



**T**his report covers calendar year 2005. I hope you will find the topics useful and, as always, I welcome your comments and inquiries at [ombuddy@uvic.ca](mailto:ombuddy@uvic.ca), (250) 721-8357 or in SUB B205.

*Martine Conway*

## FAIRNESS MATTERS: BEST PRACTICE TIPS

**A**n Ombuds office is the sign of a commitment to fairness by the organizations that establish, support and fund such offices. But it is the campus community itself, its administrators, faculty, staff and students who, through their interactions, create and maintain the environment for fairness. When people disagree about a question or decision, it is important to remember that everyone has responsibilities in the process, and everyone can contribute to fairness and civility by how they raise or respond to an issue.

For this article, I observed best practice among academic and administrative units at UVic to identify elements that contributed to fairness over the last year. As the Ombuds office is mandated to review student matters, the emphasis is on how decision-makers can improve process in student-related academic issues.

The June 19, 2003 report to the President on *Equity and Fairness at the University of Victoria* showed that people defined their expectations about equity and fairness in two ways. The first was about putting in place structures, policies and resources to work toward equity and fairness; the second was about interactions between people on campus, in particular whether they were characterized by “respect, balance, even-handedness, decency and due process” (p. 8). The panel conducting the Equity and Fairness review also pointed out that:

“Process is important. There exists a strong, organizational interest in ensuring that processes are equitable and fair and people can focus on their work and study. A decision, even if it is the right decision, will be questioned and debated if the process followed to reach the decision is not seen as fair and equitable.” (p. 11)

*cont'd on page 3*

## ACADEMIC INTEGRITY: DEALING WITH CONCERNS ABOUT PLAGIARISM AND CHEATING

The 2004-2005 Calendar clarified the *Policy on Academic Integrity*, including what constitutes academic dishonesty, the process to deal with concerns, and guidelines on penalties. Implementation seemed to work well, with clear information for students on what to expect when a concern is raised, appropriate notice of the concern, an opportunity to be heard before a decision is made, and a process to allow for consistency where penalties are applied.

Situations that came to the Ombuds Office ranged from confusion about acceptable collaboration or confusion about citing sources to willful cheating on an assignment or exam. Results ranged from an opportuni-

ty to redo a piece of work to a failing grade in the course. Students typically consulted the Office to better understand the department's allegation, to know what to expect of the process and to identify resources.

The new policy seems effective in dealing with academic misconduct and in applying consistent penalties. It also provides a process to deal with repeat offenders. Some areas related to education and prevention have received and continue to need attention.

### RECOMMENDATIONS:

1. Instruction about academic writing and information on plagiarism and its consequences are important for students at all levels. The *Academic Integrity Survey Results* (Learning and Teaching Centre, September 2005) showed that “the most common forms of academic misconduct could be addressed through departmental and Faculty level educational initiatives” (p. 3). In particular, the report recommended that academic units

“develop procedures and resources so that students in each course are made aware of the academic standards of that area of study and given resources with which to learn disciplinary conventions of research and publication.” (p. 32)

2. Rules about collaboration must be clear. In the academic world, people receive feedback on drafts of their articles before publication. When this concept is transferred to the classroom at the undergraduate or graduate level without clarifying how to seek or provide feedback, it can create situations where boundaries are confused. Some students also report receiving unclear verbal instructions about “working or studying together” in the context of a course.

3. It is important for instructors to structure assignments and exams in a way that doesn't facilitate cheating. Practices that don't contribute to an environment of academic honesty include: reusing test or exam questions, asking for the same general assignments from term to term, and not monitoring students during tests and exams.

4. Finally, given the emphasis that the September 2005 report placed on education and prevention, I hope academic units will continue to discuss this question and to provide information and resources for instructors and students.

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**DISTRIBUTION OF CASES BY SUBJECT MATTER**

During calendar year 2005, the Office handled a total of 434 complaints and inquiries distributed as follows: **Information/Referral** 124, **Advice** 271, **Intervention** 39. The Office switched to a system that records *files closed* rather than *files opened* during the year.

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

Subject Matter	R	A	I	2005	2004	2003
Academic Concession	14	48	3	65	53	49
Accommodation of Disability	2	8	1	11	9	7
Admission	2	4	2	8	15	25
Cheating and Plagiarism	1	16	1	18	8	12
Course Delivery	1	6	1	8	12	12
Course Registration	10	3	1	14	14	10
Examination	4	13	4	21	19	17
Employment	5	6	-	11	5	5
Fees/Financial Aid	7	17	3	27	34	27
Grading/Evaluation	6	41	3	50	50	55
Housing	1	5	3	9	13	6
Human Rights & Safety	6	9	4	19	7	15
Interpersonal Conflict	3	6	1	10	12	13
Landlord-Tenant	8	2	-	10	11	13
Practica/Work Placement	1	10	-	11	8	12
Probation	2	3	-	5	6	8
Program Requirement	1	4	-	5	7	8
Requirement to Withdraw	5	36	3	44	37	38
Student Societies/Groups	6	5	2	13	12	13
Supervisory Relationship	2	10	3	15	12	10
Transfer Credit	5	1	-	6	8	7
Waitlisting	-	1	-	1	3	3
Other Academic	9	9	1	19	22	20
Other Non-Academic	23	8	3	34	34	40
<b>Total</b>	<b>124</b>	<b>271</b>	<b>39</b>	<b>434</b>	<b>411</b>	<b>425</b>

**DISTRIBUTION OF GRADUATE STUDENT CASES**

Difficulties related to the **supervisory relationship** made up just over **one third** of graduate cases. Other categories included: academic concessions, conflict resolution, data ownership, funding and grading.

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

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

Instructor/Supervisor	45.3%
Unit Head/Program level	37.7%
Dean/Faculty level	15.1%
Senate Committee on Appeals	1.9%

\*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.

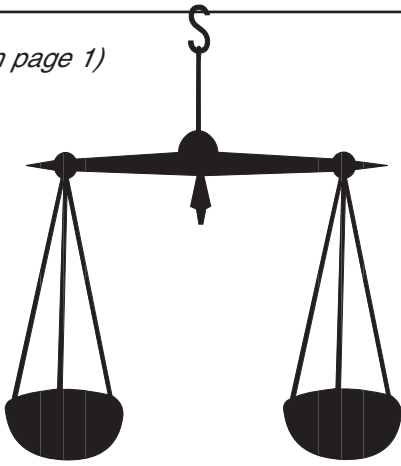
Putting a decision in <b>perspective</b> /identifying <b>options</b> ( <i>Students may or may not pursue the situation further</i> )	18.8%
Guidance about <b>grounds</b> or <b>process</b> for an appeal or request	54.8%
<b>Feedback</b> and <b>coaching</b> ( <i>feedback on a letter; preparation before a meeting or an appeal</i> )	26.4%

**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	18
Partially resolved/student satisfied	4
Information obtained/clarified	10
Denied/not resolved	2
Discontinued by student	3
No grounds	1
<b>TOTAL</b>	<b>39</b>

(cont'd. from page 1)



## Fairness Matters: Best Practice Tips

The Ombudsman Fairness Checklist available on the Ombudsman of British Columbia Website <http://www.ombudsman.bc.ca> offers a short guide to communication, services, decision-making and review processes. It inspired some of the themes covered here.

1. Courtesy, clarity of expectations and access to information are important. Students form first impressions about fairness on the quality of interaction and information that is available to them. This is true in person, by phone or email, or through a handbook or website.

Checklist for departments, schools and faculties:

- Are your policies and procedures easy to find (for example on your website or in the handbook for your unit)?
- If you have students on work placement or in supervisory relationships, do you have guidelines describing the responsibilities of *all* participants (student, supervisor, instructor, coordinator, etc.)?
- Do you have a process for resolving problems? How is that process communicated to students? How is it used?

Clear and accessible information on expectations, policies and procedures are part of a respectful interaction with students.

Good website or handbook information is easy to find for students and instructors. It includes admission requirements, expectations about academic and (if applicable) professional standards, grade review and appeal procedures. Information on problem-solving mechanisms also helps students and instructors normalize the search for early and constructive solutions. This is especially useful in situations of work placement or supervisory relationships.

2. Respect and transparency are part of good decision-making procedures. Natural justice is a concept that suggests a continuum from minimal to more stringent procedural safeguards depending on the nature of the decision to be made, the administrative level at which the decision is made and the seriousness of the impact on the individual. Procedural fairness is composed of two basic rights: the right to be heard and the right to an unbiased decision. What does that mean in practice?

**The right to be heard** includes the right to be informed that a decision is about to be made, sufficient information about the nature of the concerns, and an opportunity to present information (in person or in writing) before a decision is made.

**The right to an unbiased** decision means the absence of a conflict of interest. It also means that the decision-maker has not prejudged the situation before meeting with the individual(s) involved.

At lower levels of decision-making and review, students who are not satisfied tend to complain about lack of notice, lack of information or explanations about the decision, and lack of an opportunity to be heard *before* a decision is made. They also complain of first level reviews (at the coordinator, chair or director level) where the decision-maker appears to be looking for justification of the original decision rather than considering the situation anew. (See for example *Program Requirement* below).

3. Appeal procedures are a safeguard for the institution and all its members. Independent reviews ensure that decisions are fair and seen to be fair. The challenge in an academic setting is to differentiate between questions that are purely of academic judgment (for example a grade on an assignment) and questions regarding procedural concerns (for example erroneous application of a grading policy). Only the second type of question can be appealed all the way to Senate.

The fact that certain decisions cannot be appealed beyond the academic unit or that first-level reviews are sometimes informal doesn't make fair process less important. On the contrary, a real or perceived lack of accountability at that level can seriously undermine the credibility of an academic unit in the eyes of a student and affect morale among students. As the report on *Fairness and Equity at UVic* indicated, "process is important".

When conducting a review or an appeal:

- Apply the concepts of procedural fairness (see 2. above)
- Address the issue(s) brought up by the student or indicate why they do not constitute grounds for appeal
- Give reasons for your decision
- Inform the student of any further avenue for appeal

Facts are sometimes disputed, and decisions are not always in the student's favour. It is useful to consider referring students to sources of independent advice where they can seek support or get a sense of perspective (for example advisors, counselors, the Human Rights office, the Ombudsperson...). For more information on Natural Justice and procedural fairness, you can also consult *Procedural Fairness for University and College Students* by Lynn M. Smith, CACUSS Monograph Series, April 1998.

What's new? The faculty of Graduate Studies recently updated its document on *Responsibilities in the Supervisory Relationship*. Housing, Food and Conference Services has just issued the *Residence Life Community Standards*, clearly outlining responsibilities and processes in residence. The Ombuds website has links to many of UVic's policies and procedures, including policies in academic units. Please help me to keep the links up-to-date.

## Case Summaries

### PROGRAM REQUIREMENT – ADVICE/COACHING - RESOLVED

A student came to the Office after receiving a fail on a program component resulting in withdrawal from the program of study. The student had appealed to the unit head who met with the instructor and with the student, and confirmed the adverse decision. However, the student said the unit head didn't listen to her concerns and didn't address the questions she had raised. From the student's point of view, the unit head appeared to have focused on justifying the instructor's decision.

The student distrusted further appeal. She consulted with the Ombudsperson who helped her sort out "process" versus "academic judgment" questions. The student then appealed successfully at the dean's level and was able to resume her program. (cont'd. page 4)



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

cont'd from page 3

## CASE SUMMARIES

### PRACTICUM – ADVICE/PROCESS – NOT RESOLVED

An instructor failed a student on a practicum. The report from the instructor clearly documented areas where the student had not met expectations. The student said that the mid-term evaluation had been held late. Although it had identified areas in need of improvement, the student said there had been no warning about a risk of failure. The student also said that feedback from people in the workplace was positive, and that there was little guidance or feedback from the instructor prior to the final decision. When the student contacted the unit's advisor to discuss what had happened and to inquire about appealing, she said she was given a copy of the policy but was discouraged from appealing.

Although the student thought it was clear that the instructor had not provided adequate feedback or supervision, she decided not to appeal because she didn't think she could document what went wrong, and she thought the advisor's reaction indicated that the unit would side with the instructor. The student repeated the practicum and was successful. However, the questions of supervision and evaluation in the first practicum were not addressed. The situation eroded the student's trust in the unit's ability to be fair and accountable.



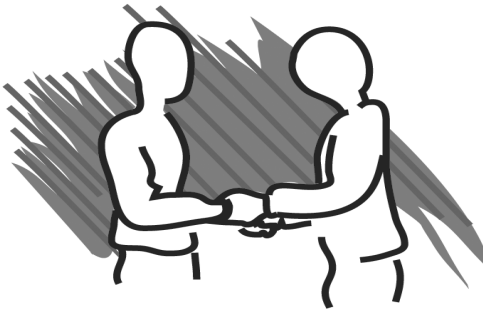
### ADMISSION – INTERVENTION – RESOLVED

A student was denied admission into a program after being pre-selected for admission at an early stage. He appealed the decision based on lack of clarity of admission criteria and conditions (process). The appeal was denied on the grounds that admission standards had not been met (academic judgment). The following term, the student was referred to the Ombudsperson. He said he didn't understand why the appeal committee had not addressed the points he had raised in the appeal. The Ombudsperson reviewed the situation and contacted the department.

The unit head and the Ombudsperson agreed that the information available to the student had been incomplete, which had affected the student's choices at the time, and his ability to meet the required standards during his last term. The results of that term would continue to affect the student if he was to re-apply. (It was also determined that the combination of circumstances was unique to this student, so that no one else had been affected in this way.)

As the student was now enrolled in general courses and it was too late to consider program

admission for the current session, the unit head proposed a solution that would disregard the results of the previous term, thereby offering the student a fair opportunity to meet admission requirements for the next session. The student was satisfied with that option.



### ACADEMIC CONCESSION – ADVICE/PERSPECTIVE - NO GROUNDS

A student came to enquire about dropping two courses from a previous term. It had been a very difficult time in the student's life, and he had seen a counselor once at the beginning of the term. The student had completed and failed both courses.

The Ombudsperson explained to the student that the academic concession process is available to students who need to defer or drop courses for extenuating circumstances (e.g. illness, accident, family affliction). The student must document the situation and make a request in writing. However, a student who completes a course and receives a grade for it isn't eligible for a concession. Final grades other than N grades cannot be removed from a student's record. (Please see the Calendar 05-06 page 34 on *Academic Concessions* for the exact wording of this policy, including any exceptions to the rule stated above.)

The Ombudsperson explained how to deal with this type of situation differently in the future, but the student's circumstances didn't provide grounds for an appeal.

### OFFICE MANDATE AND STRUCTURE:

The Ombuds Office is an independent, impartial and confidential resource for the University community. The Office receives inquiries and complaints from students about academic and non-academic matters and offers three responses: information/referral, advice, intervention (see page 2).

The Office is staffed by one full-time ombudsperson. It is funded by direct contributions from undergraduate and graduate students, as well as a grant from the University administration. It reports to a 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 and Finance). In 2005, the committee met four times to discuss statistical reports, budgets and terms of reference. Because of confidentiality requirements, committee members do not have access to individual case information.

### OTHER ACTIVITIES:

#### OUTREACH AND COMMITTEE WORK:

The Office participated in undergraduate and graduate students' orientation in January and September. I also sit with administrative and academic units as well as student representatives during the year. I sat as non-voting member on the Ad Hoc committee reviewing the policy on accommodation for students with a disability. I also sit on the Educational Equity and Human Rights Working Group (Human Rights Committee). The Ombuds Office participates in the 4Cs (communication, collaboration, consultation and cooperation): monthly meetings between administrative units sharing a mandate on fairness and equity.

#### CONFERENCES AND PROFESSIONAL ASSOCIATIONS:

I presented a session on *Metaphors and Reflective Practice* at the Association of Canadian College and University Ombudspersons' mid-year meeting in January in Ottawa. I had the pleasure to co-host the cross-sector *Ombuds Leadership Conference* in February in Victoria with my colleague Gary Insley, Ombudsman at Camosun College. In May, I attended the Forum of Canadian Ombudsman conference in Toronto. And in November, I co-facilitated a session on *Shaping the Future of the Ombuds Institution* at the California Caucus of College and University Ombuds at Asilomar. I am a member-at-large on the Association of College and University Ombudspersons' Executive Board, and am working on a mentoring project and a resource kit for new Ombuds.

#### PROFESSIONAL DEVELOPMENT:

I attended a workshop on *Leadership* offered by the Institute for Dispute Resolution at UVic, and sessions on *Human Rights and Accommodation of Disability* sponsored by UVic. I also attended the *Interviewing Skills* pre-conference workshop at the Forum of Canadian Ombudsman conference in May.

### **CONTACTING THE OFFICE**

The Office is staffed Monday to Friday in SUB B205. You can make an appointment by calling (250) 721-8357 or emailing [ombuddy@uvic.ca](mailto:ombuddy@uvic.ca).

For drop-in hours and more information about the Office, please go to the website at: [www.uvss.uvic.ca/ombudsperson](http://www.uvss.uvic.ca/ombudsperson)

### **INFORMATION AND PUBLICATIONS**

Past annual reports, links to UVic policies and the following pamphlets can be found on the Ombuds website at [www.uvss.uvic.ca/ombudsperson](http://www.uvss.uvic.ca/ombudsperson):

*What you should know about cheating and plagiarism*

*Ombuds tips for avoiding pitfalls (for new students at UVic)*

*Ombuds tips for graduate students*  
*Ombuds tips for resolving problems*