



**OFFICE OF THE OMBUDSPERSON
COMPLAINTS PROCESS**

**APPROVED BY: OMBUDSPERSON LEADERSHIP COMMITTEE
EFFECTIVE: JULY 15, 2021**

DEFINITIONS:

“Access” to information, documents, records and material refers to the functional sense and includes the right of the Office to have copies of any document the Ombudsperson deems necessary to carry out the function and duties of the Office.

“*Executive Management Council*” refers to SAIT’s president and vice presidents.

“*Member of the SAIT community*” or “*member*” refers to SAIT’s employees, students (applicants, current and former), alumni, contractors, volunteers, and parents or legal guardians of minor students.

“*Ombudsperson Leadership Committee*” or “*Committee*” refers to a committee made up of both members of SAIT executives as well as SAITSA, whose purpose is to provide strategic guidance and oversight of the Ombudsperson.

FUNCTIONS OF THE OFFICE OF THE OMBUDSPERSON:

The Ombudsperson will:

- Provide objective advice and guidance to members of the SAIT community about existing policies, procedures, and rules and provide referrals to appropriate processes for review and appeal of decisions;
- Strive to facilitate open communication and collaborative problem solving and when possible, help individuals develop a range of options to approach issues and resolve concerns themselves;
- Assist members of the SAIT community to resolve complaints informally and quickly, as appropriate;
- Strive to foster best practices and fair and equitable outcomes that build trust and fortify the relationship between members of the SAIT community and SAIT;
- Conduct independent and objective investigations of processes , when other avenues of review or appeal have been exhausted;
- Provide reasons to explain when a complaint is not substantiated or when the Ombudsperson believes SAIT acted in a fair manner;
- Initiate reviews into systemic issues of any policy, procedure, rule or process of SAIT, as deemed appropriate by the Ombudsperson;

- Provide recommendations to SAIT for changes to existing policies, procedures, rules, or processes, as deemed appropriate by the Ombudsperson; and
- Provide advice on the development of new policies, procedures, rules or processes, when such assistance is requested by SAIT.

COMPLAINTS

A member of the SAIT community may contact the Ombudsperson in writing, via telephone, or in person. Contact should be made within thirty (30) days of the member becoming aware of the decision or situation giving rise to the concern. The Ombudsperson may extend this timeframe, if deemed appropriate by the Ombudsperson.

Any member of the SAIT community may seek general information and guidance from the Ombudsperson. Third party or anonymous complaints are not generally accepted. The Ombudsperson does not have the jurisdiction to review:

- Any issue related to the interpretation or application of a contract or collective agreement;
- Any matter that is before a court of law;
- Any matter or process external to SAIT;
- Any issue that SAIT has been advised is pending legal action or has received formal notice of legal action; or
- Any matter which may be of a criminal nature.

The Ombudsperson may refuse or terminate the review of a complaint if the Ombudsperson determines no further involvement is required or appropriate or where the Ombudsperson perceives there may be a conflict of interest.

In instances where the Ombudsperson does not have the jurisdiction to review a concern, terminates involvement in the review or investigation of a concern, or determines no involvement from the Ombudsperson is warranted, the Ombudsperson will attempt to provide other referral sources for the member to pursue it they so choose.

In order to fulfill the duties of the Office, the Ombudsperson will have unrestricted access to discuss matters with any SAIT employee or faculty member and will have prompt access to records, reports and documents, to include personal student information. While explicit authorization is required for the Ombudsperson to disclose information about an individual seeking assistance from the Office, no such authorization is required for the Ombudsperson to obtain general information from SAIT employees and faculty. Requests for specific personal records from the Ombudsperson will be accompanied by a copy of the written authorization of the member of the SAIT community. The Ombudsperson is not required to disclose the reasons for requesting any records or information.

Upon request of the Ombudsperson, SAIT employees or faculty will provide written reasons for any administrative decision taken within SAIT where the Ombudsperson requests such for the purpose of advising or assisting a member of the SAIT community.

Requests for access to information will be treated as a priority by all SAIT employees and faculty. Should any information be withheld, the Vice-President of the division from which the information is denied, will give reasons in writing to the Ombudsperson as to why any information is withheld.

The decision as to whether to intervene in a matter and the method of intervention is at the discretion of the Ombudsperson and may include, but is not limited to:

- Making informal inquiries into a matter;
- Reviewing relevant SAIT records;
- Facilitating communication and/or meeting(s) between parties;
- Utilizing a form of shuttle diplomacy;
- Meeting directly with the party(ies);
- Formally investigating a concern; and
- Offering a recommendation for a fair resolution.

In general, concerns brought forward to the Ombudsperson are resolved informally and without the need for any formal investigation. If the Ombudsperson determines a more formal investigation is required, the Ombudsperson will attempt to consult all relevant parties and give such parties an opportunity to respond prior to formulating a final opinion on the matter.

At the conclusion of an investigation, the Ombudsperson will advise the parties of any findings and recommendations made. The Ombudsperson may bring such findings and recommendations to SAIT employees and faculty, as deemed appropriate. Recommendations may relate to the actions or decision of an individual or group, or regarding the related policies, procedures, or rules.

The Ombudsperson, on their own motion, may investigate a policy, procedure, rule or process if it appears there are procedural irregularities and broader systemic problems in order to assist SAIT in fulfilling its mission and to provide systemic and organizational feedback to senior leaders of SAIT.

An individual may discontinue a complaint at any time, however if the issue is of a systemic nature the Ombudsperson may decide to continue the investigation as a global review of the policy, procedure, rule or process rather than on the individual complaint. In these cases, the individual's information will not be disclosed further.

No student, employee or faculty of SAIT who seeks the assistance of, files a complaint with, or cooperates with the Ombudsperson, shall be subject to reprisals for doing so.

CONFIDENTIALITY:

A member of the SAIT community may speak to the Ombudsperson informally to obtain information and advice about policies, procedures, rules and other issues of concern in strict confidence. The Ombudsperson will not confirm communicating with any member of the SAIT community and will not release any information or undertake any course of action on an individual's behalf without the express consent of that individual, except to the extent required by law or as detailed in these Terms of Reference. Any disclosure will be limited to those who, in the opinion of the Ombudsperson, have a need to know.

Any confidential information, documents, material or records provided to the Ombudsperson during the course of carrying out the function and duties of the Office will remain confidential. The Ombudsperson may disclose general information about a matter in order to establish conclusions or grounds for a recommendation without a member's consent provided no identifying information is disclosed.

Notwithstanding, the Ombudsperson may disclose information to appropriate authorities when:

- a member of the SAIT community provides information related to the commission of a serious crime;
- the Ombudsperson believes a member's safety, another individual's safety, or the safety of the community may be at risk; or
- the Ombudsperson is subject to harassment, bullying or discrimination and the disclosure is necessary to address or resolve the same.

The Ombudsperson will maintain records of inquiries, complaints, findings and recommendations which will be accessible only to the Ombudsperson or as required by law. Personal identifying case information will be destroyed after the closure of a case in accordance with SAIT's retention schedule.

The Ombudsperson will not be compelled to provide information about anything learned in the exercise of the duties of the Office or be required to give evidence before a SAIT tribunal or appeal process. SAIT will endeavour to protect the Ombudsperson from subpoena by others, both inside and outside SAIT.

ANNUAL REPORT:

The Ombudsperson will submit an annual report to the Committee in November of each year covering the previous year (September 1st – August 31st). The report will contain information related to the activities of the Office to include statistics and recommendations. The report may also provide examples of concerns brought forward to the Office but will not disclose personal identifying details.

SAIT's Executive Management Council will consider and respond to the recommendations contained in the report. The report will be published on the Ombudsperson webpage not later than November 30th.

COMPLAINTS ABOUT OMBUDSPERSON:

If a member of the SAIT community believes the Ombudsperson has committed a violation of these Terms of Reference, the member may submit a written complaint detailing the alleged violation to the Chair of the Committee. The member must be a party to the matter in question and no complaint will be considered while a case is ongoing. The Committee will investigate, provide direction or take action as appropriate, and will inform the member of the result.

The Ombudsperson may disclose information, to include personal information if necessary, to respond to a complaint about the Ombudsperson. This includes instances when the Ombudsperson is named in legal action commenced by a member of the SAIT community.