



the OMBUDSPERSON report

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...BECAUSE FAIRNESS MATTERS...

This report covers calendar year 2011. It includes: case distribution and statistics (p. 3), case summaries and recommendations on individual cases (p.4), comments and recommendations related to the graduate student experience (p.5), and discussions between the office of the ombudsperson and UVic administration to improve processes and communication in several other areas (p.6).

In 2011, the ombudsperson had the pleasure of participating in the work of the Learning and Teaching Centre by contributing to the development of the “Critical and Respectful Discourse” workshop series. The ombuds office also benefitted from the work of Ben Brzezynski, a graduate student in the Master of Arts in Dispute Resolution Program (see page 7).

I thank the many students, staff, faculty and administrators who have worked collaboratively with my office this year. To request additional copies or to provide feedback, please contact: ombuddy@uvic.ca or 250-721-8357.

Martine Conway



Credit: UVSS Graphics

PLANNING FOR FAIRNESS

The first objective in UVic’s 2012 Strategic Plan is “to be a diverse, welcoming learning community, with a demonstrated commitment to equity and fairness.” The plan places emphasis on the creation of an inclusive and engaged community where students can “share a strong sense of belonging.”

With its mandate on fairness and its focus on student matters (see page 7), the ombuds office works at the individual and systemic levels to strengthen the relationship between people and the university structure. Whether in a discussion with a student, a follow-up with a department, participation in a committee, or in making recommendations, the goal of the ombudsperson is to build trust and community by encouraging clear communication and fostering fair practices.

An engaged university community can develop where people have access to information, processes and resources to meet their goals and responsibilities, and to deal constructively with problems or disputes. This is especially important in an increasingly diverse environment where people have varied needs and priorities, and different learning, teaching or communication styles.

Integrating explicit fairness principles in all university processes is essential for fostering respectful and supportive environments, and the renewal of UVic’s strategic plan is an excellent opportunity for administrative and academic units to consider their own strategic planning through the fairness lens.

In The Fine Art of Fairness*, Ombudsman Saskatchewan stresses the three dimensions of fairness: relational, procedural and substantive. All three of these aspects affect the quality of a service or program, and how well it is trusted. Is information easily available? Is it clear and complete? Does it provide options for resolving problems or complaints? Are people approachable? Do they respond in a timely manner? Are they courteous? Do they

acknowledge mistakes when they occur? Do they notify individuals of issues or decisions affecting them? Do they ask for and consider relevant information before making decisions? Do they provide reasons for their decisions? Etc.

Building community involves paying attention to the quality of interactions between people, and between people and systems. Once the update of the UVic ombuds’ website is completed in April 2012, you will be able to find links to tools for fairness, including checklists like the one adapted to the university context by Nora Farrell, ombudsperson at Ryerson. I encourage all units to adopt a fairness lens and specific relational, procedural and substantive fairness measures when updating strategic and equity plans, and reviewing policies, procedures and practices.

* <http://www.ombudsman.sk.ca/uploads/document/files/fair-practices-workbook-3e-en.pdf>



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DISTRIBUTION OF CASES BY SUBJECT MATTER

During calendar year 2011, the office handled a total of 390 inquiries and complaints distributed as follows: information/referral 129, advice 225, intervention 36. Overall, this is a decrease from recent years, but the number of students seeking confidential advice (column A) remained high. Distribution between the various categories of subject matter is consistent with previous years, except for an increase in questions related to standing and requirement to withdraw. (See page 6 “Follow-up on systemic issues.”)

Subject Matter	R	A	I	2011	2010	2009	2008
Academic Concession	13	43	6	62	66	64	59
Accommodation of Disability	2	2	1	5	12	10	8
Admission	3	4	3	10	18	13	9
Cheating and Plagiarism	3	12	-	15	16	15	14
Conduct	2	-	1	3	N/A	N/A	N/A
Course Delivery	6	17	-	23	20	20	26
Course Registration	2	9	1	12	25	17	23
Employment	4	1	-	5	10	11	12
English Requirement	1	-	3	4	-	1	1
Examination	3	1	-	4	7	8	20
Fees Appeals	3	8	5	16	22	16	21
Financial Aid	5	1	2	8	10	10	7
Grading/Evaluation	11	24	2	37	46	45	45
Housing	3	2	1	6	7	11	7
Human Rights & Safety	6	3	-	9	5	2	14
Interpersonal Conflict	4	7	1	12	9	7	5
Landlord-Tenant	6	-	-	6	7	5	7
Practica/Work Placement	3	7	-	10	9	7	9
Privacy	-	-	-	-	1	2	4
Probation	-	1	-	1	-	2	2
Program Requirement	7	6	-	13	13	17	15
Requirement to Withdraw	17	51	5	73	54	57	53
Student Societies/Groups	1	2	4	7	13	5	7
Supervisory Relationship	-	10	-	10	15	10	8
Transfer Credit	2	-	1	3	-	5	5
Other Academic	3	10	-	13	32	19	17
Other Non-Academic	19	4	-	23	27	33	26
Total	129	225	36	390	444	412	427

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

DISTRIBUTION OF ACADEMIC CASES BY LEVEL*

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

Instructor/supervisor	31.4 %
Unit head/program level	42.6 %
Dean/faculty level	24.9 %
Senate Committee on Appeals	1.1 %

*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>)	43.9 %
• Guidance about grounds or process for an appeal or request	31.3 %
• Feedback and coaching (<i>feedback on a letter; preparation before a meeting or an appeal</i>)	24.8 %

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 units, problem-solving, mediation and case review or investigation.

Recommendation made	3
Resolved	8
Partially resolved/student satisfied	5
Information obtained/clarified	15
Denied/not resolved	-
Discontinued by student	-
No grounds	5
Total	36

CASE SUMMARIES

Details and identifiers have been modified to preserve anonymity.

People need to feel heard in order to have trust and to engage constructively with a system. Listening without judgment but with curiosity and empathy often allows the speaker to gain additional perspective on what happened. This is helpful even where there are no grounds for a different decision because it allows for a better understanding of the situation. In the three cases below, the ombudsperson focused on building capacity so the students could make informed decisions about next steps and deal with the situations themselves.

Course delivery (advice – coaching)

Two students came with concerns about how a class was taught. They said that many felt lost in the course, but no improvement was made after low test grades were handed back and several students asked questions in subsequent classes. The students were worried about their ability to learn the material, but uncomfortable discussing this further with the instructor because of how he had responded to students' questions in class. Areas of concern included clarity of concepts, opportunities to apply concepts, and preparation for tests and assignments.

The ombudsperson clarified ways of approaching the instructor and/or the chair constructively, and she encouraged students to identify concerns and possible solutions concretely, showing the students' interest in the course and what they were doing to learn the material. The students later reported that the instructor had responded positively to the students' input and made changes to improve the course.

Practicum (advice – perspective and options)

A student in a professional program was upset about the results of a practicum. He felt that the evaluation included details that did not provide a complete or accurate picture of his experience and performance. The ombudsperson invited him to evaluate his options, which included a grade appeal or a repeat of the practicum.

The student decided that his concerns were not sufficient to put in question the overall grade. He identified ways of dealing with his concerns differently, for example by adding factual information to his departmental file, and by recognizing situations where he needed to develop a more proactive approach in the practice setting. He opted to request a repeat of the practicum, which was granted.

Deferral of course components (intervention – information clarified)

A student wanted to appeal a request for deferred status that was denied. Because of illness, the student had missed components in two classes. She thought that the deferral had been unjustly denied by the department after one instructor said that she should have followed up earlier in the term. The ombudsperson contacted the chair to ask for clarification about the reasons for denying the request. The student had completed only a minimal portion of the courses, missing many classes and several key assignments and exams.

A deferral is used to allow a student to complete a final exam or another course component after the regular deadlines for the course. However, it is typically not an appropriate solution where the student has missed most of the course and assignments. In communicating a decision, it is important to convey clear and accurate reasons. The ombudsperson indicated where an appeal would be addressed, but also clarified the rationale for the department's decision and explained the process for requesting another form of concession in this case: a back-dated drop and a 100% fee reduction.

RECOMMENDATIONS FROM INDIVIDUAL CASES

Three ombudsperson's interventions led to specific recommendations in individual cases. (see "Distribution of outcomes for cases with ombuds intervention" page 3.)

- Admission to a program:** Some programs provide an admission appeal process, generally limited to specific grounds of appeal. One program considers "procedural difficulties" in admission appeals, including alleged discrimination, inequity in applying the policy, or extenuating personal circumstances. A student appealed, providing detailed information about sensitive extenuating circumstances that had affected prior studies, but the appeal was not granted.

In a discussion with the ombudsperson, the program head explained that the extenuating circumstances described by the student did not relate to the admission process itself but to prior studies, so that they did not provide grounds under the appeal procedure. In making admission offers, the program takes certain criteria or barriers into account and weighs them in an "additional consideration" category. The student had received maximum weighting in that category. The ombudsperson asked the head of the program to follow-up with an explanation for the student. She also recommended that the program review and clarify the wording of its appeal process so as to avoid confusion and the unnecessary disclosure of highly personal information.
- English requirement:** The ombudsperson looked into three situations related to the university English requirement (UER) where confusion about criteria for meeting the requirement led to registration problems or blocks, in particular for two students in a bridge program. The ombudsperson worked with the students and the program to sort out the registration issues (some due to students not following instructions, others to confusion in the available information) and recommended updates to the program's fall 2011 orientation materials for January 2012 entrance at UVic.
- Fee reduction:** In a complex fee reduction appeal (initially denied for lack of grounds), the ombudsperson relayed new information (an internal delay that had impacted the student's ability to make a course withdrawal decision by the 100% drop deadline) and recommended reconsideration of the case before the end of the fall term. The appeal was granted in time for the student to make plans for January registration. The ombudsperson also asked the appeal committee to make note of the procedural delay in the event that other students were affected.

GRADUATE STUDENTS

In 2011, the ombuds office assisted 51 graduate students (included in the table on page 3). The more common issues were: supervision (17%), admission (11.7%), academic concession or medical leaves, interpersonal conflict or climate, fees and funding, and requirements to withdraw or program reinstatement. There were also questions related to program or course delivery, academic integrity and intellectual property, program extension, program requirements.

When contacting the ombudsperson, a large proportion of graduate students seek confidential advice, an independent perspective to weigh options, or coaching to work through an issue. Several students reported successful resolution of academic matters after dealing directly with their supervisor or committee, or with the assistance of the graduate advisor. A couple of students needed help with the transition to a new supervisor or program.

Sometimes, a question of supervisory relationship is connected with other issues like grades, candidacy exams, thesis direction or progression, interpersonal conflict or funding. It is then important that students receive information about how to deal with each component effectively and constructively.

Responsibilities in the supervisory relationship

Graduate advisors are key to the successful resolution of difficulties that would otherwise worsen or escalate – e.g. interpersonal issues, disagreements about the scholarly direction of the work. Committee members also have a responsibility “to aid in the arbitration of problems which arise between the student and the supervisor” (Faculty of Graduate Studies’ Responsibilities in the Supervisory Relationship Policy, section 3.6).

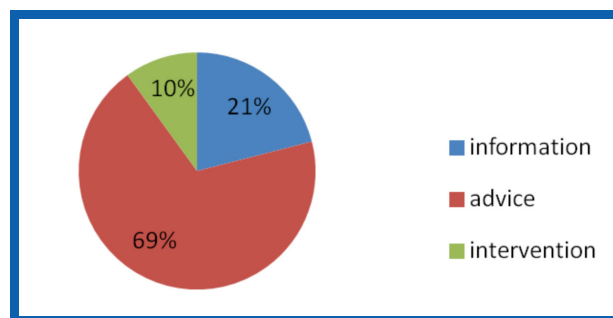
I still hear from students who are reluctant to approach their advisor or other committee members because of “how my supervisor would react.” This is sometimes a misperception or assumption by the students, but sometimes they say that “my supervisor told me not to contact anyone else.” In some programs, this perception is reinforced by the fact that the supervisory relationship occurs mostly between the student and the supervisor, with minimal involvement from the committee (except at key junctures like candidacy, thesis completion and defense).

Committee members’ involvement in the student’s work and their availability for consultation are subject to the academic unit’s regulations, which must articulate this information. Over the last few years, departments have updated graduate handbooks or program regulations that are posted online, but this information is not available from all program websites. Some only refer to the Faculty of Graduate Studies’ Responsibilities in the Supervisory Relationship Policy, which does not describe program-specific expectations.

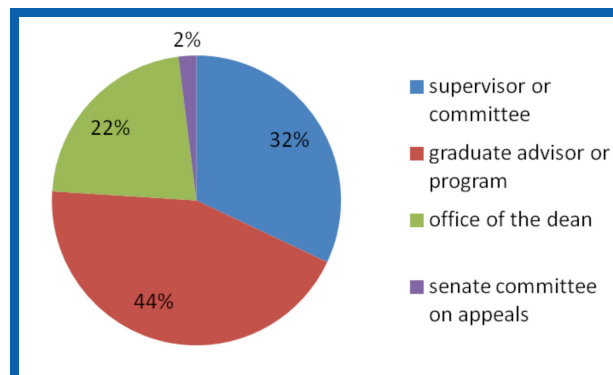
Information, tools and resources must be accessible in order to foster early and constructive resolution. For example, in one of the programs where the relationship is primarily between the student and the supervisor, the departmental regulation makes it clear that the student, the supervisor or a committee member may call a committee meeting when needed. It also indicates the roles of the graduate advisor and the chair in mediating or problem-solving.

The ombuds office recommends that all graduate program heads make this type of information available to students and supervisors in an easily accessible section of the program website, including problem-solving resources at the program level and beyond.

Type of assistance requested by graduate students



Graduate students were dealing with an academic matter at the following levels:



Admission

Changes in the UVic graduate admissions and records system led to delays in early 2011, affecting some of the prospective graduate students who contacted the office this year. Several applicants were also confused about the way their grade-point average (GPA) was calculated for admission purposes. The minimum requirements for admission to the Faculty of Graduate Studies include “a grade point average of 5.0 (B) in the work of the last two years (30 units) leading to the bachelor’s degree.” Non-graded courses such as internships or pass-fail courses are not counted.

What some students do not realize is that UVic goes back term by term in the student’s degree until it reaches 30 units (or more). For example, if a student’s chronological “last 30 units” includes 6 units of non-graded courses, UVic will go back one or more terms, until it has 30 or more units to make up the 30-unit calculation. (By going back term by term, UVic may end up with more than 30 units, in which case it will pro-rate the earliest term down to the number of needed units to make up 30.)

Applicants who have completed courses after graduating from their degree are also sometimes confused. In that case, UVic performs two calculations to determine the admission GPA (with and without the courses done after graduation). However, among the courses done after graduation, only courses at the 300 level or above are considered. Students completing a 100 or 200 level course after graduation cannot use it to “upgrade” their GPA for admission to the Faculty of Graduate Studies, even if the course is otherwise a condition or requirement for admission into the program. (See “Upgrading for Admission to Graduate Study” in the UVic Calendar.)

Applicants must be able to rely on the information they receive about admission criteria. The ombuds office recommends a clarification of the calendar section, graduate admission website and handbook. Graduate Admissions and Records Services indicate that they are reviewing this information in order to clarify it for applicants.

FOLLOW-UP ON SYSTEMIC QUESTIONS

Registration blocks

In late fall 2009, the ombuds office had raised questions about registration blocks for overdue tuition. (Blocks are in place for overdue amounts above \$25.00.) At the time, the university had discontinued the practice of temporarily lifting registration blocks. However, this lack of flexibility in the system led to unfair situations. For example some student could not receive their government student assistance until they modified their registration, yet they couldn't register in courses until they received the government student assistance and paid the outstanding amount. For some, the registration block impacted access to funds that would otherwise clear the debt; for others, it also impacted timely access to courses or pre-requisites required for progression or for graduation.

As a solution, UVic referred the students to the emergency loan program: UVic would temporarily loan the overdue tuition money to the student, in exchange for a promise to repay the UVic emergency loan once the student received their government student assistance. The ombuds office expressed concerns about a solution that was administratively complex and confusing (since Accounting Services had to issue a cheque for students to pay their tuition, and the tuition appeared to be paid when the amount was still owed to UVic).

In the fall of 2011, Accounting Services, Student Affairs, and Student Awards and Financial Aid resolved the issue by developing a process to permit a one-time, temporary lift of the registration block where the situation meets certain criteria and the student demonstrates a reasonable ability to cover the overdue amount with upcoming government student assistance.



May 31 tuition deadline

In the same memo, the ombudsperson had raised questions about the May 31 tuition fee payment deadline for summer session. This deadline applies to students registered for summer courses, even where the student's study period starts in June or later. This creates difficulties for students who depend on government student assistance. (For example, student loans are not disbursed before classes start.) Currently, students in this situation are also referred to the emergency loan program through Student Award and Financial Aid.

The ombuds office is asking Accounting Services to consider solutions used at other institutions, for example an adjustment or deferral of tuition payment until government student assistance is available.

Standing, probation and requirements to withdraw from UVic

In 2011, there was an increase in the number of students who contacted the office of the ombudsperson after receiving a requirement to withdraw from UVic. There was no increase in the total number of notices sent out by UVic, so the ombudsperson looked at the nature of inquiries to understand the variation.

Students are referred to the ombuds office for guidance or feedback prior to sending an appeal of the requirement to withdraw. Not surprisingly in this context, most of the students contacting the ombudsperson have some grounds to appeal because they faced extenuating circumstances. However, this year there were more inquiries from students who didn't know they were on probation or otherwise at risk of failing due to their fall term marks. Some students also thought that the withdrawal notice was in error because they were not first placed on probation.

These difficulties seemed in part due to students not knowing the regulations well, but in several cases they were also due to confusion about where to look for information on the student online information system (BANNER), especially if students relied on the "grades" tab to find their "sessional standing."

Records Services provided a solution to this situation in summer. BANNER now directs students to the "unofficial transcript" tab for information on standing.

Notification and advising process for students at risk of failing

At UVic, a student's standing is calculated at the end of each session: September-April and May-August, or as soon as grades are available in the case of deferred coursework. Depending on results, a requirement to withdraw may be issued without any probationary period. Even where there is probation, a student may already have committed to a particular course choice and load by the time they become aware of it. There is no calculation of standing by Records Services at the end of the fall term since the session ends in April, so there is no automatic assessment of progress at that time, and no guarantee that a student at risk of failing will be made aware of remedial strategies or resources to help improve performance in the second term.

In a number of faculties, program-level academic advisors contact students at risk in December or January to guide them to relevant resources. This is a key feature for retention. The student may need assistance in improving study skills or selecting courses or a course load. Or performance may be affected by non academic factors such as personal issues or a difficult transition to university. The Advising Centre for Humanities, Science and Social Sciences has been working towards developing a similar procedure for a number of years focusing on first year students as well as transfer students who have just completed their first term at UVic. However, because of resource constraints, this practice has only been employed twice in the past (2007/08 and 2009/10).

The ombudsperson contacted the interim director of the advising centre to ask if an "early warning" system could be used in 2011-12. The centre reintroduced the system for 2011-12 and is planning further service enhancements for 2012-13. I am grateful to the advising team that made this possible, and I hope that the reorganization of the advising centre will provide increased capacity to focus on this type of early, proactive intervention and guidance.

CAMPUS OUTREACH AND ACTIVITIES

In September, I participated in the graduate student orientation and in Jump Start, a new interactive orientation activity for 900 undergraduate students. I am a member of the educational equity advisory group (UVic human rights committee) and the advisory committee on academic accommodation and access for students with disabilities. In spring 2011, I attended Mental Health First Aid, a two-day workshop held on campus. In the fall, I provided feedback on UVic's 2012 Strategic Plan regarding questions of access, student engagement and fairness.

In 2011, I was part of the team coordinating the development of a workshop series on fostering critical and respectful discourse (Learning and Teaching Centre). The five interactive workshops present preventive strategies for fostering civility, and tools for teaching critical engagement, addressing hot topics, having difficult conversations, and dealing with disruptive behaviours. I also provided some input into the implementation of the Policy on Resolution of Non-Academic Misconduct Allegations.

In September 2011, Ben Brzezynski started a work-study position with the ombuds office, offering communication and office support. Ben has updated the ombuds webpage, providing links to frequently used UVic-wide and unit-specific policies and procedures, and he is improving the ombuds guides available on the website. Ben has also been collaborating with Student Affairs to create a one-stop page on the Student Affairs website with links to procedures and resources for students.

I am available for feedback on policy or procedures 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. Feel free to contact me if you have a request.

Now available on the ombuds website:

- Ombuds tips for effective problem-solving in a university environment
- Ombuds tips for university success
- Ombuds tips for graduate students
- Tools for fairness in a university environment
- What you should know about cheating and plagiarism

PROFESSIONAL ACTIVITIES

I am finishing a 2-year mandate as past president on the executive of ACCUO (Association of Canadian College and University Ombudspersons). In June I presented a session on "Exploring the Boundaries Between Dissent and Misconduct" at the ENOHE conference (European Network for Ombudsmen in Higher Education), and in August I was invited to join the editorial team of the online Journal of Conflictology based at the Universitat Oberta de Catalunya in Barcelona. During 2011, I was also part of the steering committee for the North West Ombuds Group (US and Canadian ombuds from the public, private, academic and non-profit sectors). This group is planning to meet in Victoria in October 2012.

OFFICE MANDATE AND STRUCTURE

The ombuds office is an independent, impartial and confidential resource for all members of the university community on student-related fairness questions. The office receives inquiries, requests for assistance and complaints from students about academic and non-academic matters. Ombuds roles include providing information or guidance, coaching for constructive engagement, problem-solving, case review and investigation. The ombudsperson may make recommendations on individual or systemic issues, and seeks to ensure that the principles of natural justice are observed.

The office is funded by direct contributions from students and a grant from the university administration. It is staffed by one full-time ombudsperson. 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.)





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