



the

OMBUDSPERSON report

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**IN MAY 2008, WE WILL CELEBRATE
30 YEARS OF SERVICE ON CAMPUS!**

In collaboration with the Student Transition Centre, the Ombuds office has hired Tina Argue, a student in bio-psychology, to document and publicize the history of the office at UVic. The project includes reviewing historical documents (annual reports, terms of reference) and conducting interviews. See the fact-sheet attached to this report and watch for more as we prepare to celebrate our 30th anniversary in 2008.

This report covers calendar year 2007. Please see *Case Summaries* page 3 and the *Update on Graduate Students* page 4. As always, a grateful thank you to all the students, staff, faculty and administrators who made the work of the office possible through their participation, collaboration or support. Please address comments about this report to ombuddy@uvic.ca, (250) 721-8357 or SUB B205.

Martine Conway



STUDENT RETENTION AND SUCCESS: UNDERSTANDING THE IMPACT OF ACADEMIC CONCESSION DECISIONS

Each term, hundreds of decisions are made about **Academic Concessions** (e.g. extension on assignment, alternate assignment or test, deferral of final exam or paper, late course drop) in response to a student's documented illness, accident or family affliction. (See Calendar 07-08 p. 35-36). These decisions can have a direct impact not just on a student's success in a course, but also on a student's financial situation or eligibility for funding, or on a student's retention and success in a whole program.

This report focuses on three stories of academic concessions (see p. 3) to illustrate some structural obstacles impacting student success and retention. In its Strategic Plan*, the university set out specific objectives related to student retention:

1. **To be a diverse, welcoming learning community, with a strong commitment to equity.**
2. **To actively recruit and retain outstanding students from diverse regions and backgrounds and to remove all barriers to admission and retention other than academic and creative potential. (Strategic Plan, 2007 p. 14-15)**

Alex's story (see p. 3) was one of several this year illustrating the need to better bridge the Academic Concession process (Calendar 07-08 p.35-36) and the policy on Academic Accommodation and Access for Students with Disabilities (<http://web.uvic.ca/uvic-policies/pol-2000/2340DIS.html>).

When deciding about an academic concession for a student with a disability, faculty members and academic units must consider the individual situation through the

lens of human rights legislation. Generic answers (e.g. "We always... We never...") do not necessarily meet legal requirements for the duty to accommodate, which call for an individual assessment of the situation. This means taking into account barriers related to course design and the disability.

Sam's story (p. 3) provides an opportunity to articulate the link between course drops, difficulties accessing funding, and students incurring higher debt or dropping out of university.

Students must be registered in a minimum of 4.5 units per term to qualify for full-time student loans (or 3.0 units if on reduced course load because of a permanent disability). Falling below this minimum jeopardizes the student's funding for the current or the following term. Funding is further jeopardized when a BC student falls below the minimum course load two times while on government loans, or reaches a total of 68 weeks of "unsuccessful completion" in their borrowing career. (Please contact Student Awards and Financial Aid for information about government loan rules and appeal procedures.) Aboriginal students relying on band funding generally need to be registered in at least 6 units per term.

Students with certain types of disability or with a recurring mental or physical illness may need to enroll in fewer courses per term. They may take longer to complete their degree and be at risk of accumulating more student debt. They may also be more likely

to have to drop courses and to fall below the minimum registration requirements to qualify for funding.

In this context, the denial of legitimate requests for extensions, alternate tests, make-up assignments or deferrals may have serious repercussions. Some students in Alex's or Sam's situation opt to drop a course or get a low grade because of the stress associated with appealing beyond the department to reach an appropriate accommodation or concession. Dropping courses lengthens completion time and exacerbates financial difficulties. Lower grades can impact the student's standing, access to scholarships, and admission to undergraduate or graduate programs.

As the university continues to "identify and address equity and diversity issues across the university by monitoring and reporting on the recruitment, retention and experience of students, faculty and staff" (Strategic Plan 2007 p. 14), I ask planners and decision-makers to find ways to monitor the experience and retention of students in vulnerable circumstances, and to consider the system-wide resources needed to support students and faculty members in making appropriate academic concession decisions.

*A Vision for the Future – Building on Strength: A Strategic Plan for the University of Victoria, Feb. 2007

DISTRIBUTION OF CASES BY SUBJECT MATTER

During calendar year 2007, the office handled a total of 436 complaints and inquiries distributed as follows: Information/Referral 123, Advice 253, Intervention 60.

R: Information and Referral A: Advice I: Intervention

Subject Matter	R	A	I	2007	2006	2005	2004
Academic Concession	13	45	11	69	47	65	53
Accommodation of Disability	3	8	3	14	6	11	9
Admission	4	7	3	14	6	8	15
Cheating and Plagiarism	3	19	3	25	13	18	8
Course Delivery	2	8	3	13	18	8	12
Course Registration	3	4	1	8	9	14	14
Employment	6	2	2	10	12	11	5
English Requirement	2	-	1	3	7	1	1
Examination	5	5	4	14	14	21	19
Fees/Financial Aid	11	25	3	39	35	27	34
Grading/Evaluation	3	32	7	42	56	50	50
Housing	3	2	-	5	5	9	13
Human Rights & Safety	5	4	-	9	6	19	7
Interpersonal Conflict	1	6	2	9	12	10	12
Landlord-Tenant	6	1	-	7	7	10	11
Practica/Work Placement	1	5	2	8	9	11	8
Probation	-	1	-	1	2	5	6
Program Requirement	-	9	1	10	7	5	7
Requirement to Withdraw	8	42	5	55	54	44	37
Student Societies/Groups	4	7	6	17	6	13	12
Supervisory Relationship	2	7	1	10	16	15	12
Transfer Credit	1	2	1	4	3	6	8
Waitlisting	1	-	-	1	2	1	3
Other Academic	13	6	-	19	18	19	22
Other Non-Academic	23	6	1	30	21	34	34
Total	123	253	60	436	391	434	411

DISTRIBUTION OF ACADEMIC CASES BY LEVEL*

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

Instructor/supervisor	53.7 %
Unit head/program level	30.3 %
Dean/faculty level	14.2 %
Senate Committee on Appeals	1.8 %

*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 <i>(Students may or may not pursue the situation further)</i>	33.5 %
Guidance about grounds or process for an appeal or request	42.7 %
Feedback and coaching <i>(feedback on a letter; preparation before a meeting or an appeal)</i>	23.8 %

DISTRIBUTION OF OUTCOMES FOR CASES WITH OMBUDS INTERVENTION

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

Recommendation made	4
Resolved	25
Partially resolved/student satisfied	5
Information obtained/clarified	20
Denied/not resolved	4
Discontinued by student	2
No grounds	0
TOTAL	60



Identifiers and details were modified to preserve anonymity.

GENERIC ANSWER NOT ADEQUATE

Alex, a student with a disability, requested an academic concession (deferral of one of three tests) because of a documented illness. Alex's disability included severe exam anxiety, and he had chosen the course in part because it provided 3 evenly spaced and weighted exams, each worth 1/3 of the final grade and covering 1/3 of the course content. The department's standard way of granting concessions was to ask students to write a cumulative final worth 60%. As the student had already been to the chair, the ombuds referred the student to the dean. The dean resolved the situation with the department: the student wrote an equivalent test to the one he had missed because of illness.

Commentary:

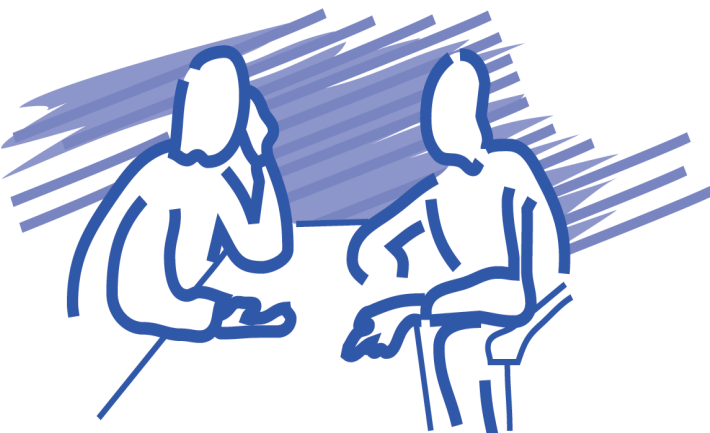
The discussion between the dean and the department provided a solution that met academic requirements and did not create a barrier for the student. The concept of universal design can provide strategies to avoid creating barriers in how a course is delivered or evaluated (contact the Diversity Advisor or the Learning and Teaching Centre for more information on course design).

COURSE DROP NOT A CATCH-ALL

Sam made a request for deferring a final exam because of a documented illness that started before the mid-term. As an Aboriginal student funded by her band, Sam needed to maintain registration in 6 units of coursework during the term, and she thought she qualified for a deferral since she had completed all course requirements but the final. The request was denied and the department directed the student to the dean for a course drop request. The department expressed concerns about the student's grade in the course, and the fact that she was not asking for deferrals or drops in all courses. The student had to formally appeal at the faculty level before being granted the deferral. She sought guidance and feedback from the ombuds office.

Commentary:

The faculty appeal committee agreed that the student had met the criteria for a deferral. The academic concession process does not require students to defer or drop all courses, and departments must be careful not to dismiss legitimate requests for extensions within the term or for deferrals beyond the end of term. Please see Academic Concessions and Deferred Status, pages 35-36 of the 07-08 Calendar.



FAIR RESOLUTION AT THE LOWEST APPROPRIATE LEVEL: OMBUDS INTERVENTIONS

Where there is an existing recourse (e.g. appeal procedure), the ombuds directs and guides the student to that procedure. However, there are instances every year when the person or unit making the initial decision did not have complete information (e.g. the student had grounds but didn't know how to document them; the unit wasn't aware of a key piece of information; or miscommunication or an error occurred). In those instances, the ombuds redirects the student to the same level of decision-making and may intervene to clarify information or facilitate a resolution.

I have found university personnel very responsive to these interventions, which save time, re-build communication channels and trust, and ultimately save resources by effectively channeling cases to the lowest appropriate level, without triggering longer or more complex appeal mechanisms. Timeliness and effectiveness are premised on collaboration and good will, and it is a tribute to the campus that most of these cases are resolved after a simple phone call or submission of new information.

Anna's situation was an exception, necessitating a second intervention at the Dean's level.

DUE PROCESS DENIED

Anna, a student in a certificate program, made a request for an academic concession (course drop) after being told that repeated absences disqualified her from taking the final exam. Anna's request was accompanied by medical documentation. When the request wasn't granted and no explanation was given, Anna called the ombuds and explained that she had not received prior information regarding possible debarment from the final exam. The ombuds called the program head.

The program head checked and confirmed that no "debarment" policy had been distributed in that course, but said that there were other concerns in the situation. The ombuds asked the head to address any concerns with the student, to reconsider the request for a drop, to respond in writing and to indicate reasons for the decision.

After a couple of verbal and written follow-ups over several months, a decision was given to Anna, again denying the request and justifying the decision by attaching a course policy specifying the minimum attendance required to qualify for writing the final. The head didn't raise any other concern. The attached course policy was not the one that had been distributed to students in that class. The situation was resolved when the dean, briefed by the ombudsperson, granted the drop and a full fee refund.

Commentary:

Departments are responsible for making decisions that respect basic due process requirements: timeliness of decision; opportunity for the student to respond to any concern influencing a decision; objective decision based on relevant facts; reasons available in writing. This case also emphasizes the importance of having written policies that are clearly communicated to students, and the inappropriateness of applying policies that were not in place at the time of the request for concession. (There is now a written policy for all courses in this program.)

UPDATE ON GRADUATE STUDENTS

2007 saw the conclusion of two complex and multi-year graduate cases. Both students graduated after receiving a requirement to withdraw from their program and appealing to the dean and, in one case, to the senate. Students had to deal with financial and other related difficulties. Students and academic units also had to re-construct the supervisory committee or modify the program of study.

Issues included lack of adequate supervision, procedural errors in making decisions (esp. failure to appropriately involve the committee, or to provide warning and an opportunity to address concerns) and procedural errors in administering an examination.

Both students and supervisors can feel vulnerable and at a loss when facing difficulties or having to make a decision about withdrawal.

Complex, time-consuming and costly appeals can be avoided by providing students and faculty members with:

- **accessible problem-solving resources**
- **transparent and fair decision-making procedures.**

In my 2006 report, I drew attention to the Responsibilities in the Supervisory Relationship Policy:

<http://web.uvic.ca/gradstudies/current/documents/SupervisoryRelationshipApr19-07.pdf>. Since then, the policy was modified to reflect variations in supervisory practice between academic units, and Graduate Studies asked department to develop a written policy and

OFFICE MANDATE AND STRUCTURE

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

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

procedures to clarify, in particular, the nature, level and frequency of involvement of individual committee members and of the committee as a whole.

Follow-up to 2006 Recommendations:

Currently, many departmental policies are not completed or do not yet address those questions. I urge all departments and schools to complete the requested written procedures before the start of the 2008-09 winter session and to address the following points:

Problem-solving and decision-making:

- No matter how supervision is structured, all committee members have responsibilities in case of problems or conflict between the student and the supervisor, and in case of concerns about the student's progression (see Responsibilities policy # 2.4 and 3.0 to 3.8).
- A student is entitled to request a supervisory meeting and/or to seek assistance from the graduate advisor and other resources within and outside the department.

Fair decision-making includes:

- reasonable notice regarding concerns
- an opportunity for the student to be heard before a decision is made
- corrective steps and an opportunity to address concerns and/or meet progression requirements, especially where withdrawal is being considered.

OMBUDSPERSON ADVISORY COMMITTEE

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

In 2007, the committee met three times to receive the annual report, approve the budget, and complete the review of terms of reference for the ombuds office. My thanks go to all committee members for their commitment and their hard work on behalf of the office.

OUTREACH AND COMMITTEE WORK

I sit on the Educational Equity Advisory Group, and on the Advisory Committee on Academic Accommodation and Access for Students with a Disability. I participate in bi-monthly meetings between administrative units sharing a mandate on fairness and equity. I also meet with student representatives and with administrative and academic units during the year. I participate in undergraduate and graduate students' orientation in January and September. In 2007, I took part in several workshops or panel discussions for international and graduate students on sexual harassment, academic integrity and ethics.

CONFERENCES AND PROFESSIONAL ACTIVITIES

As president of the Association of Canadian College and University Ombudspersons (ACCUO), I responded to requests for information from students or administrators in three Canadian institutions regarding the creation or expansion of an ombuds office. I am also developing a new ombuds resource kit with ACCUO members, and the association is developing ties with our European counterparts.

In February, I attended the North West Ombuds Group (NWOG) in Vancouver. In April, I attended the annual conference of the International Ombudsman Association (IOA) in St Louis, Missouri: Strengthening our foundations and the full-day pre-conference workshop: The skilled facilitator with Roger Schwarz. In May, I attended the conference of the Forum of Canadian Ombudsman (FCO) in Montreal: Unique solutions to universal problems. I also served on the planning committee for the California Caucus of College and University Ombuds (CCCUCO) annual conference: Ombudsing in an age of anxiety, which I attended in November.

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:

- 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

