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Celebrating our 27th year of Service at UVic

OMBUDSPERSON report

Volume 8 Issue 1

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

2004 was an eventful year! In April, the University administration contributed funding to bring the Ombuds hours of operation from 27 a week (funded by undergraduate and graduate students) to full time. I want to thank the members of the Ombuds Advisory Committee who have advocated for the Office over the years, the members of the UVic community who expressed support for the proposal, and the University of Victoria for making this change possible. Please see page 4 for the Office's mandate and Advisory Committee.

This report covers calendar year 2004. The Office received 411 complaints and inquiries, which are detailed on page 2. **Case summaries and Comments on Dealing with Questions of Climate in the Classroom** are included on page 3.

2004 also saw the Ombudsperson's participation in conferences, workshops and committees, and the development of a logo and an updated website. See page 4 for a highlight of these activities. **The report starts with a 5-year overview of recommendations made by the Ombuds office.**

I am grateful to the many individuals and units who visited the Office, referred students, or participated in the resolution of problems and conflicts in 2004. The work of the Ombudsperson isn't possible without your cooperation, and I hope to receive your comments on this report at ombuddy@uvic.ca, 721-8357 or SUB B205.

Martine Conway

WHAT HAPPENS TO RECOMMENDATIONS MADE BY THE OMBUDS OFFICE?

The Ombudsperson may make recommendations in a variety of circumstances: at the conclusion of an individual case; after observing one or several situations suggesting the need for a review or a change in practice, procedure or policy; or, in the Annual Report, as a general comment to the University community. But the office doesn't have the authority to implement its recommendations, so what happens to them?

INDIVIDUAL CASES:

The Ombudsperson may make a recommendation after an intervention. (Interventions on individual cases take place with the permission of the student. They include problem-solving and case reviews.) The Ombudsperson makes the recommendation to the person in authority and asks to be informed about its implementation.

For example, in the case summary featured on page 3 (see *De-registration*), the Ombudsperson asked the office of the Dean to reconsider a decision. The recommendation was accepted and the initial decision was overturned. The intervention by the Ombudsperson provided an opportunity to appropriately resolve the issue without recourse to a Senate appeal.

Should a recommendation not be accepted, the Ombudsperson would request a rationale &/or inquire about alternative solutions. If the Ombudsperson thought that the situation was still not resolved, she would discuss her concerns with the unit involved. Depending on the options available, she may also direct the student to the appeal process, bring the matter to the next level of authority or write a special report.

The report for 2000 included a case summary about dealing with *professional conduct*.

At the conclusion of the case, the Ombuds office **recommended a review of the Program and Faculty procedures for dealing with concerns of professional or ethical conduct**, both in work placement situations and in the classroom. **RESPONSE TO THE RECOMMENDATIONS:** The academic unit conducted a review of its policy. The following year, new policies were developed at the Program and Faculty levels, which clarified decision-making and appeal procedures.

The report for 2001 included comments related to *academic concessions* and *accommodations for students with a disability*. It underlined the need to clarify procedures and provide education and support to students and faculty members.

The report for 2002 included a section on *dealing with conflict and mental health issues* with comments and suggestions. That report also **recommended a review of the process for requesting and granting academic concessions**. A special report to Records Services asked for a review of the Calendar entry and presented a list of points to clarify. **RESPONSE TO THE RECOMMENDATIONS:** A new Calendar entry on Academic Concessions was developed.

The report for 2003 included a section on *grade and grading concerns*.

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SYSTEMIC QUESTIONS:

To illustrate what happens to recommendations about systemic questions, let us look at the annual reports filed since I came to the position in 1999. The reports mentioned below are available on the Ombuds website or from the Office by request.

The report for 1999 included comments on **grade reviews, academic concessions, and dealing with conflict & conduct**, questions which recurred in following years.

DISTRIBUTION OF CASES BY SUBJECT MATTER

During calendar year 2004, the Office handled a total of 411 complaints and inquiries, a slight decrease from 2003. They were distributed as follows: **Information/referral** 134, **Advice** 236, **Intervention** 41.

R: Information and Referral

A: Advice

I: Intervention

Subject Matter	R	A	I	2004	2003	2002	2001
Academic Concession	11	33	9	53	49	57	35
Accommodation of Disability	3	5	1	9	7	5	10
Admission	4	10	1	15	25	18	17
Cheating and Plagiarism	1	7	-	8	12	16	6
Course Delivery	1	9	2	12	12	14	16
Course Registration	7	5	2	14	10	17	n/a
Examination	5	13	1	19	17	12	14
Employment	4	1	-	5	5	7	5
Fees/Financial Aid	13	20	1	34	27	29	33
Grading/Evaluation	15	31	4	50	55	51	39
Housing	2	9	2	13	6	7	3
Human Rights & Safety	1	6	-	7	15	10	6
Interpersonal Conflict	2	8	2	12	13	9	18
Landlord-Tenant	8	3	-	11	13	8	11
Practica/Work Placement	3	5	-	8	12	13	11
Privacy/Access to Student File	-	-	-	-	2	4	5
Probation	1	4	1	6	8	2	n/a
Program Requirement	1	5	1	7	8	8	8
Requirement to Withdraw	12	23	2	37	38	45	49
Student Societies/Groups	7	5	-	12	13	5	8
Supervisory Relationship	1	9	2	12	10	10	7
Transfer Credit	2	4	2	8	7	2	7
Waitlisting	-	3	-	3	3	4	5
Other Academic	13	5	4	22	20	23	24
Other Non-Academic	17	13	4	34	38	41	46
Total	134	236	41	411	425	417	383



DISTRIBUTION OF ACADEMIC CASES BY LEVEL*

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

Instructor/Supervisor	44.1%
Unit Head/Program level	36.4%
Dean/Faculty level	16.7%
Senate Committee on Appeals	2.8%

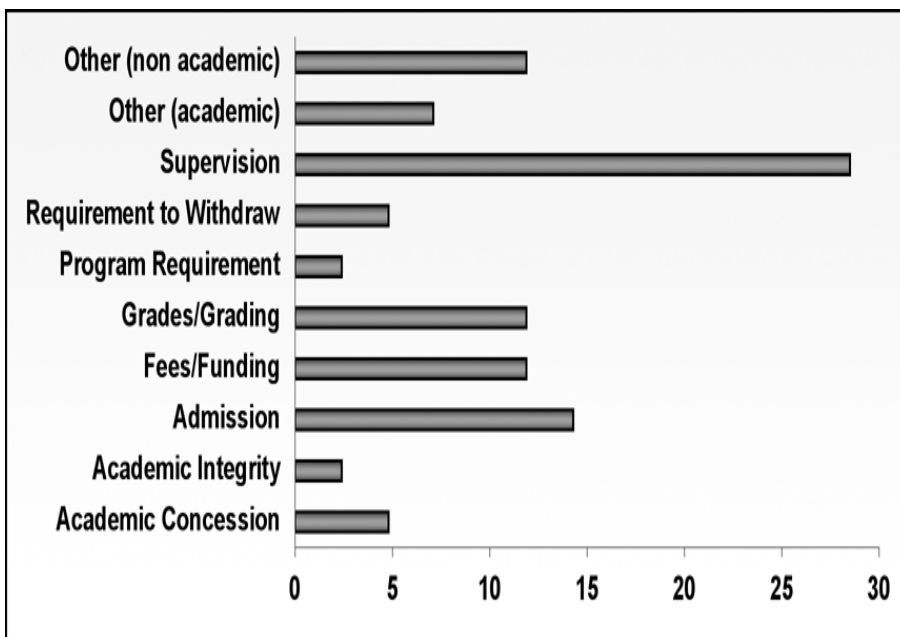
*These do not include requirements to withdraw from UVic for low gpa, which are handled by Records Services and the Senate Committee on Admission, Re-registration and Transfer.

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)	18.4%
Guidance about grounds or process for an appeal or request	48.7%
Feedback and coaching (feedback on a letter; preparation before a meeting or an appeal)	32.9%

Distribution of Graduate Student Cases (percentages)



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 units, problem-solving and case reviews.

Recommendation made	1
Resolved	10
Partially resolved/student satisfied	6
Information obtained/clarified	12
Denied/not resolved	1
Discontinued by student	5
No grounds	4
Pending	3
Total	42

(Numbers include 41 cases opened in 2004 and 1 case pending at the end of 2003.)

In order to protect confidentiality, some details were omitted or modified.

De-registration – Intervention (recommendation made)

Students may drop courses through WebReg without academic penalty up to the “academic drop date” (last day for withdrawing from the course without penalty of failure) listed in the Calendar or Registration Guide. Student K’s situation was unusual as his course didn’t follow the regular schedule, and his registration had to be performed manually by Records Services. His request to de-register from the course was initially denied by his Faculty because he submitted no medical documentation.

However, after a review of the case, the Ombudsperson determined that medical documentation wasn’t an issue in this instance, and that the Faculty’s decision didn’t address the question of the academic drop date as defined in the Calendar. **Rather than directing the student to a Senate appeal, the Ombudsperson asked the Dean’s office to discuss the situation with Records Services and to reconsider its decision. The student’s request was granted.**

The Ombudsperson asked that the academic drop process be clarified for this type of course and communicated to students and Staff.

Administrative Waitlist – Intervention (no ground)

Student Y complained that she had been passed up on an administrative waitlist. She said that, when she inquired, the staff apologized for the mistake but told her they couldn’t do anything for her. She thought that the situation was unfair and she wanted the same opportunity that was given to the other student.

When the Ombudsperson contacted the unit, the staff apologized again for the mistake and indicated the steps they had taken to prevent a re-occurrence of the problem. There were in fact 3 other students on the waitlist before the student who had complained, and only one spot had opened. **The Ombudsperson concluded that moving this student to the top of the list would not be an appropriate remedy. The student was given the explanation and accepted the decision.**

CLIMATE IN THE CLASSROOM

The following 3 stories relate to climate in the classroom. Not all involved protected groups under the Human Rights Code, but all were about respectful learning and teaching environments.

Inappropriate Comments (Referral)

Student A said he had concerns after an instructor made inappropriate comments in class. He repeated the comments, which generalized and misrepresented a group identified under the Human Rights Code. The student was also distressed by the lack of understanding evidenced in classroom discussions. He didn’t want to raise his concerns directly with the instructor or the Chair for fear of standing out, but he felt that someone had to discuss the issue with the instructor. **After meeting with the Ombudsperson, Student A decided to contact the Human Rights office for assistance.**

Complaint about an Instructor (Advice)

Student R said she had drafted a letter to the Chair of a department regarding an instructor. The student had questions on the process for making complaints about an instructor. She wanted to know how departments deal with students’ concerns, how seriously the question of an instructor’s professional behaviour is considered, and what repercussions there might be on her grade as she was still in the class. She indicated that concerns had been raised in the past about the instructor’s “dismissive attitude toward students and poor class organization”, but only verbally. On contacting the department, she had been asked to put

things in writing. She wanted guidance on presenting the points she wished to raise in her letter. **After meeting with the Ombudsperson, the student said she would send the letter and meet with the Chair.** She left no contact information with the Ombuds office, so no follow-up was made.

Classroom Dynamics and Diversity (Intervention - resolved)

Student P and student F said they felt singled out in class. Both were international students of the same nationality in an otherwise relatively diverse classroom. They clarified that they and “some of the other students of the same background were not getting equal opportunities to participate in discussions”. They also said that “the same group of students always got the instructor’s attention”. P and F were not comfortable talking about this with the instructor. After asking for details of what wasn’t working and what would work better, the Ombudsperson agreed to call the instructor and discuss the students’ feedback with her.

The instructor expressed surprise that the students hadn’t come to her, concern that they had gone to the Ombuds office, and a genuine interest in discussing the feedback and finding solutions. Differences in communication style and expectations among students were due to a variety of cultural and personal factors. These differences had not been resolved in an early attempt by the instructor to discuss the issue of diversity with the class. In her discussion with the Ombudsperson, the instructor identified strategies to acknowledge the challenge with the class and to change the dynamics. **A follow-up visit from the 2 students confirmed that the instructor and the class were able to fully resolve the situation.**

COMMENTS ON DEALING WITH QUESTIONS OF CLIMATE IN THE CLASSROOM

Climate, diversity and course delivery are among the most sensitive types of questions that come to the attention of the Ombudsperson, and therefore among the most difficult to address successfully. Not all such situations are resolvable through dialogue, but many are, especially when they are identified early. Other situations can be pursued through formal complaint procedures. But recourses are by definition reactive, and they depend on a student identifying a problem. Unfortunately, a number of factors come in the way of early intervention, constructive dialogue and appropriate resolution.

In class, students may feel pressured to become spokespersons for a mis-represented group, whether they are comfortable or not in that role. Or they report feeling silenced, disrespected or more invisible. Because they feel vulnerable, students are often reluctant to discuss concerns with instructors or unit heads. They often don’t use resources inside a department unless they have seen proof that the department takes students’ concerns seriously, or until the situation has deteriorated to the point where a formal complaint seems like the only option. For the same reasons, they may reach out to resources outside the department, but they often prefer not to ask a third party to intervene. When they come to the Ombuds office on these issues, it is mostly confidentially, to seek information about their options.

Instructors may similarly feel uncomfortable when dealing with questions of climate, course delivery or diversity. Most take their responsibilities seriously and are shocked to find that their handling of their class caused concern. A call from a third party is first interpreted as a sign of a serious problem, a formal complaint, or a threat to one’s reputation.

At a time when educational equity and diversity have been identified as areas of focus for UVic, stories like these identify some of the challenges and opportunities facing the University community in the next few years. We are an increasingly diverse community, and we can learn a lot from each other to deal better with our differences.

We have much to gain as a campus if we find ways to normalize the need for dialogue and constructive feedback on these issues. We also need to share best practice about policies and procedures that are accessible, fair, effective and respectful at all stages.

Some academic and administrative units have been leaders in developing inclusive approaches, and we need to share and celebrate their stories of success. I am encouraged by the opportunities created as a result of the Equity and Fairness review of 2003, in particular the increased communication and collaboration between offices dealing with questions of equity and fairness, and the focus on Educational Equity by the office of the Vice-President Academic.

OFFICE MANDATE AND STRUCTURE

The Office seeks to ensure that the principles of natural justice and administrative fairness are observed, and it strives to follow the guiding principles of Ombuds work: **accessibility, confidentiality, impartiality and independence**. It receives inquiries and complaints from students about academic and non-academic matters, and offers three responses: Information/Referral, Advice, Intervention.

INFORMATION/REFERRAL is a short consultation. 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. INTERVENTION on an individual case is initiated with the student's permission. It includes problem-solving or investigating, as appropriate. The Ombudsperson has no decision-making power on individual cases. She can make recommendations to persons in authority and bring general feedback to the University community.

The Office is staffed by one full-time Ombudsperson and funded by students and the UVic administration. It reports to an Advisory Committee with 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 & Finance). The UVSS General Manager and the Ombudsperson sit as ex-officio, non-voting members.

The committee met 5 times in 2004 to discuss office funding, the annual budget and statistical reports. Because of confidentiality requirements, Committee members do not have access to individual case information.

OTHER ACTIVITIES

Conferences

In May, I presented *Spoken like an Ombuds* to the Association of Canadian College and University Ombudspersons (ACCUO). In November, Katherine Ziff from Ohio University and I presented *Speaking Ourselves into Existence: Metaphor as a Means to Reflective Practice* to the California Caucus of College and University Ombuds (CCCUO).



Professional Development

I had the pleasure of attending Interaction 2004, Conflict Resolution Canada's 8th biennial conference in Kitchener, Ontario, June 2-5. Workshop topics included: integrating diversity and imagination in conflict resolution processes; sustaining organizational change; storytelling in peace-building; and conflict coaching.

Membership in Ombuds Associations

I am a member of the Association of Canadian College and University Ombudspersons (ACCUO) and the University and College Ombuds Association (UCOA). In May, I was elected as member-at large to ACCUO's executive board. The Board schedules regular phone conferences and met once in Toronto in December. Tasks included a review of Standards of Practice, and work on sample Terms of Reference for Ombuds offices.

Conference Planning

I am partnering with Gary Insley, Ombudsman at Camosun College, to organize a 2-day Ombuds conference in Victoria in February 2005. The event will be a cross-sector (academic, legislative and corporate) gathering of Ombuds from Canada and the States.

Campus Outreach

I developed a logo for the office and updated the brochure and website. I participated in the "4Cs" (Communication, Collaboration, Cooperation and Consultation), monthly meetings with administrative units that share a mandate on questions of fairness and equity. The units exchange general information and coordinate educational initiatives, such as the work undertaken this year on academic accommodations for students with mental health issues (see *Follow-up* below). I also sit on the Educational Equity and Human Rights Working Group, and I serve as non-voting member on the Ad Hoc Committee to Review the Policy on Providing Accommodation for Students with a Disability.

Workshops

I presented Student Orientation workshops in January and September; a workshop for international students in August; a departmental orientation workshop on students' rights and responsibilities; a class presentation for future teachers on harassment in the classroom; and a talk for new faculty on dealing with questions of academic integrity.

OFFICE HOURS AND LOCATION

The Office is staffed Monday to Friday,
in SUB B205.

Make an appointment by calling: (250) 721-8357
or emailing: ombuddy@uvic.ca

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

con't from page 1 **WHAT HAPPENS TO RECOMMENDATIONS MADE BY THE OMBUDS OFFICE?**

This was followed by a special report to the Senate Committee on Academic Standards (SCAS) to **recommend a clarification of the Calendar entry on grade reviews and the development of written procedures** in Faculties without them. **RESPONSE TO THE RECOMMENDATIONS:** The Calendar entry on grade reviews is being revised and reorganized. SCAS and the Faculties involved have been drafting grade review procedures. The written guidelines clarify the difference between a grade review (i.e. re-grading of a student's work) and an appeal based on concerns about grading procedures used in the course.

SCAS also included the following in its own report to Senate: **"We agree with [the Ombudsperson's Report's] call for greater clarity and transparency in grading standards within individual units and across the University as a whole, to the benefit of students and instructors. The Ombudsperson recommends that students be provided with clear objectives and criteria for tests and assignments, including a qualitative grading scale."** (Senate meeting, May 7, 2004) Many units or courses already use qualitative scales and provide clear objectives and criteria on assignments. I hope that discussions will continue on these topics, and that they will become the norm in all courses.

Follow-up:

In 2004, the Ombudsperson was asked to provide leadership in drafting a discussion paper about the *accommodation* and *academic concession* processes for students with mental health issues. The paper includes a brief legal background, an illustration of financial and other barriers experienced by students with disabilities, and a series of discussion points for academic units. The paper was developed in collaboration with other offices (see "4Cs" in *Campus Outreach*, p.4) and was presented to Deans' Council and to Chairs' & Directors' Forum. The 4Cs produced a brochure on the topic, highlighting student and instructor rights and responsibilities, for distribution on campus. The Ombudsperson is serving as non-voting member on the Ad Hoc Committee to Review the Policy on Providing Accommodation for Students with a Disability.

The Ombudsperson may suggest or recommend, but she doesn't make change happen. Credit belongs to the individuals and units who work collaboratively to identify and resolve issues. The progress outlined in this 5-year overview is a tribute to their dedication and their commitment to fairness & equity.