



# OMBUDSPERSON

## 2016 ANNUAL REPORT

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## HOW DO OMBUDS IMPACT HIGHER EDUCATION INSTITUTIONS?

To document how ombuds offices contribute to the success of colleges and universities in Canada, the Association of Canadian College and University Ombudspersons (ACCUO) has asked its members to highlight some of the work they have accomplished over the last five years.

This *Ombuds Report for Calendar year 2016* describes the many ways the ombuds office facilitates the resolution of individual and systemic questions. It includes recommendations made on topics as varied as academic integrity, exchange credit, sexualized violence, admission into a program, and the accommodation of students with a disability (see pages 4 to 7).

Previous ombuds reports are available online. Looking back on recommendations implemented since 2011, I note for example

- the creation of a summer tuition payment solution for students whose studies (and loan disbursement) start after the May 31 summer tuition deadline
- the development of user-friendly detailed online information about options and processes for undergraduate academic concessions
- ongoing work from Graduate Records and Graduate Studies toward the clarification of the academic concession process for graduate students
- updated procedures for grade reviews in four faculties (see page 4 for an updated recommendation)
- improved communication of the duty to disclose studies elsewhere and the related appeal process
- improved academic appeal processes in three programs

In addition to case work, the ombuds office contributes to the development of best practice on inclusion, equity and respect by participating in several university committees and offering input on the development of policies and procedures (see page 8).

The ombuds office has also developed a *Fairness Triangle* tool and, in the report for 2012, discussed its relation to a healthy environment. The 2013 and 2014 reports described case examples and best practice related to the three dimensions of fairness. The ombudsperson has since conducted *Fairness in Practice* sessions in several student service units and, in 2016, in the Faculty of Human and Social Development (see page 8).

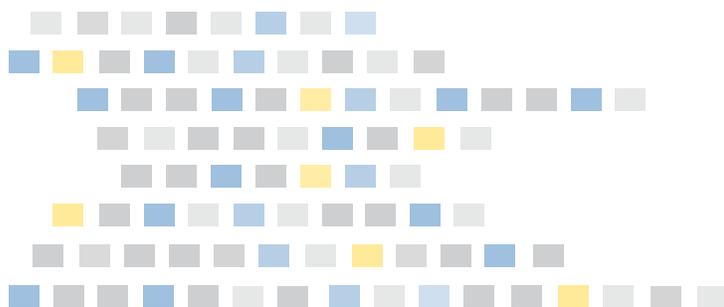
## INTERNATIONAL CONNECTIONS

Over the last several years, I have had several opportunities to present at conferences of the Mexican network for ombuds in universities (REDDU) on topics such as ombuds schemes in Canada, best practice for student mental health, and the development of sexualized violence policies. This led to an invitation to participate in an ombuds promotion initiative in three Mexican universities, sponsored by the ombuds office for the Universidad Nacional Autónoma de México (UNAM) in January 2017.



Front: left to right: Martine Conway, ombudsperson, University of Victoria; Dr. Sara Ladrón de Guevara, rector, and Edith Valdez Ponce, ombudsperson, Universidad Veracruzana; Dr. Alfredo Sánchez Castañeda, ombudsperson, Universidad Nacional Autónoma de México.

Behind: members of the office of the ombudsperson, Universidad Veracruzana.



### CONTENTS:

- P. 2 Case distribution
- P. 3 Case examples
- P. 4-7 Themes & recommendations
- P. 7 Graduate students
- P. 8 Ombuds mandate & other activities

...BECAUSE FAIRNESS MATTERS...

# CASE DISTRIBUTION

## DISTRIBUTION OF CASES BY SUBJECT MATTER

In 2016, the office handled a total of 371 inquiries and complaints, distributed as follows: information/referral (R) 79, advice (A) 244, intervention (I) 48.

SUBJECT MATTER	R	A	I	2016	2015	2014	2013
Academic concession	5	29	6	40	50	90	75
Acad. integrity/plagiarism	6	25	1	32	17	17	23
Acad. writing requirement	0	0	0	0	0	0	1
Accommodation of disability	1	3	2	6	10	8	14
Admission	3	4	3	10	13	6	13
Civility/conduct	1	6	2	9	12	3	2
Course delivery	3	14	2	19	25	10	7
Course registration	1	2	1	4	6	5	3
Employment	4	4	0	8	13	12	5
Examination	3	1	0	4	4	6	11
Fees	3	6	4	13	20	11	26
Financial aid/funding	5	7	4	16	10	11	12
Grading/evaluation	10	20	4	34	37	43	38
Housing	1	5	3	9	5	3	4
Human rights & safety	3	2	1	7	10	7	8
Interpersonal conflict	2	4	3	9	9	6	5
Landlord-tenant	4	0	0	4	4	4	4
Practica/work placement	1	12	1	14	15	10	4
Privacy/FOI	0	1	0	1	3	3	4
Program requirement	1	9	0	10	6	6	7
Requirement to withdraw	8	53	2	63	48	78	65
Student societies/groups	1	5	0	6	7	10	8
Supervisory relationship	2	17	0	19	19	22	9
Transfer credit	1	1	2	4	2	0	2
Other academic	3	9	1	13	17	25	16
Other non-academic	6	5	6	17	10	8	18
<b>Total</b>	<b>79</b>	<b>244</b>	<b>48</b>	<b>371</b>	<b>372</b>	<b>404</b>	<b>384</b>

**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:

<b>Instructor:</b>	<b>22.4 %</b>
<b>Department:</b>	<b>47.2 %</b>
<b>Dean:</b>	<b>30.4 %</b>
<b>Senate Committee on Appeals:</b>	<b>0 %</b>

\*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** (students may or may not pursue the situation further) **40.7 %**
- **Guidance on process or procedure** **19.8 %**
- **Feedback or coaching** (feedback on a letter; preparation for a meeting or an appeal) **39.5 %**

## 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.

<b>Recommendation made</b>	<b>4</b>
<b>Resolved</b>	<b>4</b>
<b>Partially resolved / satisfied</b>	<b>5</b>
<b>Clarified / facilitated communication</b>	<b>28</b>
<b>No ground</b>	<b>3</b>
<b>Denied / not resolved</b>	<b>2</b>
<b>Discontinued by student</b>	<b>2</b>
<b>Total</b>	<b>48</b>

# CASE EXAMPLES

## CO-OP CHALLENGE

A student missed the deadline to complete report revisions in a CO-OP challenge. The student had not expected that the department could ask for revisions and was surprised when she failed the challenge. She was also concerned that a reminder had been sent to her uvic.ca email rather than to the preferred email on her UVic profile.

The ombudsperson spoke with the department and provided feedback on an appeal draft, but pointed out that information is available on the website about steps in the CO-OP challenge process. The appeal at the dean's level was denied when the department showed that the email reminder had been sent to both of the student's emails.

## ONLINE COURSE DELIVERY

A student with a disability affecting reading speed was admitted to the on-campus section of a program in which discussions form a great part of classroom learning. The student became concerned when some required courses were only offered online that term. In one course, the instructor adopted an inclusive course design that included video options. The reading-writing only format of another course made it difficult for the student to keep pace with all the components.

The ombudsperson referred the student to the head of the academic unit and suggested having a program-wide discussion about best practice for inclusive design and disability accommodation. The Learning and Teaching Centre can help instructors improve course design and delivery.

## INTELLECTUAL PROPERTY

A graduate student and his supervisor were in a conflict over questions of intellectual property and authorship. The student thought that his work had influenced the direction of recent publications by the supervisor without being acknowledged, while the supervisor thought that the student's work was distinct, and recent publications by the supervisor were related to the supervisor's own line of research.



The graduate advisor provided the student with information about making a formal complaint, and a referral to the ombudsperson for a mediated process. The ombudsperson had several discussions with the student and with the supervisor separately.

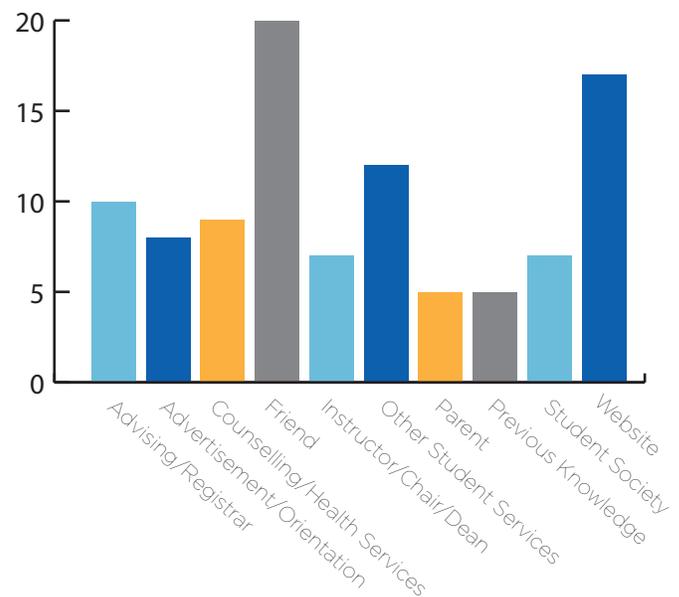
Discussions included questions to clarify the boundaries between lines of research, and options for moving forward. The student decided to withdraw the complaint and identified ways of seeking proactive clarification of boundaries in the future. The department agreed to a change of supervisor.

## MEDICAL LEAVE

A graduate student was in her last term before the time limit to complete her degree. The student was also in the last stages of thesis drafting and revision, so she was told that she could request a program extension. However, program extensions come with a high tuition fee. The student had faced difficult family and medical circumstances over the years, but had maintained 'continuity of registration' as per UVic graduate policy.

After a discussion with the ombudsperson, the student realized that she could have requested a medical leave during a recent term (which would have stopped the clock for that term). The student had not been well enough to be an active student or use university resources during that term. The student made a retroactive request to the Office of the Dean, which was granted.

## HOW STUDENTS HEARD ABOUT THE OMBUDS OFFICE (%)



# THEMES AND RECOMMENDATIONS

## GRADE REVIEW PROCESS: UPDATE AND NEW RECOMMENDATION

In April 2014, the ombudsperson recommended updating faculty-level grade review procedures, in particular to include clear language about graduate students. Since then, the faculties of Human and Social Development, Humanities, Science and Social Sciences have reviewed their procedures, which are available online. They include

- information about how a review is conducted at the level of a chair or director
- grounds and process for any further appeal at the level of the dean (as consistent with the UVic policy on academic appeals)
- relevant information and pathways for graduate students

The ombuds office recommends that

- ▶ all faculties update their grade review procedures to include the above information
- ▶ they post them on the faculty website in a section accessible by students
- ▶ all departments and schools provide a link to the relevant faculty procedure in the student sections of their websites



## INPUT ON THE DEVELOPMENT OF SEXUALIZED VIOLENCE POLICY AND PROCEDURES

As universities across Canada develop policies and procedures to better prevent and address issues of sexualized violence, the ombudsperson was asked to participate as a non-voting member of UVic's Working Group on Sexualized Violence Programs and Policy Development chaired by Dr. Annalee Lepp.

The working group was tasked in particular with recommending a campus-wide policy and related procedures, including recommendations for education and prevention activities, support services, disclosure and reporting procedures, and investigation and adjudication processes.

The consultation process undertaken in summer and fall 2016 by the working group provided extensive feedback about education activities, support services and procedures available on campus, identifying what is working and what is lacking.

As is the case at universities across the country, the consultation identified barriers experienced by students, staff or faculty affected by sexualized violence, for example in accessing support and in using disclosure or report mechanisms. It

highlighted the need for trauma-informed and survivor-centered approaches, better coordinated education and prevention activities, clear information about policies and procedures, and support services to respond to a diversity of needs.

In the last two academic years, the ombuds office has been consulted by a few students alleged to have breached current policies related to sexual misconduct. The allegations faced by the students ranged from relatively minor to very serious.

These students' experiences highlighted the need for greater clarity and more education about what constitutes consent and how to recognize situations where there is no consent, as well as the need to support respondents in navigating the process and its impact on their personal, psychological and academic situation. These aspects are improving with the creation of two case manager positions and the upcoming hiring of one education coordinator at UVic.

The student respondents who consulted the ombudsperson also provided information about barriers they experienced in the current investigation and adjudication process. In particular, some respondents did not understand the process or the standard of proof (balance of probabilities) used in making a decision about whether or not a university policy has been violated.

In one example, in an inquisitorial system where an external investigator makes a recommendation for sanctions, the student did not receive specific information about the allegation before meeting with the investigator. The investigator's report was the point at which this respondent understood the full extent of the allegation. At that stage in the process, the respondent could respond in writing within 5 days. The respondent did not meet with the decision-maker.

Requirements for administrative justice include two essential aspects:

- the opportunity to be heard (which includes the opportunity to understand and respond to the specific allegation)
- the right to an unbiased decision-maker

While inquisitorial systems include those elements, the procedure currently experienced by student respondents presented real or perceived barriers that may impact two important elements contributing to the quality of information available to the decision-maker and the fairness of the outcome:

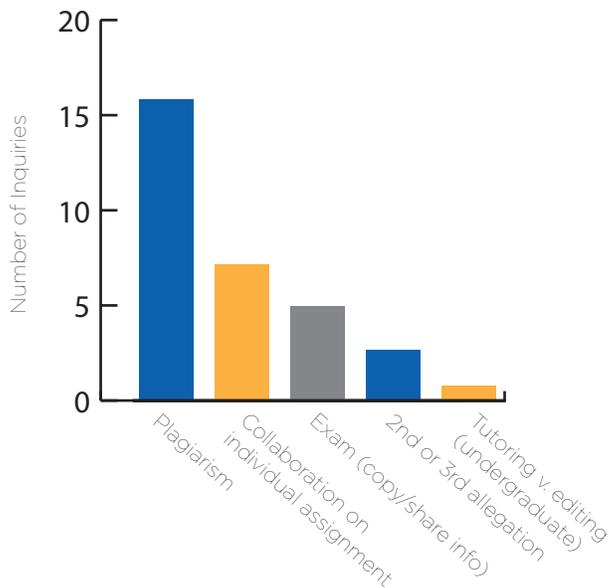
- ▶ the respondent's ability to understand and engage effectively in the process
- ▶ the respondent's ability to develop or demonstrate empathy for the person they had affected, or to learn from the experience

As part of the working group, the ombudsperson provided input on barriers currently experienced by student respondents and points to address in new regulations, including procedural elements, communication of support services available to respondents and the place of restorative accountability mechanisms.

The new policy and procedures are scheduled to be implemented in May 2017.

## ACADEMIC INTEGRITY: CLEAR EXPECTATIONS AND FAIR PROCESS

The number of inquiries about academic integrity brought to the office almost doubled in 2016 compared to previous years (32 in total). Students mostly came seeking assistance in understanding the process or their situation. Some came for feedback on a draft appeal. The main categories were:



**Plagiarism issues** seen by the ombudsperson continue to be primarily lower level instances of inadequate attribution on a portion of the work. Many are due to lack of knowledge about norms, a lack of experience with certain aspects of academic writing, poor note-keeping methods or inattention to detail, sometimes exacerbated by time management or other difficulties (language, stress,...).

- ▶ Proactively teaching good citation skills in courses at all levels of a program, and dealing with isolated and minor errors with appropriate flexibility (e.g. warnings, reduction in grade) remain important ways of fulfilling the university's mission to guide and support students on their learning path.

**Questions of inappropriate collaboration** on individual assignments come to the ombuds office more often from students in the Science or Engineering faculties where studying and working out complex questions together is otherwise encouraged. Students in those disciplines sometimes hear conflicting messages from instructors or from more senior students about the boundaries between acceptable and unacceptable collaboration.

This year 5 of the 7 students in this category were from the same class. Whether the students were themselves accused of cheating or whether they were concerned that other students were cheating, they all described what they experienced as a lack of clarity about expectations and boundaries in their program. Some also perceived inconsistencies in the way the academic integrity policy was applied between instructors.

The ombudsperson discussed this situation with the relevant academic administrator, but it is important to mention here, as this is a particular example of a question that has come up over the years from students in different academic units.

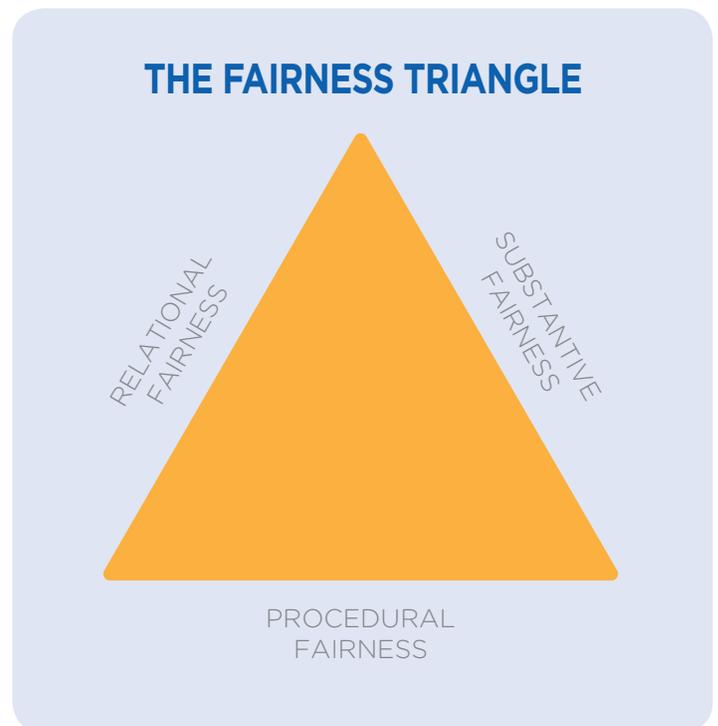
- ▶ Departments must teach about the boundaries for appropriate collaboration as relevant to the specific discipline. They must also achieve a level of consistency among instructors and courses, and clear communication about the application of the policy.



**Significant delay** occurred in two separate departments when raising allegations of copying due to similarities in wording (between two individual assignments in one course, and during in-class testing in another course). Lack of timely notification to the students impacted their ability to recall specifics and respond to concerns. Both allegations were dismissed, one at the level of the Chair and the other on appeal to the Dean.

The specific reasons for delay have been addressed in these individual situations, but these two examples are a reminder of the need for

- ▶ timely documentation of relevant evidence
- ▶ timely notification of the specific allegation to students as part of a fair and effective process



## EXCHANGE PROGRAM CREDIT: BETTER COMMUNICATION

**Exchange credit:** Students returning from exchange programs typically receive exchange credit on their UVic academic record, identifying the nature and number of credit units applied to their UVic degree. This can be credit for a specific UVic course, or credit for a particular level (e.g. 100 level, 200 level,...). The specific nature of credit and number of credit units depends on the content and duration of the course at the other institution.

Historical information is available to students about how courses at partner institutions have been credited in the past, but exchange credit is typically not guaranteed until after transcripts are submitted, as credit hours or course content at other institutions may vary. The ombuds office inquired into a specific situation where a student went on exchange expecting to receive 7.5 units of credit, and was credited with only 3.0 units after she returned.

The situation was unusual in that the credit hours for the relevant course (identified by a course number) at the partner institution had decreased significantly that year. The ombuds office concluded that the 3.0 units had been calculated correctly and in accordance with UVic procedures. But the situation brought to light gaps in information available to students about exchange credit.

International Student Services, in conjunction with the Office of the Registrar, is improving the way information is communicated to students. The ombuds office provided suggestions on how to convey historical information about individual courses and how to clarify the exchange credit process.

- ▶ In particular, the ombudsperson recommended adding information on the website about the calculations used to transfer credit hours or credit units from partner institutions (e.g. from the European ECTS system) into credit units at UVic.

**Exchange grade:** In one UVic faculty, exchange credit is accompanied by a grade on the UVic transcript. In that program, exchange grades are calculated based on a complex formula that takes into account comparative information on grading trends at the various partner institutions and students' performance in the UVic program.

Four students in that program contacted the ombuds office for disagreements about the grades calculated by their UVic program. The students perceived their individual grade as unfair, the information available about the formula as confusing, and the grade appeal process as unclear. Different students had received different levels of information about the process, depending how they had first approached the academic unit about their concerns.

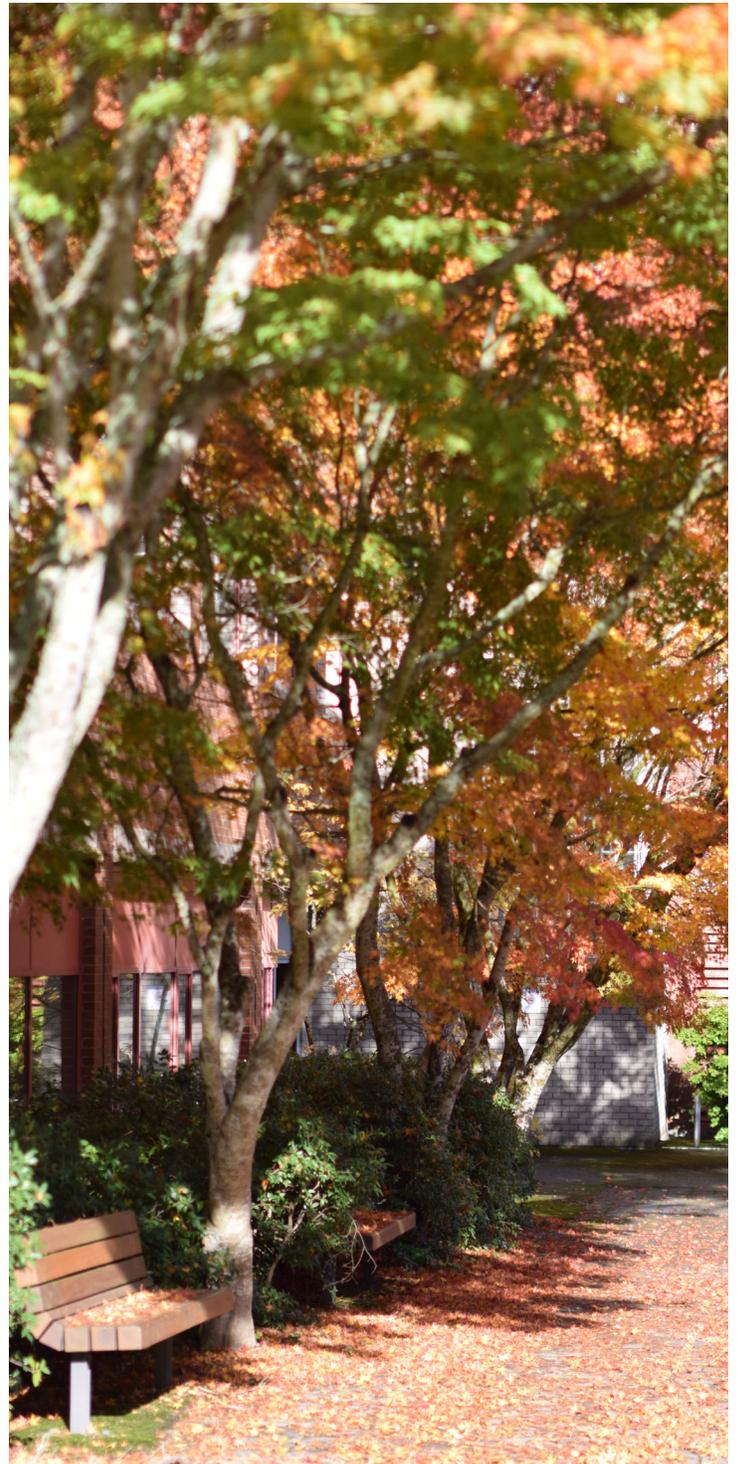
The ombuds office referred individual students to the relevant administrator for clarification of grades and for the first level of grade appeals, indicating also how grades could be appealed at the next level if needed. In parallel, the ombudsperson met with the administrator to convey students' feedback and to ask for clarification about the grade calculation process, and how it is communicated to students.

As the ombuds office does not have authority to evaluate student performance or questions of academic judgment, the points raised by the ombudsperson focused on the clarity and completeness of information communicated to students about

the grade calculation process on the one hand and about the appeal process on the other.

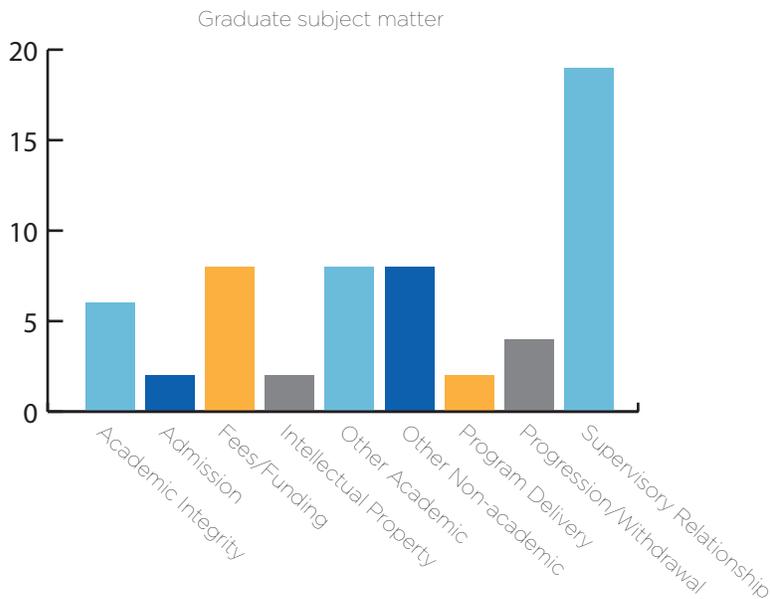
In particular, the ombudsperson recommended two actions:

- ▶ sending all students inquiring about their grade the same level of information about the particular formula that applies to the relevant partner institution
- ▶ including clear written information about the academic unit's steps in the grade clarification and appeal processes



## GRADUATE STUDENTS

In 2016, there were 59 requests for assistance from graduate students, distributed as follows:



The 'other' categories included questions about academic concessions, candidacy exams, grading, program extension, practicum, as well as leaves of absence, access to research materials, work environment and non-academic misconduct. Problem-solving in the supervisory relationship remained the most common topic on which students sought assistance from the ombudsperson. (See also case examples on page 3.)

The Faculty of Graduate Studies has completed its review and update of the *Graduate Supervisory Policy*. The ombudsperson notes the many improved sections on accessibility and problem-solving assistance, the role of the academic unit, and responsibilities of the graduate advisor. There is also greater precision about the responsibilities of students, supervisors and committee members, including frequency of contact, timeframes for feedback, and clarification on avoiding conflicts of interest.

In recent years, the ombuds office has received more questions related to graduate funding, in particular from students without funding in a department where their peers receive funding, or from international students who do not know what funding or financial aid may be available to them. I have also heard from students who received confusing or changing information about funding offers, or from students concerned about the fairness of the process used in their department to grant awards.

The new policy requires each academic unit to publish a *Graduate Handbook* by July 1, 2018, in which they must cover a range of topics, including clarification about any funding entitlements, as well as the criteria for the disbursement of graduate awards.

- ▶ In addition, the ombudsperson recommends that academic units consider the measures they have in place to avoid real or perceived bias or conflicts of interest in the process for granting awards, and that they provide clear information online about the process.

## OTHER RECOMMENDATIONS MADE:

### Parking fine deadline

Campus Security Services issue parking fines that must be paid within 14 days. The day the fine was issued counted as the first day (even if the fine was issued late in the day). This created some confusion in calculating the deadline. The ombudsperson recommended counting the 14 days starting with the day after the fine was issued, and Campus Security accepted the recommendation.

### Accommodation of a disability

In dealing with a complex accommodation issue in one program within the Division of Continuing Studies, the ombudsperson identified two important questions: where to receive and store confidential information about students with disabilities and how to ensure that program-level decisions about accommodations are informed by relevant expertise. The ombudsperson asked the assistance of the Dean to resolve the individual situation and recommended that the Division review its process to address these two questions. The Division has since adopted a centralized location for receiving and storing confidential information. It is working toward a formalized system while provisionally handling accommodation requests on a case-by-case basis to reach out to appropriate resources.

### Registration after studies elsewhere

Students who want to take courses elsewhere for credit in their UVic program obtain a "letter of permission" from UVic. But if they take a course outside UVic that is a pre-requisite to a course they want to take at UVic, they may not be able to register for the desired UVic course until after UVic receives their grade for the pre-requisite course. Information about this will be added to the letter of permission provided by the Advising Centre.

### Admission criteria

In a program admission process, a student was concerned that qualitative information (resume, personal statement, references) was collected but not used in making decisions because, in its rejection letters, the program communicated that it based decisions on students' grade point averages (GPAs). In practice, the program head explained that decisions are made based on a combination of qualitative and quantitative factors, using GPA to determine the final cut-off. The ombudsperson recommended that the program add information on its website about when and how the qualitative information collected is used in making admission decisions.



# 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 spring and fall student orientation fairs (undergraduate, graduate, International Student Services, Society for Students with a Disability), in an orientation workshop on the supervisory relationship for graduate students, and in orientation for graduate advisors and secretaries.

The ombudsperson is part of the Educational Equity Advisory Group (EDAG) and the Advisory Committee on Academic Accommodation and Access for Students with Disabilities. This year, the ombuds office also participated as a non-voting member in the Working Group on Sexualized Violence Programs and Policy Development (see page 4).

The ombuds office provided feedback to the Senate Committee on Academic Standards about the new *Guidelines for Instructors on the Use of an Editor for Student Work* and the related amendments to the *Policy on Academic Integrity*; to the Senate Committee on Agenda and Governance on the proposal for extending the fall break to 5 days and the possibility of holding examinations on Sundays; and to the Ad Hoc Committee on Supervisory Practices about the revision of the Faculty of Graduate Studies' *Graduate Supervision Policy* (see page 7).

The ombudsperson also conducted a *Fairness in Practice* session as part of the Faculty of Human and Social Development's workshop series on *Integrated Services for Students*. The session considered scenarios provided by participants to discuss how to infuse decision-making practices with the three dimensions of fairness: relational, procedural and substantive.

## PROFESSIONAL DEVELOPMENT AND ACTIVITIES

In 2016 I was part of the steering committee of the European Network for Ombuds in Higher Education (ENOHE) and, from January to June, I sat on the executive of the Association of Canadian College and University Ombudspersons (ACCUO) as replacement for the Past President position.

In March I co-hosted a regional meeting held at Camosun College between higher education ombuds and the provincial ombudsperson for British Columbia. Discussions focused on types of higher education cases seen by campus ombuds and by the provincial ombuds, and included an exchange about developments in the handling of sexualized violence issues on several campuses. In April I attended the conference of the International Ombudsman Association (IOA) held in Seattle, and in October I attended the NorthWest Ombuds Group (NWOG) meeting in Victoria.

In October I presented at the conference of the Mexican network for ombuds in higher education (REDDU), held in Ciudad Juarez, Mexico, on the topic: *Sexualized Violence in Canadian Universities: Problems, Solutions and New Challenges*.



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 seek solutions. 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](mailto:ombuddy@uvic.ca) or **250-721-8357**.