



the

# OMBUDSPERSON report

Volume 12 Issue 1

<http://www.uvss.uvic.ca/ombudsperson>

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Previous ombuds and representatives of Student Ancillary Services celebrate 30 years. From left: Joy Illington, Patricia Beatty-Guenter, Charlene Simon, (back) Martine Conway, David Clode, Kathleen Beattie, Sue Corner.

2008 marked the 30th anniversary of the ombuds office at UVic. I thank all those who assisted with the Ombuds History Project, in particular Tina Argue, Student Transition Services, UVic Communications, Student Ancillary Services, Equity & Human Rights, the *Ring*, the *Martlet*, the Alumni Association, UVic Archives, the UVSS and the GSS. A copy of the *1978-2008 Special Anniversary Report: Building a Culture of Fairness at the University of Victoria* can be found on the ombuds website: [www.uvss.uvic.ca/ombudsperson/reports.htm](http://www.uvss.uvic.ca/ombudsperson/reports.htm)

Thank you to all students, staff, faculty and administrators who worked collaboratively with the office during the year. For comments or questions about the *Special Anniversary Report* or this annual report, please contact me at 250-721-8357, [ombuddy@uvic.ca](mailto:ombuddy@uvic.ca) or SUB B 205.

*Martine Conway*

## TRENDS AND MATTERS FOR FACULTY ATTENTION

### Recommendation to chairs and directors:

Over the last year, the ombuds heard about a number of preventable problems. They are listed here, as well as relevant *Undergraduate Calendar* references. I urge departmental chairs and directors to discuss these regulations with faculty members and instructional staff, and to provide guidance and oversight on course outlines.

#### 1. Course outline requirement: relationship between the instructor's grading method (letter, numerical) and the official UVic grading system

In separate instances, professors failed to indicate on their course outline the relationship between their marking scale and the 9-point scale currently in use at UVic. This led to grade appeals or grading process complaints after students realized that grading followed a different scale than the one they had expected. (E.g.: For some students, this meant that an expected A was only a B.) This omission is a breach of the *Course Outline Requirement (Calendar 08-09 page 35)*. It is also important to note that this kind of problem is easily

preventable, but not easily resolved, particularly if it is identified at the end of the term after students have completed the work to a particular set of expectations.

#### 2. Evaluation of student achievement and grade distribution

The *Calendar* states: "Any practices which assign a predetermined percentage of students a specific grade—that is, a certain percentage get A, another percentage get B and so on—without regard to individual achievement are prohibited." (*Calendar 08-09 page 37 Grading*). Some instructors tell students that they "bell curve" or that they "only give out 2 or 3 'A' grades per class". Bell curving implies an arbitrarily pre-determined grade distribution. This practice is a breach of UVic policy, and so would be an arbitrary pre-determination of the number of A's or B's in a given class.

Pre-determining grade distribution is not the same as anticipating, describing or comparing distribution patterns. The best way for instructors to discuss grade expectations with students is to refer to the *Undergraduate Grading table (Calendar 08-*

*09 page 37)*. It provides qualitative descriptions for letter grades, and unit heads may intervene to correct grades that do not adhere to these criteria. For example, A-range grades are described as "exceptional, outstanding and excellent performance", while a B+ is "very good" and a C+ is "satisfactory".

#### 3. Regulations about tests or exams in the last two weeks of class.

Please consult *Calendar 08-09* regarding *Assessment Techniques (page 34)*, in particular: "Tests counting for more than 15% of the final grade may not be administered in any regular 13-week term, during the last two weeks of classes or in the period between the last day of classes and the first day of examinations (...) Neither the department nor the instructor, even with the apparent consent of the class, may set aside this regulation." Note: Tests worth 15% or less can be held during the last two weeks of class, but no test can be held during that period without at least 6 weeks of notice to students.

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**DISTRIBUTION OF CASES BY SUBJECT MATTER**

During calendar year 2008, the office handled a total of 427 complaints and inquiries distributed as follows: Information/Referral 135, Advice 244, Intervention 48.

**R: Information and Referral    A: Advice    I: Intervention**

Subject Matter	R	A	I	2008	2007	2006	2005
Academic Concession	10	45	4	59	69	47	65
Accommodation of Disability	1	3	4	8	14	6	11
Admission	5	2	2	9	14	6	8
Cheating and Plagiarism	1	12	1	14	25	13	18
Course Delivery	4	19	3	26	13	18	8
Course Registration	13	7	3	23	8	9	14
Employment	5	3	4	12	10	12	11
English Requirement	-	-	1	1	3	7	1
Examination	6	10	4	20	14	14	21
Fees/Financial Aid	10	15	3	28	39	35	27
Grading/Evaluation	10	32	3	45	42	56	50
Housing	2	4	1	7	5	5	9
Human Rights & Safety	7	6	1	14	9	6	19
Interpersonal Conflict	1	3	1	5	9	12	10
Landlord-Tenant	5	2	-	7	7	7	10
Practica/Work Placement	1	7	1	9	8	9	11
Privacy	3	-	1	4	-	1	3
Probation	-	1	1	2	1	2	5
Program Requirement	5	9	1	15	10	7	5
Requirement to Withdraw	8	40	5	53	55	54	44
Student Societies/Groups	6	1	-	7	17	6	13
Supervisory Relationship	1	7	-	8	10	16	15
Transfer Credit	2	2	1	5	4	3	6
Waitlisting	-	-	-	-	1	2	1
Other Academic	11	5	1	17	19	18	19
Other Non-Academic	18	6	2	26	30	21	34
<b>Total</b>	<b>135</b>	<b>244</b>	<b>48</b>	<b>427</b>	<b>436</b>	<b>391</b>	<b>434</b>

**DISTRIBUTION OF ACADEMIC CASES BY LEVEL\***

When dealing with an academic question, students consulted or involved the ombudsperson at the following stages:

Instructor/supervisor	32.2 %
Unit head/program level	44.1 %
Dean/faculty level	23.7 %
Senate Committee on Appeals	0.0 %

\*These do not include requirements to withdraw from UVic for low gpa, which are handled by Records Services and the Senate Committee on Admission, Re-registration and Transfer.

**TYPE OF ADVICE SOUGHT BY STUDENTS**

The advice category includes extended (30 minutes or longer) or repeated consultations at various steps in the student's handling of the situation.

Putting a decision in perspective /identifying options (Students may or may not pursue the situation further)	36.5 %
Guidance about grounds or process for an appeal or request	38.3 %
Feedback and coaching (feedback on a letter; preparation before a meeting or an appeal)	25.2 %

**DISTRIBUTION OF OUTCOMES FOR CASES WITH OMBUDS INTERVENTION**

The ombudsperson only intervenes in individual cases with the student's permission. Interventions include facilitating communication between students and academic or administrative units, problem-solving, mediation and case review or investigation.

Recommendation made	3
Resolved	12
Partially resolved/student satisfied	6
Information obtained/clarified	25
Denied/not resolved	1
Discontinued by student	0
No grounds	1
<b>TOTAL</b>	<b>48</b>



Identifiers and details were modified to preserve anonymity.

### **ADMISSION:**

#### **intervention – recommendations made**

Student A contacted the office about denied admission into a program. The program's appeal process had confirmed the original decision. The student was given the same explanation both times: "Admission was competitive and students with higher GPAs have also not been admitted".

The program uses quantitative (e.g. grades) as well as qualitative (e.g. experience) criteria in making admission decisions. While the *Calendar* and website identified those criteria, some webpages referred to a "GPA cut-off" (which could vary yearly depending on the number of seats and the pool of applicants). The student knew applicants who had similar experience to his and lower GPAs, yet had been admitted this year. He could not make sense of the explanation he had been given.

A review of the process showed that the academic unit uses a formula to combine quantitative and qualitative criteria into a number. Students are then ranked, and admission offers are based on that ranking. The "cut-off" point relates to ranking, not GPA. This student's combined quantitative and qualitative results placed him close to but below the cut-off point for this year. The student had scored low on his presentation of qualitative criteria. The appeal committee had reviewed and found no error in the evaluation of this student's application.

**To be fair, a process must also be seen to be fair. Clear and accurate communication is important when criteria are complex. The ombudsperson recommended a review of the *Calendar* and website to ensure clarity of criteria and accurate**

**use of expressions such as GPA, ranking, or cut-off point. Appeals are available to ensure that no error has been made, or that documented extenuating circumstances are presented and considered. A general answer stating that admission is competitive is not sufficient at the appeal stage. A recommendation was made to provide students with reasons when denying an appeal.**

### **ACADEMIC CONCESSION:**

#### **intervention – resolved**

Student B provided medical documentation in April and was granted a deferral in one course. She did not understand that she was expected to complete the missing work by the end of summer. She said that discussions with the instructor and a staff member led her to believe that she could return "when she had recovered". When she did so in the fall, she was told that she had missed the August deadline for applying for an extended deferral, and that she needed to provide documentation for an extension past summer.

The student felt this was unfair because her understanding of the timeframe had been based on a discussion with university personnel. Also, because the illness that continued through summer was the same that affected her in April, she didn't understand what additional documentation was needed. (Note: It is unclear what was initially discussed. Students and instructors are encouraged to clarify arrangements in writing to avoid misunderstandings. Students must respect *Calendar* and departmental deadlines.)

The ombudsperson showed the student the deferral form and the *Calendar* entry about deferred status, both of which specify the maximum deadlines for completion. She also contacted the dean's designate

to discuss what was needed. The student agreed to submit the documentation and the request was granted.

**A deferral is the establishment of: 1) a new completion deadline for coursework past the end of the term; 2) a new examination date after the set examination has passed. There are strict maximum deadlines for completing the missing work: coursework must be completed at the latest by April 30th for Fall Term courses, August 31st for Spring Term courses and December 31st for Summer Studies courses. (Earlier deadlines may apply.) Deferrals are only extended in exceptional circumstances; this requires a separate application that is assessed by the dean (or designate) of the student's faculty.**

### **REQUIREMENT TO WITHDRAW:**

#### **intervention – no ground**

In early fall 2008, student C contacted the office after receiving a letter requiring her to withdraw (RTW) from UVic because of a low sessional grade point average (GPA). (Undergraduate student GPAs are calculated after the end of the winter session: September–April and of the summer session: May–August.) The student thought there was a mistake because she had already formerly withdrawn from UVic (she had written to Records Services in June 2008) and she had not been registered at UVic during the last session (summer 2008).

**Upon inquiry, it was clear that the RTW letter was issued after results for the September 2007–April 2008 (Winter 2007) session became available to UVic. The student had registered in an exchange program for that period but had not passed any of the courses. The resulting GPA didn't meet UVic's minimal sessional GPA requirements.**

## **TRENDS AND MATTERS FOR FACULTY ATTENTION**

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### **4. Expectations about group work and academic integrity**

Learning to work in groups is an important component of many courses and programs. However, confusion exists in classes where the instructor states: "group work is encouraged" while basing the evaluation system on individual work. For some instructors, encouraging group work means encouraging students to study, review class notes and prepare for exams together. For others, it includes encouraging students to discuss individual assignments with each other. Either way, this is different from group assignments where students contribute to a single piece of work for the group.

For many students, boundaries are not clear, and the use of online social networks further blurs the line between acceptable and unauthorized collaboration. For example, if it is acceptable to discuss the assignment in person with other students, is that the same as discussing it online with a group of students? What about discussing answers or a draft with another student? What about emailing answers or a draft for the purpose of discussion? Where does one draw the line?

In previous reports, I identified lack of knowledge about referencing as one cause of alleged academic dishonesty. Lack of knowledge is also a factor in some allegations of unauthorized group work. Another problem is detection:

while the degree of similarity between students' work can be documented by instructors, discovery itself is sometimes haphazard: "The same TA corrected both assignments and noticed similarities", or "Your papers were close together in the pile and sounded similar". This raises the following questions:

- What is the responsibility of instructors to teach the "how to" of academic integrity (incl. appropriate referencing and boundaries around group work)?
- What is the responsibility of instructors to clarify expectations in writing as they relate to a given course, especially about group work and collaborative learning?
- How fair is the implementation of the academic integrity policy in a given course: are all students held to the same standard? Are educational approaches used in responding to minor breaches, misunderstandings and lack of knowledge?

**Recommendations: I ask the Senate Committee on Academic Standards to provide clarification and guidance on these questions during its upcoming review of the academic integrity policy. I also encourage deans, chairs and directors to discuss these points with faculty members. See as well the Learning and Teaching Centre 2004 newsletter on academic integrity: <http://www.ltc.uvic.ca/servicesprograms/publications/newsletters/0409LTCNewsletterWEBcolour.pdf>**

## **GRADUATE STUDENTS: TRENDS**

The number of graduate students seeking assistance from the office was similar to previous years, but fewer cases were reported under “supervisory relationship”. Most cases in this category continued to be from students seeking confidential guidance or coaching prior to difficult discussions with their supervisor or committee. This included situations where the student’s defense date was delayed for a term or more after the committee’s feedback on the thesis raised significant points not anticipated by the supervisor.

There were two other areas of concern. One was the process for candidacy exams: a couple of students who consulted the office described a lack of information about expectations and requirements, and a lack of guidance on preparing for the exam. The other was the process for evaluating student course work. See page 1 (# 1-3) for remarks about course outline requirement and student assessment. See relevant entries and the graduate grading scale in the *Graduate Calendar* on pages 24-25.

Other categories included academic concessions (e.g.: extensions, deferrals or drop of courses); temporary withdrawals for medical, family or compassionate reasons; fees and funding; grade review; transfer credit; interpersonal conflict; accommodation of a disability.

## **QUESTIONS ABOUT PRIVACY**

Several questions related to the use of technology and its implications for privacy came to the office this year. Concerns included the securing of online information (e.g. log-in only access, limited “need-to-know” access) and protocols for the collection or diffusion of information with outside bodies in accordance with relevant legislation. Departments should consult the office of the University Secretary for guidance on the application of privacy legislation, in particular: information management practices, information-sharing and confidentiality agreements, protection of privacy requirements, freedom of information requests. <http://web.uvic.ca/univsec/>

Students and instructors may also be interested in the Digital Tattoo Project at UBC: <http://digitaltattoo.ubc.ca>. The project website discusses how students can use social networks “for the good”, as well as protect information on their computer, identify trustworthy online resources for academic work, manage their online reputation, etc.

## **OFFICE MANDATE AND STRUCTURE**

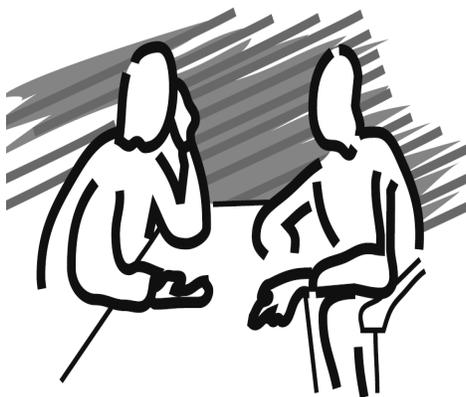
The ombuds office is an independent, impartial and confidential resource for all members of the university community. The office receives inquiries and complaints from students about academic and non-academic matters, and seeks to ensure that the principles of natural justice are observed. The ombudsperson offers information, advice or intervention (see p. 2 for statistical information), and can make recommendations in individual cases or for the improvement of policy or practice.

The office is staffed by one full-time ombudsperson. It is funded by direct contributions from students and a grant from the university administration. The ombudsperson reports to the Ombudsperson Advisory Committee.

## **OMBUDSPERSON ADVISORY COMMITTEE**

The Ombudsperson Advisory Committee has the following representation: UVSS director of Academics (Chair), one student senator, one UVSS director-at-large, one student-at-large (UVSS), one graduate student (GSS), one faculty member (Faculty Association), one staff (PEA), two members from the UVic administration (appointed by the VP Academic and the VP Operations and Finance). Because of confidentiality requirements, committee members do not have access to individual case information.

In 2008, the committee met three times to receive the annual report, discuss the Ombuds History Project (see introduction on page 1) and approve the budget. My thanks go to all committee members for their commitment and their hard work on behalf of the office.



## **OUTREACH AND COMMITTEE WORK**

I sit on the Educational Equity Advisory Group (Human Rights Committee), and on the Advisory Committee on Academic Accommodation and Access for Students with a Disability. In 2008, I started participating with other offices on an Inclusion Awareness campaign. I also attend bi-monthly meetings between administrative units sharing a mandate on fairness and equity.

During the year, I meet with student representatives and with administrative and academic units, and I participate in undergraduate and graduate students’ orientation in January and September. In 2008, I offered workshops for international students on academic integrity and for a graduate class on human rights in the classroom. I was invited to comment on the process for accommodation of mental

health issues by a professional program, and I provided feedback on proposed revisions to the Senate Committee on Appeals terms of reference and procedure.

## **CONFERENCES AND PROFESSIONAL ACTIVITIES**

I am serving a second term (2008-2010) as president of the Association of Canadian College and University Ombudspersons (ACCUO). In April, I attended the European Network of Ombudsmen in Higher Education (ENOHE) conference in London (England): *Universities, Students and Justice*. In May, I participated in ACCUO’s annual conference: *Working Together*. I co-hosted a meeting of the North West Ombuds Group (NWOG) in Victoria in June: *Communities of Practice*, and I attended NWOG’s fall meeting in Seattle where I presented on the *Ombuds History Project* (see introduction on page 1).

In September I attended a three-day workshop on advanced investigation offered by Ombudsman Ontario. I am also part of the awards committee for the California Caucus of College and University Ombuds (CCCUO), and the planning committee for the joint ombudsman conference between ACCUO, the Forum of Canadian Ombudsman (FCO) and the International Ombudsman Association (IOA) to be held in April 2009 in Montreal.