After the publication of the fairness triangle in the last ombuds report, the Office of the Registrar asked me to present three sessions over the summer with staff serving students. The objectives were to discuss how people experience fairness in real life (starting with lived examples of what ‘not fair’ looks and feels like), and to use the triangle as a basis to reflect on the relational, procedural and substantive elements of fairness.

Staff submitted scenarios and shared best practice ideas about how to approach fairness in a variety of situations relevant to their work with students. Common themes included the importance of relational fairness to establish rapport and identify extenuating circumstances or exceptions; the role of procedural safeguards for proper review or reconsideration of a case; and the place of discretion in making appropriate substantive decisions. Links were made between the adoption of fairness tools and the development of a healthy workplace where civility, participation, diversity and respect are valued.

One group also talked about the use of the triangle when contemplating policy or systems change, to ensure meaningful input from affected parties before and during decision-making. And another unit discussed how they could adapt the wording of the generic tools on the triangle to their own specific area.

See page 4, undergraduate case examples, for an illustration of relational, procedural and substantive fairness components. You will find a printable version of the fairness triangle and tools on the upcoming new ombuds website. In the meantime, please email me and I will send it to you!

If you, your administrative or academic unit, or your student group are interested in holding a ‘fairness in practice’ discussion or session, contact me at ombuddy@uvic.ca or 250-721-8357.

Coming soon! Watch for the new ombuds website with student-centered tips and resources in summer 2014!

Many thanks to the offices of the Registrar and Academic Advising for their work on developing student-friendly text and pictorial roadmaps about the academic standing regulation for the faculties of Humanities, Science and Social Sciences. This regulation had continued to confuse students in 2013, and we can now look forward to better tools for advisors and students to discuss their situations and options.

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DISTRIBUTION OF ACADEMIC CASES BY LEVEL*

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

Instructor: 31.0 %
Department: 39.8 %
Dean: 29.2 %
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 (45 minutes or longer) or repeated consultations at various steps in the student’s handling of the situation.

- Generating options/ independent perspective (Students may or may not pursue the situation further) 35.6 %
- Guidance about grounds or process for an appeal or request 26.6 %
- Feedback and coaching (feedback on a letter; preparation for a meeting or an appeal) 37.8 %

OUTCOMES OF INDIVIDUAL INTERVENTIONS

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

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recommendation made</td>
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<tr>
<td>Resolved</td>
<td>8</td>
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<tr>
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</tr>
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<td>Denied / Not resolved</td>
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<tr>
<td>Discontinued by student</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>36</td>
</tr>
</tbody>
</table>
What happens when a student comes to the ombuds office?

The student contacts the office to discuss the issue. The ombudsperson assesses whether the concern is within her jurisdiction.

NO

Refer the student to an external body if possible.

• Inform the student about options and grounds, and refer the student to the relevant process or person.
• As needed, provide guidance, coaching or feedback to the student.
• If needed, and with the student’s consent, clarify communication with the other party.
• Ask the student to bring the issue back if not resolved; as needed, follow-up with the student to bring closure.

YES

Has the student tried to resolve the problem with the relevant party (e.g. faculty member, staff, unit head…)? Does an avenue of appeal or redress exist and has the student used it?

NO

Bring closure with the student and, as needed, with the other party.

Close the file.

• Follow-up with the decision-maker to assess the reasons and any option.
• Consider next steps (e.g. bringing the issue to a higher authority, annual report,…), or
• Inform the student and close the file.

YES

Issue an individual or systemic recommendation.

Is the recommendation accepted?

NO

Follow-up as needed on systemic questions (e.g. meet with administrators, committee work, annual report)

YES

Inform the student and close the file.
Academic concession – advice
Relational fairness

An associate dean referred an international student to the ombuds office after denying his request for course drops. The initial request had not provided adequate documentation for the drops. However, after a full discussion in the ombuds office, it was clear that the student’s spouse had become seriously ill during that period of time. The student was the only care-giver, which had affected class and exam attendance.

With guidance from the ombudsperson, the student provided a clarifying statement and documentation about the nature and severity, timeframe and impact of his spouse’s medical condition. The associate dean reversed the decision and granted the drops.

In this situation, the decision initially appeared procedurally correct. However, it is important to ask oneself whether and how a process offers the student an appropriate opportunity to present his or her case. The student’s difficulties in articulating the situation were increased by differences in language, expectations and culture. The use of relational fairness tools (referral, listening, probing for extenuating circumstances, informing) provided information that established clear grounds for a very different substantive outcome.

Accommodation for a disability – student coaching
Substantive fairness

A student with a serious anxiety disorder came to the office to discuss her situation in a course. The student had developed strategies and resources to manage due dates and exams in ways that minimized triggers for her condition. She was having difficulties doing so for one class where the evaluation included potential quizzes of uncertain length, and assignments that were soon due and had not been outlined. This was now impacting her ability to focus in other courses.

The ombudsperson met with the student to provide feedback and coaching on what to expect from a course syllabus, what can be clarified separately, how to relay her questions as a request for accommodation where needed, and how to approach the instructor or department. The student later reported that the problem was resolved. The situation had raised questions of substantive fairness as it didn’t provide an equitable basis for full participation. The solution presumably also led to an improved process and experience for all students in the class.

Appeal of de-registration – recommendation made
Procedural fairness

When applying to UVic, students must disclose all previous post-secondary studies. A student came to the office after being de-registered late in the spring term, following a decision by the Senate Committee on Admission, Re-registration and Transfer (SCART). The committee makes decisions on paper appeals (without hearings). The student’s case had been referred to the committee after staff realized, in discussion with the student, that his application had not disclosed attendance at a previous institution where he had one term of incomplete courses.

This student’s situation was unusual in that he had documentable and compelling extenuating circumstances relating both to the period of incomplete courses and to the time of the admission application to UVic. It was also unusual in that the UVic decision-making process continued over a period of several months, in part because the student needed time to document what had happened.

In the first email contact, staff had quoted the Calendar entry including possible consequences, which may range from loss of transfer credit to de-registration or cancellation of admission. They had asked the student for a written statement of explanation and missing transcript. They then followed up with time extensions and reminders. They also provided verbal information about questions to address in the statement (especially explanation for non-disclosure).

In this situation, staff had used relational tools that could have led to sufficient understanding of the situation and its extenuating circumstances on review of the file. Procedurally, however, the critical step of notification to the student had become confused, seriously impacting the fairness of the substantive outcome. The student understood that he had to write an explanation, but when the file was eventually referred to the committee for a decision, the student did not receive clear written notification of:

- the nature of the appeal process and name of the committee;
- the seriousness of the decision to be made, including possible consequences;
- the appeal grounds the committee could consider.

As a result, the student’s submission did not focus enough on points that would provide grounds for appeal, and the appeal was denied. As the student sought to understand and appeal the decision further, written reasons for the committee’s initial decision were also delayed.

After a re-submission, with guidance from the ombudsperson, the student was granted the appeal. Given the seriousness of potential consequences and the “paper only” nature of the process, the ombuds office made recommendations for reviewing the communication templates regarding this type of appeal, to provide both appropriate notification and written reasons. Admission Services sought input from the ombudsperson and went beyond the recommendation when they reviewed and updated all templates for admission cases referred to SCART.

Details and identifiers have been modified to preserve anonymity.
Overview and supervisory relationship

In 2013, the ombudsperson received requests for assistance from 61 graduate students (compared to 65 last year). There were fewer inquiries about ‘supervision’ (9 compared to 13 last year), mostly from students seeking advice and coaching at various stages of their program. Supervisory difficulties included: communication, tone of feedback, availability, steps to completion and timing of research components. But some issues reported in the ‘academic concession’, ‘accommodation of a disability’ and ‘funding’ categories also related to supervision or research.

The ‘other’ categories included inquiries or concerns about: access to a student service, charge for athletics fee, confidentiality agreement (non-UVic), fair dealing/copyright, housing policy, personal safety protocol, program delivery, registration, and interpersonal relationship (outside UVic).

Academic accommodations and concessions

In addition to 5 inquiries related to academic ‘accommodation for a disability’, 3 of the 4 requests related to an ‘academic concession’, and at least one related to ‘supervision’ were from students dealing with the impact of a disability or mental health issue. Of these 9 inquiries, 5 led to an intervention (at the instructor, department or faculty level) to assist with communication and clarify individual options and steps; 2 students sought coaching in dealing with an instructor or supervisor; the other 2 needed information about options. Three situations involved retroactive leaves of absence; in two others, the supervisory relationship ended.

Update from last year’s follow-up: The Faculty of Graduate Studies and Graduate Admissions & Records are working on additions to the website to include information and forms related to the academic concession process for graduate students. See also pages 6-7 and recommendation # 2.

Fees/funding

This category showed the greatest increase (9 compared to 4 last year), 7 of which were concerns about funding. They included: disputes related to amounts promised but not processed; concerns about differing levels of funding between students in a program; disagreements or confusion about amounts owed; and delayed payments. The ombuds office is also following up with the Faculty of Graduate Studies about the timing and clarity of notification for the program extension fee (see the last case example).

Grading

This was the next largest category (6 requests for assistance). Concerns included course outlines without adequate information on how students are evaluated, and courses with components not easily re-graded (e.g. large percentage on participation, presentation or oral examination). Where students were seeking a grade review (re-grading), they had difficulty finding information on the UVic website about procedures specific to their program. See page 7, recommendation # 5.

Case examples

Finding the right match – advice (options)

A doctoral candidate had started field research with an approved proposal. Over time, the supervisor and student disagreed about the direction of the work. The area of research was not closely related to that of the supervisor, funding was running short and discussions reached an impasse. The student sought advice from the ombudsperson prior to contacting the office of the dean.

The ombudsperson reviewed relevant points in the supervisory relationship policy with the student and helped to brainstorm steps and options. The student later reported that the associate dean had approved a change of supervisory relationship.

Agreeing on program options – intervention (facilitated discussion)

A Master's student contacted the office after receiving feedback regarding her research and first full thesis draft. The supervisor thought that the work did not meet the criteria for a master's thesis but could be used to complete the program with an additional course and a project-based paper. The supervisor recommended that option. The student was concerned about the timing of the feedback and preferred to complete a thesis.

The ombudsperson reviewed the supervisory relationship policy with the student and agreed to meet with the student and supervisor so they could explore both options, clarify requirements for both, and decide how to communicate. The student was able to complete the program in the thesis option.

Mental health and continuation – intervention & coaching

A doctoral student disclosed mental health challenges to his supervisor after family and medical difficulties impacted completion of program components. The supervisory committee proposed an extension or a leave of absence but contacts between student and supervisor had become seriously strained.

The ombudsperson reviewed options and, with the student’s consent, facilitated a referral to the associate dean to discuss a compassionate leave and a change of supervisory relationship. The ombudsperson remained in contact with the student as he explored and decided on options with his department and Graduate Studies.

Extenuating circumstances and completion – advice & coaching

A doctoral candidate who did not complete her program within time limits had been granted a program extension. She had concerns about the fee rate charged on extension (which she had not known was higher than for a regular re-registration). In talking with the ombudsperson, she described circumstances that had not been fully documented to UVic, including the impact of a disability.

The student’s situation might have been grounds for requesting a program extension at the (smaller) re-registration fee rate. But, after looking into it further, it was clear that the student could have qualified for compassionate or medical leaves of absence in the previous year. With guidance from the ombudsperson, she successfully requested back-dated leaves, which re-adjusted fees and reset her time limit for completion.
Requests for assistance with academic concessions, accommodations for a disability and appeals of a requirement to withdraw increased this year, in part due to effective referrals between the ombuds person and Counselling, Health, the Resource Centre for Students with a Disability (RCSD), the Office of the Registrar and Academic Advising. Some associate deans refer students in complex or disputed requests. Undergraduate students who are ‘required to withdraw’ from UVic are also referred for guidance on appeals.

Over the last ten years, inquiries about concessions and accommodations have increased, and so has the complexity of a significant number of situations. Other areas of increase this year relate to academic integrity (see ‘plagiarism’ below) and to fees/funding. The ‘recommendations’ section of this report also addresses inadequate communication about grade review procedures (see #5).

Academic Concession

UVic made two changes to the academic concession process in 2013: a new concession status (withdrawal-extenuating circumstances) and a new 4-page undergraduate request form. The form provides links to information on options and fee reduction appeals, and a template for the supporting documentation. Students must write an explanation statement and list affected course components.

Advice inquiries (57 including 16 from students with a disability or mental health issue) often involved helping with the details of filing a request or drafting a statement. Several were re-submissions of denied requests after clarifying grounds and points for the statement and the documentation. Of the 11 interventions, (including 8 requests from students with disabilities), 7 were about communication (mostly with the instructor or chair), and 4 were to identify next steps.

The new form seems more effective at providing information to decision-makers.

But the statement section was difficult for some students, particularly if the issue was complex (e.g. an episodic condition with unexpected or compounded impact), or in situations where the student didn’t make the same concession request for all courses in a term. Questions included: how much private information to disclose; how to articulate and demonstrate grounds for the specific requests.

This potentially also has an impact on some students’ ability to submit a request in the first place, or to do so by the deadline. Students use this process at a time of difficulty, when their physical or mental health is compromised. They do not always have timely access to a health professional. See recommendation # 1.

Accommodation of a disability

Of the 14 requests about ‘accommodation of a disability’ (9 undergraduate and 5 graduate), half sought help with communication (often with an instructor or supervisor); the others needed clarification about grounds, options and steps. Problems included interpretation of course outlines, impact of missed classes, concerns about grading, problem-solving about course components, and fear of stigma.

In addition, 24 of the 75 requests for assistance reported under ‘academic concession’ were related to a disability or mental health issue. This suggests that the academic concession process plays a significant part in accommodation and access for these students with disabilities.

Whereas accommodations are proactive and assisted by advisors at the RCSD, concessions are reactive and dependent on the student’s ability to initiate and document a request while in crisis. Responses to the same concession requests can vary between courses or programs. There is no central resource to help coordinate responses, steps, or timing (e.g. due dates for deferred work).

Students deal with multiple helpers and decision-makers. Barriers can result not just from requests inappropriately denied, but also from an accumulation of hurdles impacting resilience. Some students become exhausted by administrative or appeal steps, resulting in un-addressed incomplete courses, and poor or failed academic standing.

Students may then lose funding and ‘student’ status or study permit. Graduate students may also see their supervisory relationship, research funding, or status in a lab or project jeopardized. See recommendations # 1 & 2.

Required to withdraw from UVic

Of the 65 students who contacted the office about a requirement to withdraw (62 undergraduate and 3 graduate), most presented extenuating circumstances (e.g. illness, personal or family affliction, injury or accident). The ombuds person received demographics information from 39 of these students: 6 were 18 years old; 10 were 24 or older; 7 were international students; 9 spoke English as another language (4 domestic and 5 international); 3 had a disability; 3 identified as “mature” (older than a traditional student); and 11 as a visible minority (7 domestic and 4 international). Undergraduate students were fairly evenly spread over years 1, 2 or 3 of a program.

The ombuds sample is not necessarily representative of the university population. However, as UVic recruits students from increasingly diverse backgrounds, it is important to consider how to foster success for a varied student body.

When well documented and accompanied by strategies for success, appeals are granted. In 2013, UVic issued 506 undergraduate requirements to withdraw; Records Services processed 58 appeals in this category; 34 appeals were granted and 22 were denied. (In addition, several were also referred to the academic concession process for resolution.) Students who don’t appeal or have no grounds for appeal can return to UVic after completing a minimum of 6 units of transferable, non-duplicate coursework at another institution with a minimum GPA of C+ on all courses attempted.

The Vice-president Academic and Provost’s 5-year action plan on Student Success at UVic identifies first-year student retention as a priority, especially for students admitted with a high school GPA of less than 80%. It also calls for improving the seven-year graduation rate. The ombuds office applauds the plan’s various initiatives to improve student academic achievement, such as: the development of foundation programs in each faculty, enhanced orientation, earlier declaration of major, early-warning academic interventions to improve success, and program planning worksheets. See recommendation # 3.
Plagiarism

Of the 23 ‘academic integrity’ inquiries, 14 were about plagiarism. After discussion, it was clear that 9 of these students had crossed boundaries unintentionally. Areas of confusion included lack of knowledge about how to cite (e.g. all sources in the bibliography but none in the body of the paper); inadequate paraphrasing; lack of attribution for internet ‘general’ sources such as Wikipedia; poor research technique (e.g. note-taking, keeping track of sources); partial self-plagiarism when repeating a course; unfamiliar assignment format (e.g. being asked for a short creative pamphlet in a traditional course; or completing a research essay for the first time in a mostly exam-based degree).

At UVic, the policy was recently amended so that the penalty for single or multiple instances of plagiarism is a zero on the assignment (which in some circumstances leads to a failed course). A wholly or fully plagiarized paper leads to a fail grade in the course. Both penalties are accompanied by a reprimand letter.

Recent media attention in Canada focused on cheating and plagiarism, suggesting that many students who cheat are not caught, and describing paper mill services. I occasionally hear from students who are concerned about cheating from other students, and it is important to publish and enforce academic integrity regulations. When dealing with plagiarism, however, students who lack knowledge may be the easiest to “catch” and penalize.

Over the years, I have seen diversity among the students who did not understand expectations. They were at the undergraduate or graduate level, domestic or international, and spoke English as a first or another language. The experience often caused them anxiety, shame or loss of confidence. In a few instances over the last two years, students also described procedural difficulties. See recommendation # 4.

Fees/funding

Most ‘fee’ inquiries were from undergraduate students seeking information or feedback about the process for a fee reduction appeal after dropping courses for extenuating circumstances. Other inquiries related to ancillary fees, late payment charges and parking fines. Most ‘funding’ inquiries came from graduate students (see page 5).

“I am back at UVic and so happy about it. I couldn’t have done it without your help. Thank you so much! It means the world to me.”
Mandate / Other Activities

Office mandate and structure

The ombuds office at UV ic is an independent, impartial and confidential resource for all members of the university community on student-related fairness questions. In parallel with the educational mission of the university*, the ombudsperson provides students with tools to understand policies and procedures, make informed decisions, access available resources, self-advocate, identify relevant resources, and learn constructive approaches for raising and resolving concerns.

The ombudsperson seeks to ensure that the principles of fairness and natural justice are observed, and to help resolve issues at the lowest appropriate level. Students may access the office at any stage in a problem or dispute. The ombudsperson may also facilitate access to problem-solving or review mechanisms, investigate, recommend, or bring individual or systemic issues to the attention of relevant authorities. The ombuds office acts as a reflective lens to improve procedures and practices.

The office is funded by direct contributions from undergraduate and graduate students, and a grant from the university administration. It is staffed by one full-time ombudsperson. The ombudsperson reports to the Ombudsperson Advisory Committee, with representation from undergraduate and graduate students, the Faculty Association, the Professional Employee Association and UVic senior administration. (Because of confidentiality requirements, committee members do not have access to individual case information.)


Other activities

Orientation and outreach

The ombuds office participated in the undergraduate and graduate orientation fairs, and in the scavenger hunt for residence community leaders. The ombudsperson also offered a session on typical challenges for teaching assistants through the Learning and Teaching Centre, and participated in a panel for another group of TAs. The ombudsperson made brief presentations about the office to the UVSS board, meetings of the clubs and course unions, and representatives of the GSS.

Caroline Crocker, a student in the Master of Arts in Dispute Resolution program, provided communication support services to the office from September 2013 to April 2014. She represented the office at an information fair, updated leaflets and assisted with web searches. Caroline also re-designed the ombuds website and developed student-centered pages full of tips and resources. I am grateful for her excellent work, resourcefulness and enthusiasm. Watch for the launch in summer 2014!

Feedback and committee work

In addition to regular meetings with the Associate Vice-President of Student Affairs, the ombudsperson meets with administrators at all levels as needed. This year the ombudsperson also met regularly with the director and complaints officer in Equity & Human Rights to coordinate follow-up and feedback on policy development and systemic issues.

The ombudsperson provided feedback on the draft procedures for academic accommodation for graduate students with disabilities, and on the Student Mental Health Strategy. The ombuds office also provided extensive feedback on the new undergraduate ‘request for academic concession’ form and information sheet, on the notification email for the new WE notation (withdrawn-extenuating circumstances), and on updated ‘requirement to withdraw’ notification letters from the Registrar (for failure to meet minimum GPA requirements).

The ombudsperson participates in the Educational Equity Advisory Group (Human Rights Committee), the Advisory Committee on Academic Access and Accommodation for Students with Disabilities, the Student Mental Health Strategy Advisory Committee, and the Healthy Campus Advisory Group.

Professional development and activities

In June, I attended the pre-conference investigation workshop and the joint conference of the Association of Canadian College and University Ombudspersons (ACCUO) and the Forum of Canadian Ombudsmans (FCO).

To mark ACCUO’s 30-year anniversary, I compiled a retrospective on the origins and development of ombudsing in Canadian colleges and universities. The document is available on ACCUO’s website. ACCUO and FCO will hold the 2015 conference at Simon Fraser University where, almost 50 years ago in 1965, students created the first ombudsman on a North American campus.

In 2013 I also contributed two published articles: a comparison of ombuds in Canadian and US post-secondary institutions for the Journal of the California Caucus of College and University Ombuds (CCCUO); and an introduction to ombuds offices and human rights in Canadian colleges and universities, as part of the proceedings for the fall 2012 conference of the Mexican university ombuds network (REDDU). In 2013, I presented again for REDDU on mental health strategies in Canadian universities.

Results of the ombuds intake survey this year (168 responses) showed that students are directed to the ombuds office from Records/Advising (22.6%), website, orientation and advertising (20.8%), Counselling/Health (16.7%), a friend or parent (16.7%), other student services (9.5%), faculty/chair/dean (6.0%), other sources or unknown (7.7%).

I thank the many students who inform the activities of the office by sharing their stories, and the many students, staff, faculty and administrators who work collaboratively with the office to help clarify or resolve issues. For questions or comments about this report, please contact Martine Conway at ombuddy@uvic.ca or 250-721-8357.