

the *Celebrating 24 years of Service at UVic* OMBUDSPERSON *report*

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During calendar year 2002, the Office of the Ombudsperson received a total of 417 complaints and inquiries. The increase from the previous year's total of 383 is due in great part to increased use of the service by graduate students (see p. 3). Case numbers and trends are detailed on page 2, along with Ombuds roles and outcomes of interventions. This report includes a reflection on Dealing with Conflict and Mental Health Issues (see p. 1), and I invite students and instructors also to check page 3 for information on Academic Concessions for Illness, Accident or Family Affliction and Netlink (UVic email account), and for other case stories.

I hope you will find the report informative, and I look forward to receiving your comments at ombuddy@uvic.ca, 721-8357 or SUB B205. I would like to thank the many students, staff and faculty members who have worked with the Office this year to resolve issues and improve communication, and in particular the team who drafted the new Calendar entry on Academic Concessions.

Martine Conway

DEALING WITH CONFLICT AND MENTAL HEALTH ISSUES

We encounter some of the most challenging situations on campus when dealing with mental health issues. Difficulties range from documenting a request for a concession or determining an appropriate accommodation for a permanent disability to dealing effectively with interpersonal conflict or breaches of regulations.

Where conflict and mental health issues are concerned, intervenors cannot rely on norms. Individual responses vary, and confusion can occur. For students, escalating disagreements can have far-reaching consequences, from damaged working relationships to disciplinary action. These situations offer unique challenges for complaint handlers, including staff, faculty and department heads who are the first lines of intervention.

Department heads in particular may find themselves playing conflicting roles: providing support to students, staff and faculty members; mediating conflicts; granting accommodations under the law; and making decisions about discipline. In extreme cases, they may be worried about the potential for violence. They may have limited information to work from, and they may be concerned about safety, fairness, legal requirements to accommodate, and their responsibility to enforce norms.

Students whose behaviour is under consideration by their department may be uncomfortable when someone who first intervenes as a support person becomes part of a disciplinary process. They don't necessarily agree with the labels applied to the situation, and they are not always asked for input about their concerns or about potential solutions. And even when confidentiality is respected, they may feel betrayed if the advisor, counselor or advocate they consulted is asked to report to the department. They may come to mistrust the individuals involved and to question the system's ability to treat them fairly.

In the cases this Office has reviewed over the last three years, these difficulties have manifested themselves in the following ways:

- reluctance by a department to intervene in a conflict or a disciplinary issue because of a perceived mental health condition;
- delays in clarifying norms, resulting in an escalation of behaviour and/or an intensification of conflict;
- difficulties in balancing the duty to accommodate and the responsibility to set appropriate limits;

- protracted decision-making, leading to unreasonable delays or lack of progressive discipline.

By their very nature, these situations defy a system's conventional responses. But in a 1994 article*, Dr. Mary Rowe made some observations that I think can be applied generally to situations where mental health issues are concerned and behavioural norms are challenged. **As an institutional approach to case management, she suggests focusing on the rights of everyone involved. She identifies strategies for setting limits and holding the line about acceptable behaviour while ensuring that all parties have access to support, resources, and information on how to pursue their own concerns.** One of her suggestions is to "assign different complaint handlers to concentrate on the rights and interests of different parties to a case." While this may seem onerous, she states that it is "especially important where there are both complaints and counter-complaints."

Staff and faculty involved in resolving these issues often report feeling stressed by conflicting demands and expectations, and they sometimes experience confusion about their role or mandate. It seems particularly important in those situations to consider the following:

- making sure each party has access to independent support and information about their rights and responsibilities (rather than all information coming from the decision-maker);
- making sure all parties have a meaningful

con't on page 2

WHAT'S INSIDE

Conflict and Mental Health Issues	1
Subject Matter of Cases	2
Case Distribution	2
2002 Recommendations	3
Graduate Students	3
Case Stories	3
- Listserv	3
- Repeating a Course	3
- Grade Review	3
Ombuds Mandate	4
Other Activities	4
Ombuds Advisory Committee	4
Office Hours	4
Publications	4

Distribution of Cases by Subject Matter

During Calendar Year 2002, the Office handled a total of 417 complaints and inquiries distributed as follows: **Information/Referral** 131, **Advice** 229, **Intervention** 57. This represents 34 more cases than in 2001. The main areas of increase were Academic Concessions (see p. 3), Cheating and Plagiarism (see Workshops p. 4), Computer/Email (see Netlink and Listserv p. 3), Grading/Evaluation of Student (see Grade Review p. 3), and Program Requirements (see Repeating a Course p. 3). Graduate students also made greater use of the Office (see p. 3).

TABLE 1: Number of Cases by Subject Matter

Subject Matter	Info & Referral	Advice	Intervention	2002 Totals	2001 Total
Academic Concession	13	35	9	57	35
Accommodation of Disability	1	2	2	5	10
Admission (UVic)	6	5	2	13	9
Admission (Program)	1	3	1	5	8
Cheating and Plagiarism	1	15	0	16	6
Computer Privileges / Email	2	2	3	7	1
Course Delivery	1	11	2	14	16
Exam	7	5	0	12	14
Employment (incl.: Immigration)	1	5	1	7	5
Exchange	1	0	0	1	1
Fees	8	9	2	19	21
Financial Aid / Student Loans	4	3	3	10	12
Grading / Eval. of Student	16	34	1	51	39
Housing	1	3	3	7	3
Human Rights & Personal Safety	3	6	1	10	6
Interpersonal & Conflict Resolution	1	7	1	9	18
Landlord-Tenant	6	2	0	8	11
Practica / Co-op	1	11	1	13	11
Privacy/FOI/Access to student file	0	3	1	4	5
Program Requirement / Prerequisites	8	10	7	25	8
Requirement to Withdraw (Program)	0	4	0	4	9
Requirement to Withdraw from UVic	16	21	4	41	40
Standing / Graduating GPA	1	2	1	4	4
Supervisory Relationship	0	9	1	10	7
UVSS	2	1	2	5	8
Waitlisting	2	2	0	4	5
Other Academic	10	10	3	23	27
Other Non-Academic	18	9	6	33	44
Total	131	229	57	417	383

con't from page 1

Dealing with Conflict and Mental Health Issues

opportunity to be heard before decisions are made and before disciplinary action is considered or discussed;

- minimizing the risk of role confusion by identifying a primary role for each intervenor and referring parties to appropriate resources;
- clarifying expectations about behaviour and norms while being responsive to individual circumstances;
- making use of on-campus resources inside and outside the academic unit.

I would like to invite unit heads to discuss these questions with their staff and their peers, and I hope to see the University explore these topics as part of the orientation for new Chairs and Directors.

* Rowe, Mary: People with delusions or quasi-delusions who "won't let go," in *The Journal of University and College Ombuds Association*, Occasional Paper, Number 1, Fall 1994.

Distribution of Academic Cases* by Level

While academic concerns are handled by departments, schools and faculties, students consulted the Ombudsperson at the following stages:

- Instructor/Supervisor level 54.8 %
- Unit Head/Program level 31.5 %
- Dean/Faculty level 13.1 %
- Senate Committee on Appeals 0.6 %

* These do not include Requirements to Withdraw from UVic for low GPA, which are handled by Records Services and the Senate Committee on Admission, Reregistration and Transfer.

Types of Advice Sought by Students

The Advice Category constituted 55.2 % of the Ombuds Office caseload in 2002. These are extended (30 minutes or longer) or repeated consultations, which take place at various steps in the student's handling of a situation.

After receiving notification of a decision by an instructor/program head, students often seek an understanding of the regulations involved, information to place the decision in **perspective**, and a clarification of their **options**. They may or may not pursue the matter further.

When they seek a concession or an accommodation, or want to appeal a decision or to respond to allegations, students request guidance about the **process** as it applies to their circumstances. They ask for clarification about rights and responsibilities, relevant policies and regulations, and **grounds** for appeals.

Students engaged in an appeal, or students attempting to resolve a dispute with their instructor/unit head seek **feedback and coaching**. For example, the Ombudsperson will give feedback on a letter, or assist the student in identifying relevant issues and approaching a person or a department constructively.

- Perspective & Options: 35.2 %
- Clarify Process/Grounds: 39.7 %
- Feedback/Coaching: 25.1 %

Distribution of Outcomes for Cases with Ombuds Intervention

The Ombudsperson will intervene in a case only with a student's permission. Interventions made up 13.4 % of the Ombuds Office caseload in 2002. They involved facilitating communication between a student and a person or unit, facilitating the resolution of a case, or reviewing a situation in order to make a recommendation. In some cases, the Ombudsperson was present at one or several meetings between the student and the unit involved.

- Recommendation Made 6.1 %
- Resolved 36.7 %
- Partially Resolved/Student Satisfied 16.3 %
- Information Obtained 18.4 %
- Denied/not Resolved 4.1 %
- Discontinued by Student 6.2 %
- Not Justified/no Grounds 4.0 %
- Pending at end of 2002 8.2 %

Recommendations Made in 2002

Academic Concessions for Illness, Accident or Family Affliction

The Ombuds Office recommended a review of the Calendar entry on academic concessions to include academic concessions for term work, late course drops for illness, accident or family affliction, and a clarification of steps. Changes will go to Senate this term, and administrative forms used at various steps will also be reviewed. **Instructors and Unit Heads are encouraged to refer students to these guidelines whenever the situation cannot be accommodated informally. Students are urged to seek assistance early. They will need to secure appropriate documentation (e.g. doctor's note) in a timely manner to access the formal procedure.**

Netlink

Students who sign up for a UVic email account do so on-line, sometimes "just in case they should want it later" and without reading the fine print. A number of students who had not monitored their email account came to the Ombuds Office with issues ranging from library fines to course changes or missed deadlines in their departments. We found that an email notice was sitting in their in-box, unread. The Ombudsperson asked for a warning message to be placed on the Netlink webpage. It now reads: "...failure to monitor your NetLink E-mail Account may cause you to miss important information. Click here for details before deciding whether to create a NetLink E-mail Account." **Clicking on the link opens the page entitled E-mail User Responsibilities. This page and Policy 6030 (Responsible Use of Information Technology Services) should be read in full**

by students with Netlink accounts. **Instructors or staff who walk students through the sign-up process should urge students to read both documents and stress that administrative and academic departments will use e-mail to send important information to students.**

Course Entry in Summer Calendar

Students reported a discrepancy between the summer Calendar entry requirements for a course (i.e. by pre-requisite), and the departmental practice of holding auditions to determine student placement in the course. After problem-solving the immediate situation (which was partly resolved), the Ombudsperson recommended a review of the Calendar entry to clarify access to the course. The recommendation was accepted.

Graduate Students

In the spring of 2002, graduate students voted in favour of funding the Ombuds Office. In 2002, graduate cases doubled compared to previous years, an increase due mainly to students getting better information about the Office. Academic concerns such as supervisory issues, grading and ethics make up the bulk of graduate cases. As in previous years, most students sought confidential advice from the Ombudsperson. This year, however, more students have come earlier in the process, and more students have asked the Ombudsperson to act as facilitator or observer during sensitive meetings.

Distribution of Graduate Cases by Subject Matter

Please note: graduate cases are included in TABLE 1, p. 2.

• Supervision	25.0 %
• Grading	15.0 %
• Other Academic Concerns (incl. ethics and intellectual property)	12.5 %
• Program Requirement	10.0 %
• Funding/Fees	10.0 %
• Academic Concessions	5.0 %
• Other (non-academic)	12.5 %

Case Story: Thesis Completion (Advice)

When student H received feedback from his supervisor on his draft thesis, he was surprised by the amount he would have to re-write and concerned about a possible delay to his intended graduation date. From the student's point of view, the feedback was unexpected because he thought the concerns had been addressed in a previous draft. The Ombudsperson reviewed the content of the feedback with the student, helping to sort out academic and procedural questions. The Ombudsperson also reviewed with the student the document entitled "Responsibilities in the Supervisory Relationships" to determine what role the supervisor and committee members could play to support the student at that critical juncture, and what positive steps the student could take to resolve the issue.

After reviewing the feedback, the student agreed that some changes were needed while others seemed unrelated to the intent of his research. He met with the supervisor and another committee member and presented a response to the supervisor's request, highlighting

what changes had already been made, what suggestions could be incorporated, and why the student thought that further changes would be beyond the scope of the work. The committee members proposed a new set of revisions, and worked out a schedule with the student to ensure completion within a mutually-acceptable timeframe.

Other Case Stories

Listserv (Intervention)

Student M reported a conflict with her instructor over one of her entries on the class listserv. The instructor felt the student had used the listserv inappropriately, while the student thought she was sharing useful information with students in her class. A meeting was arranged with the Ombuds present. The instructor explained the boundaries for the listserv, and was satisfied that the student had not intended to misuse the resource.

An increasing number of courses make use of listservs. It is important to clarify at the beginning what is an appropriate use of the technology, including questions of privacy, especially when students are invited to debrief work placement or other experiences involving third parties.

Repeating a Course (Advice)

Student P wanted to attempt a course for a third time. She had registered in it, and was shocked when she was deregistered during the first week of class. The student was unaware that "A student may not attempt a course a third time without the prior permission of the Dean of the faculty and the Chair of the department..." (see UVic Calendar 02-03 p. 22).

In this case, the student had extensive medical documentation to explain why she had not completed the course on her second attempt. She was able to appeal and was reinstated in the course. This is not always possible. **Students must seek permission before they register in a course for a third time.** (Regulations may be different in Law and Engineering). A withdrawal on a student record may count as an attempt.

Grade Review (Information/Referral)

Student K was dissatisfied with his grade and with the level of involvement of his distance instructor in providing instruction and feedback. He had requested a grade review, which did not resolve his concerns.

con't on page 4

con't from page 3

He did not think the department had addressed the question of the instructor's involvement, but he decided not to pursue the issue further.

Students often have two opposite responses when departments have not addressed their concerns fully: pursue appeals to the highest levels, sometimes without grounds, or lose faith in the system and withdraw from the process.

A grade review is designed to ensure that a paper or exam receives the grade it deserves. It cannot make up for poor performance, lack of feedback or lack of instruction. **Concerns about course delivery or availability of feedback need to be raised earlier in the term in order for the best solution to be found.**

Instructor performance is monitored by Chairs, Directors and Deans. **Departments and schools offering distance courses must define instructors' responsibilities regarding contact with their students, and communicate them to both instructors and students.**

Ombuds Office Mandate

The Ombudsperson receives inquiries and complaints from students about academic and non-academic matters. While most cases are initiated by students, the Office also receives requests and referrals from staff and faculty, and it serves as an educational resource for all members of the university community.

The Office offers three kinds of responses to requests for service: Information/Referral, Advice, Intervention. The first response, **INFORMATION/REFERRAL**, is usually a short, one-time consultation. The next category, **ADVICE**, involves longer or repeated consultations to clarify policies and procedures, discuss rights and responsibilities, offer advice on raising issues constructively, or provide feedback on an appeal letter. The last category, **INTERVENTION**, is initiated only with the student's permission. It may include contacting the administrative or academic unit to clarify information, acting as facilitator to encourage problem-solving, being present at an informal meeting between the student and a staff or faculty member, or investigating a case after other recourses have been exhausted. Where appropriate, the Office makes recommendations to the academic or administrative unit involved.

The Office seeks to ensure that the principles of natural justice are observed, and it strives to follow the guiding principles of Ombuds work: **objectivity, independence, accessibility and confidentiality**. By disseminating information to students and bringing general concerns to the attention of staff and faculty, the Office encourages the resolution of cases as quickly as possible, and at the lowest administrative level.

Other Activities

Professional Development

I attended the Association of Canadian College and University Ombuds conference in Winnipeg May 8-11, 2002. Topics included Ethics, Student Advocacy, Neutrality, Investigations, and Students with Psychological Difficulties. I co-presented a paper entitled *Ombuds and Restorative Justice: a Canadian Case Study* to the California Caucus of College and University Ombuds in November 2002. The article will appear in the 2002 issue of the Association's Journal.

Workshops and Talks

I am available to talk about the work of the Office or other related topics. I was invited to speak about Restorative Justice to a Camosun College class in January 2002. At UVic, I presented a conflict resolution workshop to Orientation staff in June 2002. I con-

ducted workshops for first-year and transfer students during January and September orientation activities. Topics included typical difficulties faced by new students, and how to avoid them. Workshops covered information about cheating and plagiarism. In August, I presented a workshop for international students on plagiarism and academic honesty. In cooperation with the Office for the Prevention of Discrimination and Harassment, the Ombuds Office also offers a workshop for graduate students, *Saving Student Ryan*, to discuss their rights and responsibilities in their various roles as students, researchers and instructors. For more information, please contact our offices or the Graduate Student Society.

Committee Work

The Ombudsperson is a member of UVic's Campus Security Committee and the Working Group on Discrimination and Harassment.

OMBUDSPERSON'S ADVISORY COMMITTEE

The Office reports to the Ombudsperson's Advisory Committee, with representatives from students, staff and faculty. The Committee, which met bi-monthly in 2002, discusses the Office's budget and publicity, and receives reports every 6 months from the Ombudsperson.

- Chair, UVSS Director of Academics
- Student Senator
- Two Students at large
- Graduate Student
- Two members of faculty
- Administrative Professional Staff
- General Manager
- Ombudsperson

- Robert Oluka / Jude Coates**
- Dan Kerr**
- Kylie Matsumoto**
- Rubina Sidhu**
- Jordan Smith**
- Wanda Boyer**
- Dawn Neill**
- Allison Eddy**
- Marne Jensen** (ex-officio, non-voting)
- Martine Conway** (ex-officio, non-voting)

Please note: Individual cases are reviewed solely by the Ombudsperson. Confidentiality requirements preclude Committee members from reviewing case information, or recommendations pursuant to individual case review.

OMBUDS PUBLICATIONS

The following handouts are available from the Office, the Ombuds Bulletin Board in the SUB, the Ombuds Webpage or at other locations on request.

- **Do You Need an Objective Ear?**
(Office brochure)
- **Ombuds Guide to Appeals and Academic Concessions**
- **What You Should Know about Cheating and Plagiarism**
- **Ombuds Tips for Undergraduate Students** *new*
- **Ombuds Tips for Graduate Students**
- **Ombuds Tips for Students in Professional Schools** *new*

OFFICE HOURS AND LOCATION

The Office is staffed Monday to Thursday, 27 hours per week. Students can make an appointment by calling (250) 721-8357 or emailing: ombuddy@uvic.ca

Drop in hours are normally **Monday & Tuesday 9:30-noon, and Monday & Wednesday 1:00-4:00 pm.**

The office is located in SUB B205. For further information on services, please consult our brochure (available from the Office and from the UVSS Resource Centre) or our WebPage: <http://www.uvss.uvic.ca/ombudsperson>