the OMBUDSPERSON report
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BECAUSE FAIRNESS MATTERS

This report covers calendar year 2010 and features on page 4 ***Trends and recommendations: a five-year review***.
To request additional copies or to provide feedback, please contact: ombuddy@uvic.ca or 250-721-8357.

I thank the many students, staff, faculty and administrators who have worked collaboratively with my office this year. I am also available for feedback on policy development, and for workshops or presentations to the campus community on a range of topics related to fair process, conflict resolution, academic integrity, academic concessions or accommodation.

Martine Conway


Credit: UVic Photo Services

RESOLVING ISSUES CONSTRUCTIVELY AT THE DEPARTMENTAL LEVEL

On individual issues, much of the work of the ombuds office is invisible to academic or administrative units. The majority of students come for information or advice. In approximately 2/3 of questions related to academic issues the student is dealing with the instructor or the chair (director). See page 2.

What happens when a student contacts the office? The ombuds will listen to the student, provide information about options for resolving issues and refer the student to existing mechanisms. The ombuds may also either "advise" or "intervene".

Interventions are at the tip of the iceberg that is visible to staff, faculty and administrators. This usually involves contacting the academic or administrative unit to ask for clarification, assist with communication, or problem-solve. It may also lead to a review of the case and recommendations. Page 3 lists recommendations made on individual cases in 2010.

While less visible, ***advice*** by the ombudsperson is just as integral to effective and constructive resolution. Students seek information and an independent perspective about the process to follow, criteria that apply, and how to interact within the process. They gain a better understanding of decisions made (especially important where there is no ground for further appeal), or tools to address and resolve outstanding concerns. This in turn leads to better informed decisions by academic units. Page 3 provides examples of situations clarified or resolved after advice or intervention by the ombudsperson.

This year, I received several questions from instructors or chairs on ***dealing with disruptive or difficult behavior*** by students (ranging from benign to serious). If there is disruptive behavior in class or in the department, the instructor or chair will need to meet with the student to identify concerns, expectations and resources. The approach will vary according to the seriousness of the behavior.

In 2010 I worked with several students in this type of situation to help them separate interpersonal from other issues, and to provide them with feedback or coaching to direct concerns through appropriate channels. The students often felt unheard (correctly so or not). When this happens, situations tend to escalate and it is easier for departments to make mistakes (e.g. overlook a valid concern or make an error in process). At times, academic units spend significant resources reviewing or defending a decision that was essentially correct but where procedural errors or perceived bias led to appeals.

When a student whose behavior is perceived as difficult or aggressive complains or appeals within a department, it is important for the instructor or chair to:

- pay particular attention to communication and fair process in making a decision (e.g.: see ombuds report for 2009 on ***Fair process principles***)
- refer the student to resources outside the department (e.g. ombuds, human rights, counseling, dean's office).

DISTRIBUTION OF CASES BY SUBJECT MATTER

During calendar year 2010, the office handled a total of 444 complaints and inquiries distributed as follows: **Information/Referral** 158, **Advice** 243, **Intervention** 43.

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

Subject Matter	R	A	I	2010	2009	2008	2007	2006
Academic Concession	11	47	8	66	64	59	69	47
Accommodation of Disability	4	4	4	12	10	8	14	6
Admission	8	5	5	18	13	9	14	6
Cheating and Plagiarism	7	8	1	16	15	14	25	13
Course Delivery	6	14	-	20	20	26	13	18
Course Registration	5	17	3	25	17	23	8	9
Employment	9	1	-	10	11	12	10	12
English Requirement	-	-	-	-	1	1	3	7
Examination	4	3	-	7	8	20	14	14
Fees Appeals	14	6	2	22	16	21	30	26
Financial Aid	5	3	2	10	10	7	9	9
Grading/Evaluation	13	32	1	46	45	45	42	56
Housing	2	4	1	7	11	7	5	5
Human Rights & Safety	2	2	1	5	2	14	9	6
Interpersonal Conflict	1	4	4	9	7	5	9	12
Landlord-Tenant	6	1	-	7	5	7	7	7
Practica/Work Placement	1	7	1	9	7	9	8	9
Privacy	1	-	-	1	2	4	-	1
Probation	-	-	-	-	2	2	1	2
Program Requirement	2	7	4	13	17	15	10	7
Requirement to Withdraw	15	38	1	54	57	53	55	54
Student Societies/Groups	2	9	2	13	5	7	17	6
Supervisory Relationship	1	13	1	15	10	8	10	16
Transfer Credit	-	-	-	-	5	5	4	3
Other Academic	17	14	1	32	19	17	20	20
Other Non-Academic	22	4	1	27	33	26	30	21
Total	**158**	**243**	**43**	**444**	**412**	**427**	**436**	**391**

DISTRIBUTION OF ACADEMIC CASES BY LEVEL*

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

Instructor/supervisor	**27.1 %**
Unit head/program level	**41.3 %**
Dean/faculty level	**29.7 %**
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 **perspective**/identifying **options** *(Students may or may not pursue the situation further)* **46.6 %**
- Guidance about **grounds** or **process** for an appeal or request **32.2 %**
- **Feedback** and **coaching** *(feedback on a letter; preparation before a meeting or an appeal)* **21.2 %**

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, mediation and case review or investigation.

Recommendation made	**6**
Resolved	**10**
Partially resolved/student satisfied	**5**
Information obtained/clarified	**14**
Denied/not resolved	**1**
Discontinued by student	**2**
No grounds	**5**
Total	**43**

OMBUDS RECOMMENDATIONS ON INDIVIDUAL CASES

Many individual cases are handled by facilitating communication or problem-solving, or by channeling them to the appropriate person or process. Some involve a review by the ombudsperson. In 2010, specific recommendations were made in the following situations:

- **Internal administrative delays causing late payment by student:** *reverse interest charges and follow-up to improve the process.*
- **Program fee unclear***: modify the recruitment brochure to provide information.*
- **Calendar error about an audit fee (graduate student):** *reverse the fee and correct the Calendar entry.*
- **Departmental bursary selection process unclear:** *clarify the range of criteria.*
- **Residence disciplinary process (parent complaint):** *clarify housing contract to inform parents that UVic's relationship is with the student and refer students to independent resources including the ombuds office. (Housing already refers students to Counselling Services).*
- **Error of communication in a graduate program admission process:** *correct the information given to the student and clarify status and next steps.*
  (The department also wrote a letter of apology.)

CASE SUMMARIES

Names and identifiers have been modified to preserve anonymity.

Fostering solutions through dialogue:

To illustrate the themes from page 1, the case summaries in this report focus on problem-solving. Several situations presented communication breakdowns because of errors or misunderstandings on both sides. This prevented resolution as a student's valid points were overlooked, process was unfair or perceived as unfair, or the decision-maker didn't have complete information on which to make a sound decision. Advice or intervention by the ombuds provided tools for resolution without resorting to more confrontational appeal or complaint processes.

Graduate program extension

Ching, an international graduate student, needed a program extension. The department was going to require a withdrawal because of missed deadlines and a lack of communication from the student. However, there had been a transition between supervisors, contributing to the confusion and delay. The student came to the ombuds office seeking guidance before contacting the supervisor and graduate advisor. She provided the department with a fuller picture of the situation and took responsibility for her own errors. She also presented a progress report and a plan for timely completion. The situation was resolved and the program extension was granted.

Communication in a professional program

Trish, a student finishing a professional program, had concerns about practicum placement options. She consulted the ombuds after meeting with the program director. She was upset because the director had not discussed her concerns. Instead, the student was given a list of complaints related to her own communications with members of staff. The student said she had felt silenced because there had been no prior notification of the director's agenda for the meeting, some information was undated or unattributed, and the student was expected to respond in the moment. (The director had appropriately asked the student to come accompanied by a support person.)

The student decided not to pursue the questions of placement options, but she asked the ombuds how information on a student file is used and how to document her full response to the school. She later graduated from the program. The ombudsperson contacted the director to recommend prior notification to students when meeting to raise questions of professional behaviour, and a full opportunity to be heard. The response of the director was positive.

Graduating with a UVic degree

After overcoming a serious illness that had impacted her performance and interrupted her studies for over a year, Anna contacted UVic expecting to graduate after doing a couple of courses. She came to the ombuds with a complaint about a series of errors and inconsistencies from administrative and academic units. One error had indeed been made, but the main problem was confusion.

The student didn't understand UVic's residency requirement* (which she had not met), and she initially didn't clarify that she was trying to complete her degree from afar because of family responsibilities. Without the context to frame questions or understand answers, she had ended up with incomprehensible (but essentially correct) information from separate units. An intervention by the ombudsperson provided context and clarification of residency and other requirements, including what had to be done at UVic.

**minimum requirements to be done at UVic.*

Grade dispute

Mark contacted the ombudsperson after being told by his instructor that he would receive an N (incomplete/fail) in his course for not handing in one of the short weekly assignments and for submitting another late. Mark said he had expected a good grade even with zeros on both assignments. The ombudsperson directed the student to the course outline for any information about penalties for late or missing submissions, and for any statement about issuing N grades*. The student then spoke to the instructor and passed with a good grade.

*[*In some courses, a student may receive a grade of N or be ineligible to take the final exam if the required term work has not been completed to the satisfaction of the department. However, Calendar 2010-11 p. 35 specifies that: "Instructors in such courses must advise students of the standard required in term assignments and the circumstances under which they will be assigned a final grade of N or debarred from examinations."]*

OTHER ACTIVITIES

I am a member of UVic's Educational Equity Advisory Group and its Advisory Committee on Academic Accommodation and Access for Students with Disabilities. In 2010, I also provided feedback to the Senate Committee on Academic Standards about the proposed procedures manual for the Policy on Academic Integrity. In October, I attended the Positive Space Network training on campus and participated in the mental health information fair *Out of the Shadows and into the Sunshine*.

In May, I co-presented a session on "Dealing with Systemic Issues" at the joint ACCUO-ENOHE conference (Canadian and European ombuds in higher education). I am also part of the steering committee for the cross-sector North West Ombuds Group.

FIVE-YEAR REVIEW: TRENDS AND RECOMMENDATIONS

What has happened to systemic questions raised in ombuds reports in the last five years? The 2006 report discussed the policy on *academic accommodations and access for students with disabilities* and the need to define essential requirements in courses and programs. This work is an on-going responsibility, which is clearly identified in UVic's revised procedures document (upcoming in spring 2011). The 2007 ombuds report raised questions about the *academic concession process* (e.g. requests for course deferrals or drops). In 2010, the intersection between these two sets of procedures remained of concern, especially for students with an "invisible" disability (e.g. chronic physical or mental health issue). Repeated requests for concessions often meet with resistance even when they are valid.

Recommendation: Students with a disability are entitled to a reasonable accommodation, regardless of which policy they have invoked. Where instructors or administrators have concerns about repeated or poorly documented academic concession requests, and there may be a chronic physical or mental health issue, it is important to consult (e.g. RCSD, Health or Counseling Services, Human Rights office, Dean's office) and to consider the moral and legal requirements for accommodation. (See the accommodation policy and procedures documents).

Training for staff, faculty and administrators will accompany the dissemination of the new "procedures" document (organized by Students Affairs and the Learning and Teaching Centre). I recommend that it include a specific segment on accommodations and concessions for students with "invisible" disabilities.

Over the last couple of years, the ombuds office saw an increase in *academic concession* requests (course drop) made several months (sometimes years) after the fact. The normal deadline is "within 10 working days of the end of the examination period for the term in which the course is taken", and a student may provide documentation to account for reasonable delay (e.g. due to continued illness). Some students had been unable to use the process effectively at the time because of the impact of their illness or a lack of understanding of the steps in the process. Even where they would have had grounds for a concession, several were not able to document the illness or the delay appropriately after the fact.

Recommendation: A suggestion was made to develop an information sheet to clarify options and steps in the academic concession process. I recommend that this be given priority by the office of Student Affairs, and that it be made widely available.

The 2008 report discussed *evaluation of student work and grade distribution*. In 2010, students in 5 separate classes (5 departments in 4 faculties) came with questions about a grade adjustment (a correction made by a department to raise or lower grades prior to releasing them to students). Grades are only official once approved by departments, and departments do occasionally adjust grades at the end of term if the results from the instructor are not in accordance with the official grading table (Calendar 2010-11 p. 38). While this is accepted procedure, it is an imperfect solution as students have already completed the work without an adequate indicator of their level of performance.

Reminder: This type of situation is best handled through prevention. I urge chairs and directors to remind instructors early each term of the appropriate use of grading procedures.

The 2009 report discussed difficulties related to the *new student information system (BANNER)*. Students now have access to the previously unavailable Unofficial Transcript (UT). The ombuds office is grateful that this was given priority and will continue to monitor BANNER-related questions coming to the office.

GRADUATE STUDENTS

Ombuds reports for 2006 and 2007 asked for more attention to be paid to departmental and faculty supervisory guidelines, and for more problem-solving resources at the departmental level. In 2010 I saw more students seeking information or advice at early stages, and many of them were engaged in problem-solving with the supervisor, committee or graduate advisor. These are encouraging trends and I urge departments to continue to develop effective internal problem-solving options.

More graduate students (60) came to the office than in previous years, with a range of questions related to supervision, timely completion, progression, grading, fees, admission and leave of absence. Students were seeking: information/referral (37 %); advice (53 %); intervention (10 %). Academic issues were being dealt with at the level of the supervisor or committee (32 %); graduate advisor or program (60 %); Dean (8 %).

The Office of Research Services and the Faculty of Graduate Studies' websites provide links to information about *intellectual property*. However students in separate faculties had questions about their rights and the processes available to them in discussing IP, for example in course or project-based situations that may be linked to a student's area of research. How to determine intellectual property? How to "protect" one's individual intellectual property? What is considered a publication in fields where academic journals are not the only form of output? (E.g. course design, artistic production, software development…) What to consider when publishing online?

Recommendation: The Learning and Teaching Centre (LTC) is planning a workshop for graduate students on this topic for the fall. I hope it will become a regular offering and I suggest that it be supplemented by online links to user-friendly general and discipline-specific information and resources for undergraduate and graduate students and for faculty members.

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. Ombuds roles include providing information or guidance, problem-solving, case review and investigation. The ombudsperson may make recommendations on individual or systemic issues.

The office is funded by direct contributions from students and a grant from the university administration. 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.)