest related disruptions will be resolved by the end of the Fall term. Non-protest related requests were also handled via the new rules with the majority completing the work within the required time (Fall DNE deadline).

2. Graduate Program Director Orientation

The on-going exchange with GPD's is critical to fostering quality supervision and a positive student experience. A GPD's responsibilities are numerous and often the GPD has little experience with program administration when they begin their tenure.

I. *In September 2010, roughly 25 GPD's attended orientation sessions given by the academics and staff of the School of Graduate Studies. These workshops highlight the key milestones in graduate programs, as well as some of the situations that GPD's might come across with regard to supervision. The orientations provide an opportunity to share experiences and disseminate*

best practices. There was an additional session given in January 2011 for GPD's who had missed the Fall sessions or who were seeking a refresher.

Update 2012: In September SGS held a day-long orientation session that was broken into two parts the first half was intended for new GPDs while the second was a general session for both new and returning program directors. GPD's from all faculties attended, additionally, SGS met with the majority of the GPDs in ENCS in separate meetings. Topics covered were diverse but largely focused on the core program director areas of admissions policies, monitoring progress, supervision, application of graduate rules/regulations, academic integrity, curriculum, awards and recruitment.

II. In June 2011, during the period when new administrative appointments are made, another session was given, focusing on issues such as admissions policies, awards, recruitment, curriculum, academic integrity supervision, and progress monitoring.

III. In 2011-12 there are plans to host "GPD Forums" in addition to the traditional orientation sessions. The forums will focus on specific topics of interest. There are plans to host a forum on supervision in the spring of 2012.

Update 2012: The role of supervision is central to student success. SGS has stuck an all-faculty committee to review and establish supervision guidelines for the university. The committee will begin its work in December with the goal of producing a set of guidelines to take to faculty and university councils by Spring 2013.

3. Student Seminars

September 2011 marks the launch of a program called GradProSkills. Phase 1 of the program groups together all workshops and seminars currently provided to graduate students by different groups across the University. The workshops are grouped together in order to build students' non-curricular experience and knowledge in targeted areas, with workshops in language training, thesis writing, thesis planning, communications, and leadership, to name a few. In addition, Phase 2 will include the development of a series of workshops not currently offered to our students by either internal or external providers, including plans to develop workshops on research program planning, student/supervisor relationship and thesis preparation. 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 and experienced graduate students.

Update 2012: 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 313 workshops (388 sections), have been oversubscribed with wait lists common. To date there have been almost 2500 different students and postdoctoral fellows (identified/differentiated via student ID) who have registered for workshops with over 600 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 2012 we introduced the "Grad School Base Camp" that highlights base-line skills every graduate student needs including time management, research resources on campus, review of the Academic Code and a 3-day series on the base-line for reading and writing in graduate school. In the Winter GradProSkills will be introducing a series of peer writing groups focused on funding applications, coursework, thesis and conference paper development. 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.

4. Additional measures 2011-2012

Finally, a key initiative planned for 2011-2012 is the long-awaited revisions to the Guidelines for Supervisors and Graduate Students (approved by the Council of the School of Graduate Studies May 6, 1996). The Dean of Graduate Studies has established a committee with representation from each Faculty and a graduate student. The committee will revise the existing guidelines in order to provide students and supervisors with a more comprehensive tool for every day reference and for guidance with more complex questions.

Update 2012: Due to the changes in the decenal team progress on this important aspect of the School's work was delayed. However, recognizing a need the scope of the work has been expanded by dividing the revisions into two separate committees, one to establish graduate standards and the second to establish graduate supervision best practices and standards. These two committees will be meeting in the Winter (2013) term.

The preceding are some of the measures the School of Graduate Studies has taken over the past year and plans for the coming year to help supervisors and students experience a productive and rewarding professional relationship."

Ombudsperson's comments

It is clear from the updates that progress is being made on the three recommendations made in 2009-2010 Annual Report. The combination of efforts made to date, the revisions to the Guidelines for Supervisors and Graduate Students that are underway and the implementation of this report's recommendation on intellectual property will continue to improve the supervision of graduate students. As highlighted in this report, this issue continues to be a significant concern that is brought to the Ombuds Office.

Grades/Re-evaluation

- 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.
- That the Academic Re-evaluation Procedures that were last updated in September 2001 be reviewed and widely disseminated to members of the community.

Progress update:

A statement of progress in addressing these recommendations was provided to the Board of Governors at its meeting on September 28 2011 (BG-2011-8-D14). See Appendix II on page 21.

Subsequently on October 21, 2012, Dr. Ollivier Dyens (Vice-Provost, Teaching and Learning) wrote to Kristen Robillard (Ombudsperson) and reported the following on the Common Course Outline (CCO) recommendation: *“The ad-hoc committee that was mandated to look at the common course outline has just started meeting again. As you know, I was on sabbatical from January to July 2012. Because of the SIS and WCMS implementation initiatives that will allow for ‘intelligent’ course outlines (linked to the academic calendar, with multimedia components, linked to other courses through keywords, etc.) the committee has decided to further its discussions on the CCO and to present a more global proposal once IITS and UCS have a clearer idea on what the new databases will allow”.*

Ombudsperson’s comments

The Ombudsperson looks forward to a more global proposal on the development of the CCO. Meanwhile, faculty can continue to be referred to the Office of the Provost’s recommended Common Course Outline at http://provost.concordia.ca/documents/Course_Outline_Guide.pdf

With regards to the recommendation on Academic Re-evaluation Procedures, Dr. Ollivier Dyens (Vice-Provost, Teaching and Learning) wrote to Kristen Robillard (Ombudsperson) on October 21 2012 to say that: *“As far as the grade re-evaluation procedures is concerned, meetings with the Associate-Deans on this topic resulted in a decision not to change anything.”* On January 21, 2013, Dr. Ollivier Dyens (Vice-Provost, Teaching and Learning) wrote to the Associate Deans requesting that they send the following message to all department Chairs:

“Dear Colleagues:

The University Ombudsperson has identified some issues related to the process of academic re-evaluation. I would kindly ask that you review the procedures identified in Article 16.3.9 of the undergraduate calendar and ensure that all are followed.

I would also ask you to focus on the following issues (as highlighted in the Ombudsperson’s report):

- 1) *The name of the re-evaluator is not communicated to the student (Article 14);*
- 2) *Notice of any extension to the 30 day delay for the re-evaluation to be completed is not provided (Article 17); and*

3) *The decision is not always accompanied by a reasoned report (Article 18)."*

Ombudsperson's comments

As Chairs are the coordinators of the re-evaluation process, it is very positive that they have now received a reminder to review the Academic Re-evaluation Procedures. Equally important is that they have received notice of the issues that often create errors in the process and potential grounds for appeal. As Chairs change over time, it is recommended that this information be provided at sessions for new chairs often organized by the Office of the Provost's Centre for Academic Leadership.

APPRECIATION

In preparing an Annual Report for the Ombuds Office, one realizes how many people worked with us to solve problems creatively and to recommend improvements to policies, rules and procedures. For that, we wish to extend our appreciation to students, academic administrators, faculty, staff and other community members. Thank you for your efforts in promoting fairness in our community.

By way of conclusion, a special thank you goes to Marie Berryman who retired at the end of November 2012 after 15 years as the Assistant Ombudsperson in the Ombuds Office. She worked diligently on many cases throughout the 2011-2012 year, contributed to the statistical information provided in this report and provided helpful comments regarding its content. Finally, many thanks go to Michael Rassy who joined us in October 2012 as our Department Assistant. He was a great help in preparing this report.

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