



VANCOUVER COMMUNITY COLLEGE  
ARBITER OF STUDENT ISSUES OFFICE  
TERMS OF REFERENCE

Adapted & Developed by Tanny Marks

## PREAMBLE

The Terms of Reference (TOR) for the Arbiter of Student Issues Office (hereinafter the 'Office') were established on December 31, 2018 confirming the practices and principles of the Office over its 7+ years tenure. The TOR may be reviewed and/or renewed from time to time with the express consent of the Arbiter of Student Issues (ASI).

The terms 'ASI' or 'Office' are used herein to signify the ASI or the Office, respectively, but also encompass other staff who may be authorized from time to time to carry out certain functions of the Office.

NOTE: This TOR is adapted with gratitude and permission from the Association of Canadian College and University Ombudspersons (ACCUO) Terms of Reference Sample Clauses available on the ACCUO website. (see: <http://accuo.ca/resources/plates>) The ACCUO sample document was developed by Shelley Lancaster, Ombuds at McMaster University and Marie-Rivest, Ombudsman at University of Montreal and modeled on an Occasional Paper by Dean M. Gottehrer entitled, "Ombudsman Legislative Resource Documents" (March 1998). The Occasional Paper (#65) may be obtained from the International Ombudsman Institute, Faculty of Law, University of Alberta, Edmonton, Alberta T6G 2H5, Canada.

## COMMITMENT TO EQUITY, DIVERSITY, INCLUSION, INDIGENIZATION & DECOLONIZATION

### OFFICE LAND ACKNOWLEDGMENT & SUSTAINED JOURNEY

The Office recognizes that it works and serves on the unceded and traditional territories of the Coast Salish peoples, namely the Swinomish ~ ^ < μ u ] • Z • U ^ š / u w / k S e l i w i t h (Tseil-t μ š μ š Z • v / } / s / a (Musqueam) nations. The ASI continues to pursue its quest to better understand how its ombuds-like services can better align with and serve VCC's Indigenous Communities.

The Office serves very few self-identified Indigenous students and notes that the type of assistance available to students through the ASI does not seem to speak to Indigenous student need around dispute resolution.

The ASI takes an open, inquisitive and reflective stance when contemplating the way forward to decolonize and Indigenize its practice. The Office does note how various facets of the fairness triangle align with EDI and decolonization. In particular, relational and substantive fairness capitalize on the intrinsic value and worth of an individual complainant by focusing on how the person was treated and the substance and





## MANDATE

The Office is a dedicated resource available to guide a student who finds themselves either at the centre of a complaint or lodging a complaint; acts as a neutral and impartial agent imbued with the ability to explore complaints with all parties concerned; and offers both informal and formal conflict resolution processes to resolve disputes brought to its attention. The Office leads in establishing the principles of a fair environment in which broad systemic fairness issues are identified and addressed. The Office advises decision makers and others at all levels of the institution on issues related to fairness. The Office consults with all members of the College community on College resources, policies and procedures with respect to the equitable treatment of students. The Of faun







- where the ASI has been harassed, bullied or discriminated against and disclosure of information is necessitated to inform the harassment, bullying or discrimination
- where the ASI becomes the subject of a complaint and disclosure of information is necessitated to answer the complaint
- where the law requires and dictates the release of information

Confidentiality will be respected even though acceding to such may prevent the resolution of a problem.

The Office will not be compelled to give evidence about anything learned in the exercise of its duties unless about and authorized by a specific complainant. The College will endeavour to protect the ASI from subpoena by others both inside and outside the College.

- Notwithstanding this standard, the Office may disclose a matter in order to establish grounds for conclusions or recommendations in a report provided the identity of the individual(s) involved is not made known, or is made known with their permission.

## FUNCTIONS OF THE OFFICE

It shall be the special concern of the Office that:

Decisions affecting individual students are made with reasonable promptness.

Procedures, policies, protocols and practices used to make decisions affecting students are adequate and consistently applied and that criteria and rules on which the decisions in questions are based are appropriate, and adhere to standards of procedural fairness and adequately publicized.

The rights and responsibilities of College members are adequately defined and publicized.

Any gaps and inadequacies in student centred College policies and procedures which might jeopardize a student's human rights or procedural fairness/natural justice rights be brought to the attention of the proper College authority.

Although authorized to function in the widest possible context and with a minimum of constraints, the Office shall not:

Be a voting member of any committee, hiring board or council of the College, but may be a non-





Make policy or replace established legislative or judicial procedures, although any or all of these may be explored or questioned and





comment on policies, procedures and protocols; and via individual consultations about specific policies, rules, procedures, protocols or practice issues.

The Office holds 'observer status' standing in policy re tribunals held for adjudication of student issues. The ASI will be invited to attend tribunals held to decide student complaints/appeals as a silent observer, will make note of procedural fairness issues and other fairness issues and bring forward those issues to the relevant authorities. Such observations are provided as comment on general gaps in proceedings and do not form part of the specific stu11 (v)-5e-4 (v)-5f.3 (t)-6.2 (s)-3 ( )7.7 -0.7-. (l)10.(es)1.6.)TJ0 Tc 0.025Tw 1178 0 Td( )Tj-0.001 Tc 0.0.8 T



Member - Health Sciences Retention Committee

Member - Advisory Committee on Instruction of Students with Disabilities

Member - Committee for Supporting Students with Disabilities

Member - Prevention of Bullying Strategy Working Group

Member - Emergency Management Committee

Etc.

### **PROFESSIONAL DEVELOPMENT AND PROFESSIONAL ASSOCIATIONS**

Staying current on best practices, emerging issues in the post-secondary landscape, new approaches, legislation, case law and social trends is imperative to the ASI's work at the individual student level and for ensuring organizationally that the College continues to strengthen its processes and protocols where fairness is progressive.





Collaborates closely with the SUVCC on specific student complaints, recognizing that the SUVCC provides students with advocacy around general student issues and specific student complaints and appeals, most especially during hearing processes.

## JURISDICTION

The Office may, at its sole discretion and without receiving an official complaint from the College community, identify and initiate its own motion inquiry into any inadequacies in existing College procedures, policies, process, protocol or practice that might jeopardize the rights of College stu(e)-13ad(5)-08 0 T.(p)8.3 (0.004 55w -4.1)ad(5) Office m 01 Tw [(e)-3 (q)2 (mr h)2.3 (i (e)-3 (n)2.3 (c)9-3.5i.2.3 (ad)2.2 d)2.2 (ap)2.





- x The Annual Report shall be published on the College's internal and external websites under the Office's webpages.
- x The Office shall endeavor to continually evaluate its processes and to collect feedback from users,042 51.6 (t)-3 (o) 6san2.2 (5)10 ( fe)-3 (s)9 (e)7.9 (d)2.2 (b)





## COMPLAINTS AGAINST THE ASI

Any College member may make a complaint to the