



OMBUDSPERSON

2015 ANNUAL REPORT

WWW.UVICOMBUDSPERSON.CA // VOLUME 19 // ISSUE 1

ADVANCING FAIRNESS THROUGH SYSTEMIC CHANGE AT THE UNIVERSITY OF VICTORIA

On February 5, 2016, Senate approved a change to the UVic policy on academic standing, effective for the 2016-17 Winter Session. Students in good academic standing (not already on university probation) whose sessional grade point average falls below the required minimum of 2 on the 9-point scale will be placed on university probation during the next session attended. Academic standing assessment for the 2016-17 Winter Session begins on April 21, 2017.

Prior to this change, students could be required to withdraw from UVic without ever being on probation, as early as the end of a student's first session at UVic. Over the years, many students have gone through the appeal process after a requirement to withdraw from UVic, including a significant number of first year students. The Ombudsperson Report for 2013 included a recommendation to consider a pilot project to retain these students at UVic.

The change in UVic policy provides consistency (probationary period for all students at risk of a requirement to withdraw) and transparency (clarity of the revised regulation). It recognizes the difficulties encountered by some students in the transition to university, and it signals a desire to provide a supportive environment for student retention and success.

Change in academic policy doesn't come without vision, leadership and dedication. I salute the work of the Office of the Registrar in putting together the information for this proposal. In particular I thank Lauren Charlton, who served as Registrar until January 2016, for her consistent commitment to serving people, improving systems and advancing fairness during her 45-year career in the Office of the Registrar at UVic.

50TH ANNIVERSARY OF THE FIRST STUDENT OMBUDSMAN

In 1965, British Columbia saw the birth of a new university, Simon Fraser, and the creation by the Simon Fraser Alma Mater of the first student ombudsman on a North American campus. At the time, the concept of the ombudsman was itself new in Canada. The first provincial ombudsman office didn't open until two years later in Alberta.

To mark the occasion of this 50th anniversary, the Association of Canadian College and University Ombudspersons (ACCUO) has made available on its website *Fairness is Everyone's Concern: A Sampling of Practice and Resources on Cultivating Fairness*.

Compiled by Natalie Sharpe at the University of Alberta, the toolkit is based on the work of several post-secondary ombuds offices. It includes a discussion of the fairness triangle I use at UVic to facilitate *Fairness in Practice: Campus Conversations* (information sessions or workshops using scenarios proposed by participants).



Martine Conway

The work of an ombuds office relies in great part on the willingness of the members of the university community to engage, question and resolve. I thank the many students, staff, faculty and administrators who work collaboratively with the office to help clarify or resolve issues.

For questions or comments about this report, please contact Martine Conway at ombuddy@uvic.ca or **250-721-8357**.

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...BECAUSE FAIRNESS MATTERS...

CASE DISTRIBUTION

DISTRIBUTION OF CASES BY SUBJECT MATTER

In 2015, the office handled a total of 372 inquiries and complaints, distributed as follows: information/referral (R) 131, advice (A) 198, intervention (I) 43.

SUBJECT MATTER	R	A	I	2015	2014	2013
Academic concession	14	32	4	50	90	75
Acad. integrity/plagiarism	3	13	1	17	17	23
Acad. writing requirement	0	0	0	0	0	1
Accommodation of disability	3	6	1	10	8	14
Admission	2	6	5	13	6	13
Civility/conduct	3	3	6	12	3	2
Course delivery	13	11	1	25	10	7
Course registration	3	3	0	6	5	3
Employment	9	3	1	13	12	5
Examination	1	1	2	4	6	11
Fees	5	11	4	20	11	26
Financial aid/funding	2	7	1	10	11	12
Grading/evaluation	12	22	3	37	43	38
Housing	3	1	1	5	3	4
Human rights & safety	9	0	1	10	7	8
Interpersonal conflict	4	3	2	9	6	5
Landlord-tenant	3	1	0	4	4	4
Practica/work placement	5	9	1	15	10	4
Privacy/FOI	2	1	0	3	3	4
Program requirement	2	2	2	6	6	7
Requirement to withdraw	11	36	1	48	78	65
Student societies/groups	3	4	0	7	10	8
Supervisory relationship	2	16	1	19	22	9
Transfer credit	2	0	0	2	0	2
Other academic	10	6	1	17	25	16
Other non-academic	5	1	4	10	8	18
Total	131	198	43	372	404	384

R: Information & Referral **A:** Advice & coaching **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:	34 %
Department:	41 %
Dean:	25 %
Senate Committee on Appeals:	0 %

*These do not include requirements to withdraw from UVic for low grade point average, 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 (45 minutes or longer) or repeated consultations at various steps in the student's handling of the situation.

• Generating options / independent perspective (<i>students may or may not pursue the situation further</i>)	38 %
• Guidance on process or procedure	28 %
• Feedback or coaching (<i>feedback on a letter; preparation for a meeting or an appeal</i>)	34 %

OUTCOMES OF INDIVIDUAL INTERVENTIONS

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

Recommendation made	3
Resolved	15
Partially resolved / satisfied	5
Clarified / facilitated communication	14
No ground	1
Denied / not resolved	4
Discontinued by student	1
Total	43

CASE EXAMPLES

CONTINUATION IN A PROGRAM

Intervention: resolved

A parent called the office, concerned that an undergraduate student was not able to continue in the program to which they had been admitted. The student had a disability, and medication complications had impacted the student's ability to complete courses during the second term. The student had been granted academic concessions for that term (late withdrawals from courses), but when they tried to re-register for the next session they found that they were considered to have also withdrawn from the (limited-seat) program.

The ombudsperson facilitated communication between the student and the units involved. The program head indicated that they had not heard back after contacting the student during the term. They also had not received internal notification that a request for a concession had been submitted and approved at the level of the Dean. The breakdown in communication resulted in an understanding that the student had withdrawn from the program.

A solution was found after communication problems were identified and understood. The student returned to the program but was reminded of their responsibility to communicate with the department. Administrative units within the faculty will also communicate internally as needed about requests for academic concessions.

SUPERVISION AND THESIS COMPLETION

Advice: feedback and coaching

A graduate student reported having difficulties in communicating with their supervisor. The student was concerned about the content of the feedback from the supervisor at a late stage in the thesis writing process. In particular they wondered about the type and number of additional changes requested and the length of the draft thesis.

The student had been told that the supervisor's approval was necessary prior to the draft going to the rest of the committee. However, it seemed to the student that communication in the supervisory relationship was at an impasse and a second opinion would help move the process along. The student consulted the ombudsperson at various stages while communicating with the supervisor, then the graduate advisor. Discussions with the ombudsperson included identifying issues, options and next steps; and coaching for effective communication.

The student was able to complete the draft after a co-supervision option was put in place by the department. The student later reported to be on track for completion.

FEE APPEAL

Intervention: resolved (appeal granted)

A graduate student contacted the ombudsperson after a fee appeal was denied. The student was a permanent resident but had been charged international student fees for their first term. It is a student's responsibility, where applicable, to submit proof of permanent resident status to the UVic administration, as indicated on the admission status page 'checklist'. Fees are adjusted for the term during which the paperwork is first submitted. The appeal was denied because the record showed that the documentation had been submitted to Graduate Admissions and Records (GARO) after the end of the first term, so that it was effective from the second term onward.

The student had trouble remembering the chronology but was sure that they had first communicated the information to UVic at some point during the application process (i.e. prior to or at the beginning of the first term). The ombudsperson contacted the units involved to retrace the steps taken by the student. The paperwork was submitted to GARO at the beginning of the second term. However, during the application phase, the student had often communicated directly with the academic unit. The program advisor had received a copy of the permanent resident status during that period.

A second appeal was granted after the academic unit confirmed this information. The academic unit also updated its communication to applicants to more clearly remind them of the need to submit this type of paperwork directly to GARO.

ACADEMIC INTEGRITY

Advice: perspective

An undergraduate student met with the ombudsperson about an allegation of cheating. The student had attended class for a friend who could not be present because of a personal emergency. The student had also written a quiz for that friend. The instructor had asked for identification and said that both students would be penalized after meeting with the chair of the department. The student was looking for information about what to expect in the process.

The ombudsperson probed for the background of what had led the student to take this action. While the story included some extenuating circumstances (wanting to help a friend in need) and an element of candour (not knowing about other options, thinking that 'it would be OK because the quiz was worth a small percentage'), this was clearly a situation of impersonation.

The ombudsperson explained what other options there would have been to deal with the emergency (e.g. academic concession), why this situation constituted cheating, and what to expect when meeting the chair and subsequently the associate dean. The students later said that they understood the lesson to be learned. The penalty did not include a permanent mark on the transcript.

Some details and identifiers have been modified to preserve anonymity.



THEMES AND RECOMMENDATIONS

GENERAL OVERVIEW

The total number of inquiries and concerns brought to the ombudsperson in 2015 was lower than in 2014 but comparable to previous years. In particular, the office received fewer questions related to academic concessions and requirements to withdraw.

Generally, there were more requests to facilitate communication in situations of interpersonal miscommunication or conflict, and more questions or requests for assistance about issues of behaviour and respect, spread over several categories. This included:

- concerns about lack of civility (i.e. instructor's communication or behaviour) in a few of the "course delivery" complaints (see page 2), where students sought advice from the ombudsperson before speaking to a unit head
- situations of alleged disrespect or discrimination referred to the Equity and Human Rights office
- instances of miscommunication or interpersonal conflict where people sought the help of the ombudsperson as a third-party facilitator
- questions of student conduct

ACADEMIC CONCESSIONS AND REQUIREMENTS TO WITHDRAW

There were fewer questions about academic concessions at the instructor's level (e.g. extensions, deferrals, alternate arrangements). Students who came to the office about an academic concession were seeking advice or assistance about the process for course withdrawals (or a combination of withdrawals and deferrals) or extended deferrals. (Both are Dean's level decisions). A majority of these students had to manage a mental health or other chronic health disability. Fourteen of these students were also in a "required to withdraw" academic standing at the time.

As noted on page 1 of this report, the regulation on Academic Standing will change in Winter Session 2016-17. The change will result in fewer students being required to withdraw after an unsuccessful session, as more of these students will have an opportunity to continue at UVic while on academic probation. This is a positive change. Students previously placed on probation have had a high rate of success in terms of clearing their probation status (over 70%). But the change may come with its own challenges.

In the past, a requirement to withdraw sometimes prompted a student to initiate the administrative process to obtain the academic concessions they were entitled to. Or the requirement to withdraw appeal process itself, which required a student to document extenuating circumstances that had impacted their performance, was an opportunity to reflect and take steps to identify resources and strategies to improve their success.

The university is planning to enhance the follow-up process for students placed on university probation. Students' needs may include resources for academic success at the course and program planning levels, as well as strategies for dealing with personal matters impacting health or wellness.

Some of these students may be registering through a different UVic faculty (e.g. Social Sciences) while trying to enter or re-enter their program of choice (e.g. Engineering or Business). Students who are not attached to a specific program are less likely to be well connected to an advising office.

Recommendation:

It will be important to develop and resource an effective communication and advising system for students placed on probation that includes:

- ▶ attention to individual situations and identified challenges
- ▶ information about university policies, options and steps as they apply to the student's individual situation (e.g. academic concessions, accommodation for a disability, ...)
- ▶ referral to relevant resources (academic support, other)
- ▶ follow-up on program declaration and planning

PROCESSES FOR INVESTIGATING STUDENT MISCONDUCT ALLEGATIONS

Issues of student conduct included situations in residence or under the policy on non-academic misconduct, and two situations under the policy on violence and threatening behaviour. Some situations involved serious allegations, which led to interim safety measures while an investigation was underway (e.g. restricted access to campus or to residence).

Depending on the situations, the role of the ombudsperson included: providing students with information and advice about process; facilitating communication between a student and the administrative unit overseeing an investigation; shuttle mediation and problem-solving.

In a few cases, the ombudsperson became a conduit for a student or their family to remain connected to a process and to participate in it. For example the ombudsperson was able to explain the process and its steps; describe the roles of the investigator and other decision-makers; clarify timelines; identify when a student would become fully aware of the evidence, how they could respond to it and how to convey information from their point of view; provide an independent perspective on rights and responsibilities; problem-solve questions like access to belongings left in residence.

In debriefing these more complex situations, the university has identified the length of the investigation or review process as an issue for improvement. This is important, given the potential impact of the process on a student's ability to progress academically through the term.

The other issue raised by students or their families to the ombudsperson was an initial lack of specific information about allegations, lack of clarity about the process, and perceived lack of an opportunity to be heard (hence a sense of unfairness and a loss of trust at the beginning of the process).

As this occurred in the case of the more serious allegations, this was typically due to the need for taking safety interim measures, i.e. before the student could be given a full opportunity to be heard. At that time, the full extent of the allegation may not be clear, and not all the evidence has been collected. But lack of



specific information about the investigation process gave rise to initial concerns by a student or their family that they would not be heard or that the situation had been pre-judged.

Recommendation:

As the university reviews how time lines may be shortened in the future, I recommend a review of the communication templates for administrative units that typically issue interim measures (e.g. Judicial Affairs, Campus Security,...) to ensure that notifications always include:

- ▶ a statement about next steps in the process and expected timeframes, such that students and their families can see that the process provides a full opportunity to receive details of the allegation and any evidence, and to respond before a final decision is made

COURSE DELIVERY

When brought to the attention of an instructor or program head in a respectful, clear and timely manner, concerns about course delivery can often be addressed during the term. Difficulties arise if concerns are raised too late in the term when few options are available. They also sometimes arise when a student raises a complaint (e.g. about the quality of a course or about the performance of an instructor) that remains unaddressed (or appears to remain unaddressed) because the program head focuses only on appeal options (e.g. grade or grading review).

Processes for academic appeals typically include explicit information about steps and grounds, and so do processes for complaints about certain types of allegations such as discrimination or harassment. But the process for dealing with other concerns about the quality of a course or the performance of an instructor is more implied, and it is less transparent to students.

Recommendation:

Like the appeal process, the complaint process follows the instructor, then chair/director, then dean progression.

- ▶ To avoid the perception (or reality) of bias, it is important for chairs and directors to develop effective communication to acknowledge complaints and respond impartially (or to refer students to other mechanisms as appropriate).

OTHER HIGHLIGHTS

Exam policy

The ombudsperson provided recommendations about student access to water or snacks during the final examination in a particular course, and about accommodation of health issues. Discussions with the department also raised questions about invigilation while students access washrooms, and general questions of exam integrity (forms of cheating using electronic and non-electronic means).

The ombudsperson summarized input for the attention of the Registrar, while the Senate Committee on Academic Standards (SCAS) reviewed the UVic regulations governing examinations. Senate approved updated regulations at its February 16, 2016 meeting.

Progression in a program

The ombudsperson raised procedural questions about a program's appeal process for issues of progression. The Dean and the program head responded by committing to:

- following all important advising discussions by a summary email
- providing clearer communication about criteria for appeals
- in notifying a student about an unsuccessful appeal, making a clear separation between reasons for denying the appeal and advice about the future
- modifying the composition of the appeal committee to separate advising roles and decision-making roles

Failure to disclose studies elsewhere

The ombudsperson provided recommendations regarding the notification process in the case of several students facing a potential withdrawal from UVic because of a failure to disclose unsuccessful studies elsewhere during the UVic admission process. In particular, the notification needs to be clear about the grounds considered by the appeal committee.

Similar recommendations were made and led to improved communication templates in 2013. However, the 2015 cases involved students who had been at UVic for more than a session, rather than new applicants, which meant that communication was handled by a different administrative unit.

To avoid a repetition of the problem, the Office of the Registrar decided to coordinate communications to ensure that the notification includes information about grounds for appeal.

In parallel, the Senate Committee on Admissions, Re-registration and Transfer (SCART) was engaged in a review of Calendar entries related to disclosure of studies elsewhere. The ombudsperson provided comments on proposed draft revisions, and Senate approved changes for publication in the May 2016 Calendar. The revised regulations provide more clarity for students about potential penalties and the appeal process available.

Graduate student supervision

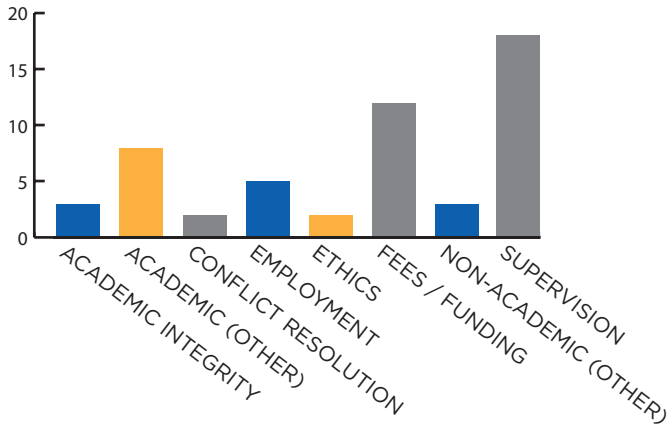
See page 6.



GRADUATE STUDENTS

In 2015, there was a total of fifty-three (53) requests for assistance by graduate students, distributed as follows:

GRADUATE SUBJECT MATTER



ACADEMIC (OTHER)

This category included questions about academic concession, defense, grading, program extension, program requirement, and requirement to withdraw.

EMPLOYMENT

This year there were five inquiries by graduate students related to employment on campus. This included a payroll problem that was solved, an employment issue unrelated to the academic unit, a question about rate of pay for a research assistantship, a question about the process for hiring teaching assistants, and a question about giving feedback to or disciplining a teaching assistant.

Some of these working relationships were between a student and their academic supervisor, so students were concerned about maintaining a positive relationship. Prior to raising questions with the supervisor, graduate advisor, department or relevant union, they were looking for information about what constitutes normal expectations, and for referrals to resources.

FEES AND FUNDING

Questions about fees included: the fee instalment rate for a student with a disability on reduced workload (resolved through the Dean's office); clarification about the application of part-time and full-time fees; impact of a long ethics process on the number of fee instalments paid; international versus domestic status (see case example page 3); and a few questions about minimum program fees and the fee instalment process.

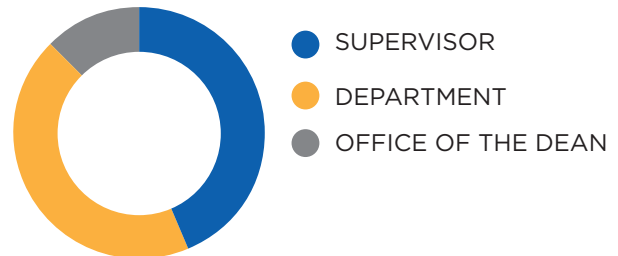
Under the funding category, there were questions related to communication with a supervisor about the availability or continuation of funding, the availability of teaching positions in the department, or the possibility of receiving funding from more than one source.

SUPERVISORY RELATIONSHIP

Apart from one request for general information and one request for a facilitated meeting between a student and a supervisor, all inquiries in this category were from students seeking advice or coaching from the ombudsperson while resolving an issue with their supervisor or with the help of a department or the Office of the Dean. See case example page 3.

Approximately one third of students later reported progress or full resolution with the supervisor, one-third reported resolution through a change (e.g. co-supervision, change of supervisor, change of program), and one-third did not continue to provide updates after initial advice or coaching and referrals.

Entity contacted by the student (Supervisory relationship)



Feedback and recommendation

The Faculty of Graduate Studies (FGS) is engaged in a review of regulations and guidelines regarding the supervisory relationship. In November, the ombudsperson met with the Ad Hoc FGS committee to provide feedback and suggestions.

In particular the ombudsperson pointed the need to clarify:

- ▶ timeframes for feedback to students
- ▶ expected frequency of contact between students and their supervisor, and between students and their supervisory committee
- ▶ the process and resources for problem-solving difficulties in the supervisory relationship
- ▶ the role of graduate advisors (in particular for problem-solving)

The regulation is written as a set of responsibilities (of the supervisor, the committee members, the Office of the Dean, and the student). The ombudsperson suggested to change to a rights and responsibilities document, or to work from a list of student rights in determining responsibilities for all parties.

Finally, regarding student progression, the ombudsperson stressed the importance of creating proactive processes (e.g. regular check-ins) that solicit input from students and provide opportunities for addressing academic concerns (if any).

When students and supervisors have access to the same information and tools, the potential for misunderstandings and unfairness to occur is lessened. Graduate advisors will have a key role in making sure that students and supervisors are aware of the revised document and use it. Graduate students often rely heavily on information from their own program or supervisor to understand expectations (including rights and responsibilities), not just in relation to their program, but to UVic as a whole.

Recommendation:

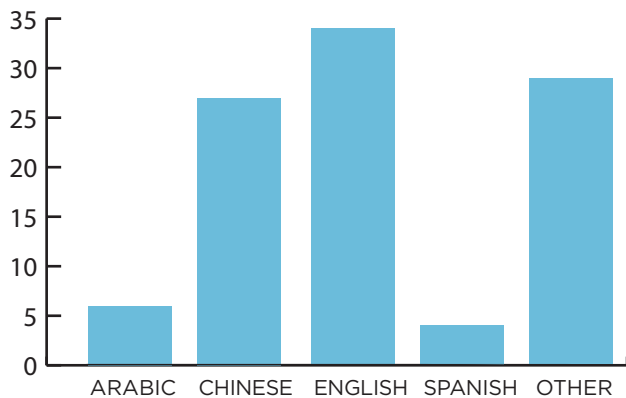
- ▶ In addition to the above feedback, I recommend that the Faculty of Graduate Studies ensure that every graduate program website includes a link to the revised policy on responsibilities in the supervisory relationship, in an obvious and prominent place for graduate students to access it.

INTERNATIONAL STUDENTS

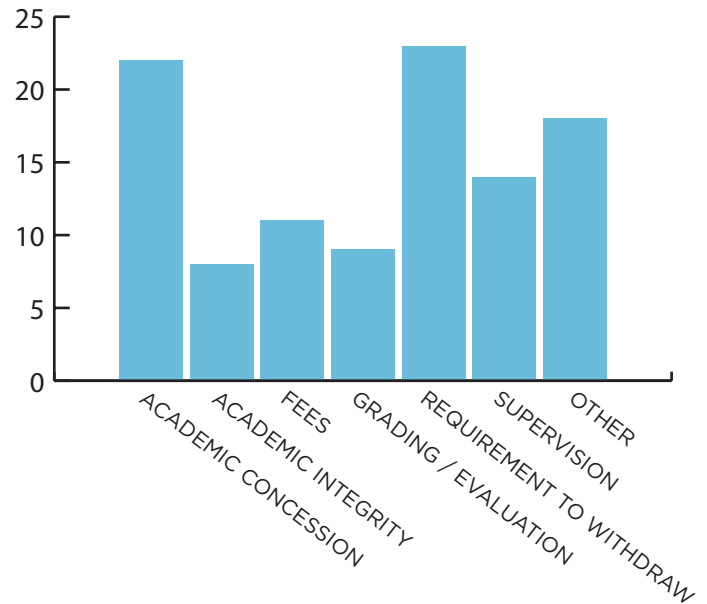
For the last three years, the ombudsperson has been using a voluntary process for collecting demographic information from students who contact the office. The overall response rate was approximately 40 percent. Students who consult the office under the category *information/referral* (see table on page 2) have a lower response rate. The response rate of students who come to the office for *advice or intervention* was 57% over the last three years.

One of the reasons for starting this project in 2013 was to get better information about how international students were using the ombuds office. For example, we wanted to see how international students found out about the office, and what issues they brought to the ombudsperson. Twenty-percent (20%) of survey respondents were international students (a total of 97 students over a three-year period). And 28% of these were graduate students.

PRIMARY LANGUAGE OF INTERNATIONAL STUDENTS (%)

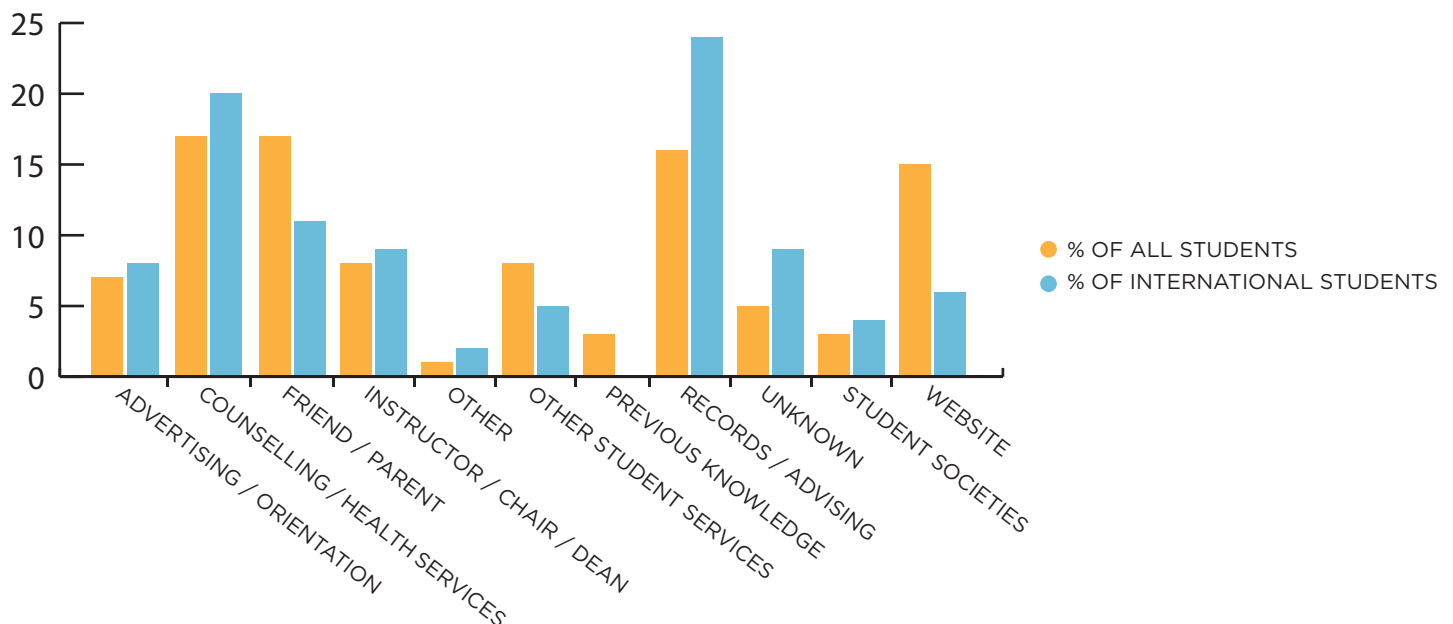


SUBJECT MATTER (%)



Changes in the regulation on student standing (including probation and requirement to withdraw) are discussed on pages 1 and 4 of this report. Paying attention to the international student experience will be important in developing an effective advising system for students placed on probation under the revised regulation.

HOW THEY FOUND THE OMBUDS OFFICE (%)



International students may be less familiar with the concept of the ombudsperson than domestic students. International students who responded to the demographic survey found their way to the ombuds office more from staff or faculty referrals, and less through friend or family referral, previous knowledge, or a web search for the ombudsperson.

MANDATE / OTHER ACTIVITIES



OFFICE MANDATE AND STRUCTURE

The ombuds office at UVic is an independent, impartial and confidential resource for all members of the university community on student-related fairness questions. In parallel with the educational mission of the university, the ombudsperson provides students with tools to understand policies and procedures, make informed decisions, access available recourses, self-advocate, identify relevant resources, and learn constructive approaches for raising and resolving concerns.

The ombudsperson seeks to ensure that the principles of fairness and natural justice are observed, and to help resolve issues at the lowest appropriate level. Students may access the office at any stage in a problem or dispute. The ombudsperson may also facilitate communication between students and staff or faculty, investigate, recommend, or bring individual or systemic issues to the attention of relevant authorities. The ombuds office acts as a reflective lens to improve procedures and practices.

The office is funded by direct contributions from undergraduate and graduate 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.)

OUTREACH, COMMUNICATION AND COMMITTEE WORK

The ombuds office participated in student orientation fairs (undergraduate, graduate, international), in orientation workshops for graduate students; and in orientations for graduate advisors and secretaries, and for new academic administrators.



For a second year, Erin Keely provided communication and office support services: information sessions, outreach to student groups, administrative tasks such as the development of a mail merge, data entry and updated excel spreadsheets for office statistics. I have been fortunate to benefit

from Erin's dedication and flexibility, her focus on detailed tasks and her excellent interpersonal skills.

The ombudsperson participates in the Educational Equity Advisory Group (EDAG), part of the University Human Rights Committee, and in the Advisory Committee on Academic Accommodation and Access for Students with Disabilities.

In 2015, the ombudsperson also participated in a working group developing information for students about resources and options to address questions of safety; and in follow-up discussions about the experience of students across gender and sexual identities. On the latter, EDAG has identified the need to develop an effective consultation forum between students and the administration.

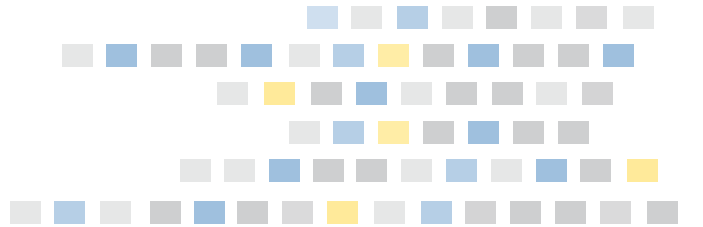
PROFESSIONAL DEVELOPMENT AND ACTIVITIES

In May I co-presented a session on *Fairness in Higher Education* with Austrian colleagues at the joint FCO-ACCUO¹ conference *Fifty Years of Fairness* hosted at Simon Fraser University. In June and in October, I presented as part of international panels² on the history of the ombudsman to highlight Canada's 50 years of experience in ombudsing in Higher Education.

I contributed to ACCUO's guide: *Fairness is Everyone's Concern: A sampling of Practice and Resources on Cultivating Fairness*. I served on the awards committee for the California Caucus of College and University Ombuds (CCCUCO), and on the steering committee for the European Network for Ombuds in Higher Education (ENOHE).

¹ Forum of Canadian Ombudsman (FCO) and Association of Canadian College and University Ombudspersons (ACCUO)

² For the annual conferences of the European Network for Ombuds in Higher Education (ENOHE) and the Mexican-based Red de Organismos Defensores de los Derechos Universitarios (REDDU).



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