



OMBUDSPERSON

2017 ANNUAL REPORT

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CELEBRATING 40 YEARS AND BUILDING THE FUTURE

This report for 2017 is my last report as ombudsperson at UVic. I am leaving the position in April 2018, just as the ombuds office is about to celebrate its 40th anniversary. The office was created in 1978 by the University of Victoria Students' Society (UVSS), operating part-time then, and reporting to an advisory committee with student and faculty representation.

The office has since developed into a full time operation funded by undergraduate and graduate students and by the university. It has contributed recommendations for improved policies, procedures and practices on a wide range of issues, as described in the 2008 [Special Anniversary Report](#)¹. The contribution I have made was built on the foundation left by the nine ombudspersons before me. I am grateful for the work they did for the office.

Political scientist and ombuds scholar Stanley Anderson's 1969² "plea for adopting the ombudsman idea" was "based on the conviction that ombudsmen are humanizers" who "give voice to collective conscience".

An ombudsperson does not make fairness happen in a vacuum. The ombudsperson "builds capacity to help the institution be accountable to its own value and mission statements (...) [and] facilitates fair resolutions that build trust (...)"³. The ombudsperson often acts as a bridge between the institution and its constituents.

In the last 40 years, UVic has grown, diversified and developed as a community. With change come opportunities and tensions, which, when handled well, are important catalysts for improvement and learning. I have been fortunate to operate in an environment where student and university leadership were committed to engage, question and resolve.

In its 40 years of operation, the office has established its credibility to make reasoned recommendations for improved fairness on individual and systemic issues. And as I leave the office, I feel a responsibility to the future. Most university

ombudspersons are employed by the institution, with the institution funding the office in full or in a 50%-50% arrangement with students. At UVic, the university currently funds 20.5 % of the budget for the office.

With student enrolment flattening, the current funding structure will not sustain the operation of the office. I have recommended that the Ombudsperson Advisory Committee look into the structure of the office at UVic and propose an improved funding arrangement with the university.

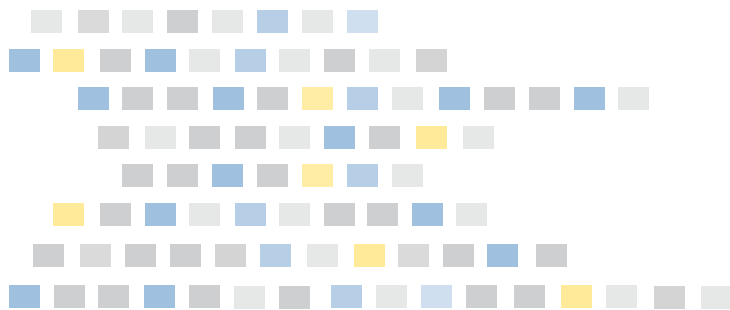


During the many years I served as ombudsperson at the University of Victoria, I had the privilege of working with hundreds of students, staff, faculty and administrators who shared with me their stories, their struggles, their expertise and engaged with the office to explore solutions. I thank every person who contacted my office or who answered my calls. I have learned a lot from interacting with you and hope I have contributed positively to your experience at UVic.

¹30 Year - Special Anniversary Report: *Building a Culture of Fairness at UVic, 1978-2008*

²Association of Canadian College and University Ombudspersons *Standards of Practice, 2012*

³Anderson, Stanley. *Ombudsman Papers: American Experience and Proposals*. Institute of Governmental Studies, University of California, Berkeley, 1969.



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...BECAUSE FAIRNESS MATTERS...

CASE DISTRIBUTION

DISTRIBUTION OF CASES BY SUBJECT MATTER

In 2017, the office handled a total of 389 inquiries and complaints, distributed as follows: information/referral (R) 130, advice (A) 210, intervention (I) 49.

SUBJECT MATTER	R	A	I	TOTAL 2017	TOTAL 2016	TOTAL 2015
Academic concession	13	49	10	72	40	50
Academic integrity	6	14	3	23	32	17
Accommodation of disability	4	4	4	12	6	10
Admission	4	8	4	16	10	13
Civility/conduct	6	5	0	11	9	12
Course delivery	8	13	1	22	19	25
Course registration	5	0	3	8	4	6
Employment	1	1	0	2	8	13
Examination	4	3	0	7	4	4
Fees	3	9	4	16	13	20
Financial aid/funding	3	5	3	11	16	10
Grading/evaluation	17	28	1	46	34	37
Housing	3	2	0	5	9	5
Human rights & safety	7	3	1	11	7	10
Interpersonal conflict	4	7	1	12	9	9
Landlord-tenant	4	2	0	6	4	4
Practica/work placement	3	3	2	8	14	15
Privacy/FOI	6	1	0	7	1	3
Program requirement	3	6	4	13	10	6
Requirement to withdraw	3	18	1	22	63	48
Student societies/groups	2	1	3	6	6	7
Supervisory relationship	2	13	0	15	19	19
Transfer credit	0	1	0	1	4	2
Other academic	6	6	1	13	13	17
Other non-academic	13	8	3	24	17	10
Total	130	210	49	389	371	372

R: Information & Referral **A:** Advice & coaching **I:** Intervention

Thank you again for taking the time, and sharing with me some best practices for listening and for communication. I believe they helped me in my meeting with the Chair.

DISTRIBUTION OF ACADEMIC CASES BY LEVEL *

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

Instructor:	26.1 %
Department:	41.0 %
Dean:	31.3 %
Senate Committee on Appeals:	1.6 %

*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) **39.9 %**
- **Guidance on process or procedure** **26.2 %**
- **Feedback or coaching** (feedback on a letter; preparation for a meeting or an appeal) **33.9 %**

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	4
Resolved	7
Partially resolved / satisfied	2
Clarified / facilitated communication	26
No ground	4
Denied / not resolved	3
Discontinued by student	3
Total	49

CASE EXAMPLES

SCHEDULING A DEFERRED EXAMINATION

A student contacted the ombuds office after being denied an extended deferral for a final examination and receiving a fail in the course. An extended deferral is a type of academic concession that may be granted to a student who is unable to complete previously deferred coursework for new or on-going extenuating circumstances such as illness, accident, injury, personal or family affliction.

The student had been granted a deferral to write a final exam for a spring course, but what prevented the student from writing the deferred exam within the timeline set by the academic unit was not ground for another academic concession. The student could not write the deferred exam at the set date because he would be on a CO-OP term out of the province.

The ombudsperson found that the option of making arrangements to write the deferred exam outside campus had not been communicated to students. The department and faculty accepted the recommendations to set a new date for the deferred exam for this student and to update communication templates to include the process for arranging out-of-campus exams in situations such as out-of-town CO-OP terms.

PROGRAM DELIVERY FORMAT

An international student contacted the office after being told that the lecture portion of some required practicum courses worth between 1.5 and 4.5 units would be delivered in an online format. The student had applied for and been admitted to the on-campus format of the program. To comply with study permit regulations and to receive funding from the originating country, the student needed to be in a full time on-campus course load.

The program advisor explained that on-campus delivery would still happen as long as sufficient students registered for that option. Given the requirement for on-campus options for international students, the program advisor and head confirmed that an on-campus solution would be available for this student to complete the program. As on-campus options cannot be guaranteed for all practicum courses, they also undertook to revise information sent prior to and during the admission process.



U-PASS OPT-OUT APPEAL

A student contacted the office in early September after being told that the timeframe for appealing to opt-out for summer UVSS U-Pass fees was over. The student would have had grounds to opt-out from the UVic U-Pass fees because of paying the U-Pass fee through Camosun, but opt-out must be done by published deadlines and appeals are heard during the relevant session.

The student explained that the opt-out process can only be done through the UVSS, not through the Camosun equivalent. The student was registered at UVic and Camosun but could not opt out before the May 31 deadline because the Camosun course didn't start until July. (The student could not get the required proof to opt out until then.) The student was told by the UVSS Info Booth in May that the case could be heard as a U-Pass appeal once the proof was available. When the student followed up in July, the UVSS Info Booth was closed (July 4-August 15), and the student didn't find access to the appeal form.

The ombudsperson verified the information and recommended that the UVSS U-Pass appeal committee accept the submission of a late appeal from this student. The committee accepted the recommendation and later granted the appeal.

PROGRAM CONCENTRATION OPTION

A student contacted the office after being told that a particular program "concentration" option would not appear on the degree transcript, in spite of completing the courses for that option. The student thought that this was unfair because the Calendar stated: "Students have the option to declare this concentration, and must complete the courses noted below within the (...) Major and Honours programs. The chosen concentration will appear on students' transcripts."

However, the student was not doing the Major or Honour stream of the program. The student was completing a combined major between two disciplines, subject to specific requirements and options. After speaking with the Advising Centre and the department and reviewing Calendar entries, the ombudsperson concluded that there was no ground for this student to have a different designation on the transcript.

The ombudsperson suggested that the student could ask for a letter from the department confirming that the student had also completed all the courses that correspond to the "concentration". The ombudsperson also recommended clarifying and editing website and Calendar information after noticing that the word "concentration" was used with slightly different meanings in different parts of the department's information pages. The department agreed with the suggestion and the recommendation.

Good news. They accepted the appeal! They mentioned the documentation and application were well done. I would not have been able to do this without your guidance. Thank you so much!

THEMES AND RECOMMENDATIONS

ACADEMIC STANDING AND PROBATION

After the change to the regulation on academic standing in 2016, which ensured that students who do not meet the sessional grade point average for UVic would be placed on probation prior to any requirement to withdraw (RTW), the office of the ombudsperson saw fewer students needing to appeal a RTW (22 compared to an average of 60 in previous years). Time will tell if the trend continues.

The academic session following placement on probation is key to a student's future success, and advising centres have further developed their approaches to assist students who seek help while on probation. In previous years, the ombudsperson had also identified the needs of students, typically in Social Sciences, trying to qualify or re-qualify for a program of choice (e.g. business or engineering) without guarantee of success. (See Students by faculty graph p. 6.)

The Academic Advising Centre describes the current process to assist students:

"The term parallel plan was introduced in 2014 and the concept was added to the new adviser training program in 2016. In an appointment, an adviser may ask a student to identify more than one academic goal (e.g. an alternate degree path). Together, they can then explore what will help a student reach those goals, as well as where those plans overlap. This process can help students stay on course to complete their UVic degree."

GRADE REVIEW PROCEDURES

After the Faculties of Human & Social Development, Humanities, Science and Social Sciences, the Faculty of Fine Arts has completed an update of its grade review procedure, and the Faculties of Engineering and Business have started the process.

The ombudsperson had recommended an update of grade review procedures in all faculties to include:

- how a review is conducted at the level of a chair or director
- grounds and process for further appeal (at the level of the Dean and Senate)
- relevant information and pathways for both undergraduate and graduate students

▶ I recommend that the procedures for the remaining faculties be updated (including the above elements) and uploaded as soon as possible.

▶ I also repeat last year's recommendation for all departments and schools to include a link to the relevant faculty procedure from the student section of their websites.

I note that the procedure adopted in the Faculty of Science does not include any information about how a grade review is conducted at the level of the chair or director. Regarding grades for term work, that procedure also states:

(2.1) *"Students seeking review of a grade [assigned during the term] should note that the grade determined by the [original] instructor's review will be applied regardless of whether it is the same as, higher than, or lower than the original grade."*

(2.3) *"In cases of request for a review of grades assigned for work that is not a final exam or a final research paper, any change of grade that results from a student's request for*

review are final and may not be appealed except on procedural grounds."

(3.1) *"The Chair or Director will not normally consider an appeal where the sole question in a student's appeal is a matter of academic judgment (for example, the academic merit of the assigned work)."*

(4.0) *"If the Chair or Director (or designate) believes the grounds on which the student is requesting further review to be reasonable, the [original] instructor will be directed to review the work."*

While a department may decline to review a grade where the student does not present any objective criteria for their dissatisfaction with the grade, a review of an assigned grade is a matter of academic judgment and as such often takes the form of a re-grading of the work. The present wording in the updated procedure limits students to substantive grade reviews for term work only from their own instructor. The document is also silent on how a department conducts a formal independent review of a final grade.

I recommend

▶ a change to the wording of sections 2, 3 and 4 in the procedure for the Faculty of Science, to exclude from an independent review only situations where a student does not present reasonable grounds for their dissatisfaction with the grade

▶ the addition of information in sections 4 and 6 about how a substantive review is conducted at the level of the chair including the appointment of another grader to do "an independent evaluation" (UVic Calendar), the information available to the re-grader, and the timeframe

CLIMATE, CONDUCT AND INCLUSION

Several of the concerns raised by students under the "conduct", "course delivery" and "human rights" categories (see page 2) were about the behaviour of an instructor or teaching assistant (TA). Outside specific processes such as the Discrimination and Harassment Policy, there is no clarity or transparency for students about how departments or schools are expected to deal with complaints about the conduct or performance of an instructor or teaching assistant (for example about course delivery, classroom management, classroom climate, interpersonal conflict, etc.)

In other words, there is no one-stop policy that students can follow for this type of concern. In part, this is due to the case-by-case nature of any chair or director's intervention, as well as the need to respect existing relevant policies, collective agreements or privacy legislation. Many concerns are resolved successfully and informally by program heads. However, in the absence of any guidelines about process, situations can escalate, especially if the program head is perceived to side with the instructor.

I would suggest

▶ the consideration of increased training for chairs and directors on how to act and be seen to act impartially and how to communicate process clearly when dealing with these situations

▶ the development of general guidelines to assist students and program heads with communication and options when dealing with this type of concern

REMOVING BARRIERS TO ACCESSIBLE LEARNING

In fall 2017, the Resource Centre for Students with a Disability was renamed the Centre for Accessible Learning. In 2017-18, UVic also undertook to review the Policy on Academic Accommodation and Access for Students with Disabilities and the Calendar policy on Academic Concessions.

One of the challenges in the review of the academic concession policy is how to streamline the process and minimize administrative time spent generating and processing supporting documentation. Inclusive course design can facilitate an instructor's task by embedding appropriately flexible options in the way the course is taught and students are evaluated.

Academic units must be careful when developing program-wide "policies" or practices, such as standard course outline language about missed exams or attendance requirements. In an example this year, I referred an academic unit to the Office of Equity and Human Rights for input on program-wide course outlines after noticing language that created barriers for students with certain chronic health issues.

In previous years, I documented barriers encountered by students with mental health disabilities when requesting an accommodation through the academic concession process (in particular late course withdrawals). Decisions are not made consistently across the campus and communication to students at times fails to take into account the sensitive mental state they are experiencing.

In one faculty, a student may be told that a retroactive concession will be granted only if all courses for the term are dropped, while another faculty will make a finer grained assessment of the student's need for a lightened course load that allows progression in the degree. Students who withdraw from courses late in the term may not receive any fee reduction, even on appeal. Students with chronic health issues are more likely to incur longer completion rates and increased debt as a result.

Decisions are not always conveyed with sufficient clarity. Where documentation is submitted that is normally ground for a concession or a fee reduction, a decision saying that "the documentation doesn't support the request" or "the documentation doesn't establish grounds for the request" is insufficient to understand the basis for the decision. It may also be experienced as dismissive of the very real barriers the student experienced. If the student is vulnerable at that time, it can contribute to feelings of depression or withdrawal. To those students, the appeal process becomes inaccessible.

I recommend

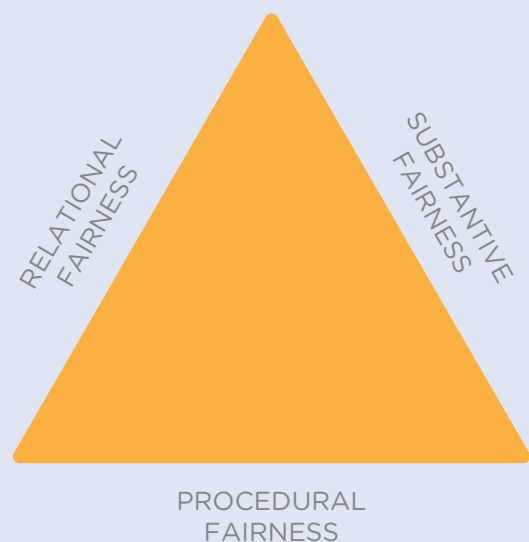
- ▶ the development of guidelines for decision-making for faculty members, program heads and associate deans who make decisions about academic concessions, including how to assess concession requests with an appropriate human rights lens and how to write a decision
- ▶ reviewing both policies with special attention to the intersection between the policy on accommodation and access, and the academic concession process to close gaps between the two
- ▶ determining training needs and implementing regular training for administrators making academic concession and accommodation decisions

Thank you so much for spending time with me to discuss this difficult situation and for your thoughtful encouragement. Your calm, focussed attention was a breath of fresh air for me. (Student)

This is just a short note to let you know how much I appreciated your assistance. You provided a consistent voice of reason at a time when everything seemed so unreasonable. (Student)

Thank you for your thoughtful feedback - the committee found your comments incredibly helpful. (Administrator)

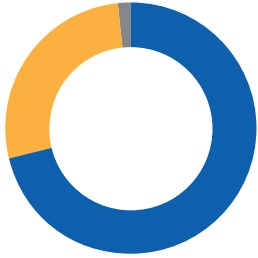
THE FAIRNESS TRIANGLE



5-YEAR DEMOGRAPHIC INFORMATION

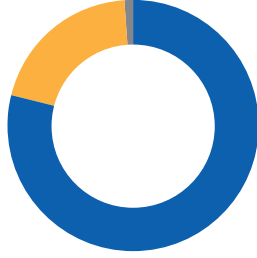
For the last five years, the ombuds office has collected demographic information from students who contact the office. The collection of this information is subject to student participation and, depending on the year, the overall response rate has been between 30 and 40%. Students who contact the office for *Information/referral* (see table p. 2) have the lowest response rate. When taking into account only students who contact the office for *Advice or Intervention*, i.e. students who have more sustained dealings with the office, the response rate for the 5-year period is 52.4 %.

NATIONALITY OF STUDENTS



- Domestic (71%)
- International (27%)
- Unknown (2%)

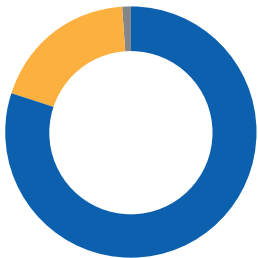
PRIMARY LANGUAGE OF STUDENTS



- English (79%)
- Other language (20%)
- Unknown (1%)

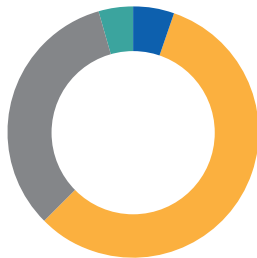
The top two languages other than English were Chinese and Arabic.

STUDENTS BY TYPE OF STUDIES



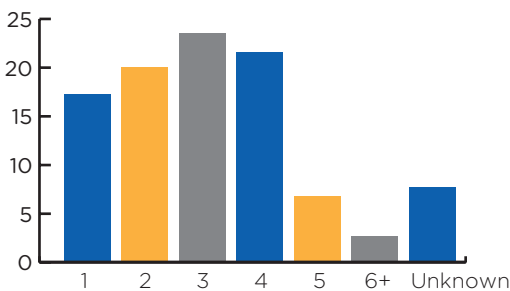
- Undergraduate (80%)
- Graduate (19%)
- Other (1%)

AGE OF UNDERGRADUATE STUDENTS



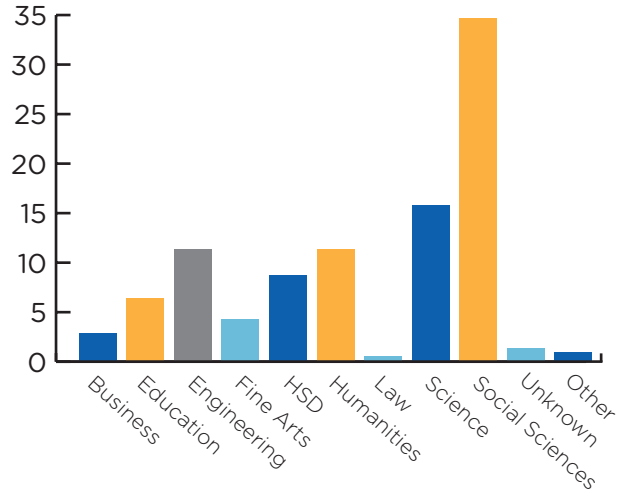
- 18 (6%)
- 19 - 23 (57%)
- 24+ (33%)
- Unknown (4%)

STUDENTS BY YEAR OF STUDY (%)



Note: More undergraduate students come in their 3rd and 4th year than in other years, and more graduate students come in their 1st and 2nd year than in other years.

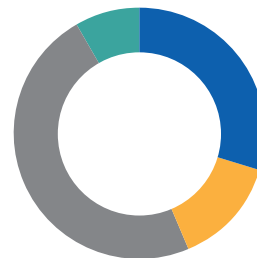
STUDENTS BY FACULTY (%)



Differences in the number of students by faculty is explained in part by the size of the faculty and the fact that some academic units more systematically refer students to the ombuds office.

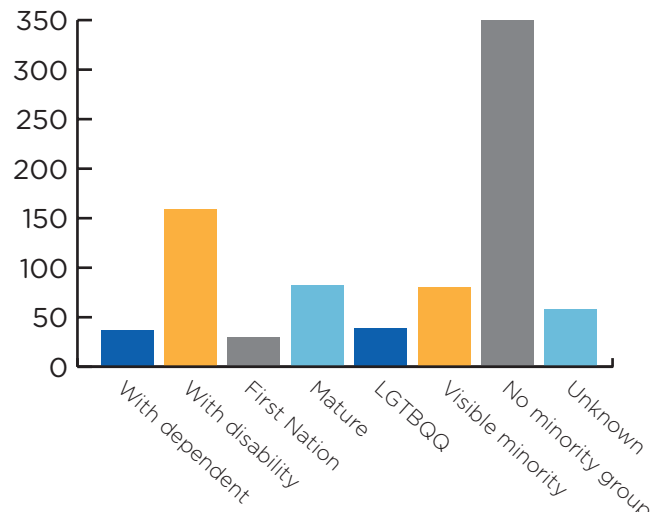
The Faculty of Social Sciences is the largest at UVic, and the relative percentage of students from that faculty visiting the ombuds is only slightly higher than for Humanities or Sciences. It should be noted that some students in Social Sciences were preparing to enter or re-enter another program (e.g. business or engineering). Some were on probation after not meeting the requirements for another program. (See *Academic Standing and Probation* page 4.)

DID STUDENTS BELONG TO MINORITY GROUPS?



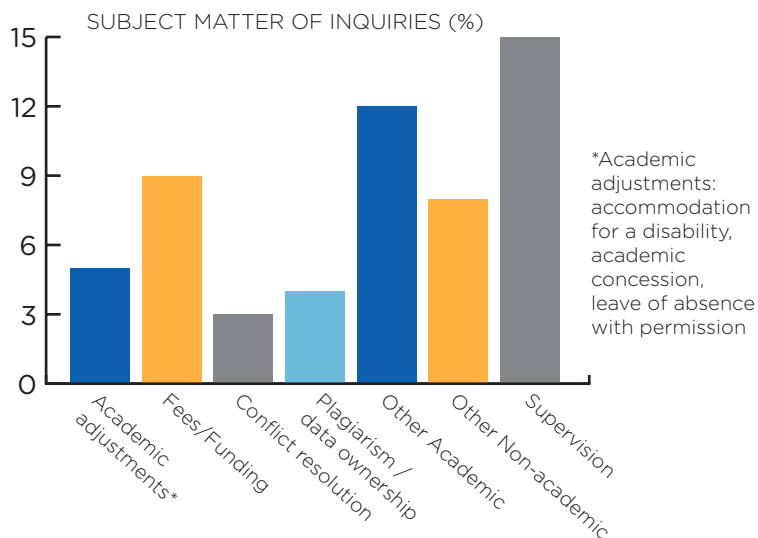
- One group (30%)
- More than one group (14%)
- None (48%)
- Unknown (8%)

STUDENTS BELONGED TO THE FOLLOWING MINORITY GROUPS



Note: Students could identify more than one group.

GRADUATE STUDENTS



The ombuds office saw 56 graduate students during 2017. The largest category of requests was for assistance with difficulties in the supervisory relationship. Students typically sought confidential advice or coaching to get past a hurdle in the relationship or a problem affecting communication, access to feedback or project progression.

Students felt most vulnerable when they depended heavily on their supervisor (e.g. for funding and their research project), the structure of the program didn't involve other committee members, and/or the student didn't know the graduate advisor. One other difficult scenario for students is dealing with committee members who do not have a consensus about the direction or approach for the work.

In addition to providing advice and coaching, the ombudsperson informed students of their options and resources within and outside their academic units. With the adoption of the new Graduate Supervision Policy in 2017, which better describes the responsibilities of all parties in the supervisory relationship, students have found clearer paths for resources and advice in some of these situations.

The "other academic" category included requests for advice or assistance about questions of admission, course delivery, course load, grading, program requirement or academic progression, requirement to withdraw; in the "other non-academic" category, students had questions about career development resources, child care, health and dental plan, and landlord-tenant issues.

Funding issues included a couple of concerns about the transparency of a department's scholarship or SSHRC selection processes. As a follow-up to last year's recommendation, I continue to urge academic units to provide clear online information about the relevant application or nomination process and deadlines, the steps taken to avoid real or perceived bias or conflicts of interest, and the criteria used in making decisions.

The academic concession process for graduate students was clarified in 2017 when the leave of absence form was updated to include requests for back-dated withdrawals or drops from courses. It is now clear how graduate students make such requests and what documentation to provide. Decisions are made at the level of the Associate Deans of Graduate Studies.

When the requested concession is an extension beyond the end of term (INC grade) the instructor submits a form after a discussion with the student. This works well when student and instructor agree about an extension. It allows for flexibility and

simplifies paperwork requirements. But some students with chronic mental or physical health issues find themselves at a loss when their supervisor doesn't support their request.

There is no student initiated form to request an extension. Once they hear a "no", some students hesitate to appeal for fear of losing the support of their supervisor. They may never speak with the graduate advisor or chair. I bring this to the attention of the Faculty of Graduate Studies as an area where proactive education for students and best practice guidelines for departments may help improve fair decision-making.

CASE EXAMPLE

A program recommended to the Office of the Dean of Graduate Studies that a student be withdrawn. If the recommendation was accepted, the transcript would include the wording "Withdrawn (...) Faculty Academic Standards Not Met".

The student was an international student who had experienced health and cultural difficulties in the transition to the campus. The program advisor had met with the student after the first term and written to the student about the need to meet the required grade average by the end of the winter session, or provide documentation to request consideration of extenuating health circumstances.

When the student's grades did not improve sufficiently to meet the grade average requirement in April, the student offered to submit medical documentation for consideration. The academic unit told the student that it was too late to do so and made the recommendation to require withdrawal.

The ombudsperson offered to accompany the student to a meeting with the associate dean as the student was too overwhelmed to understand the decision-making process or articulate concerns. The student had spent the family's savings in coming to pursue a graduate degree in Canada.

The ombudsperson pointed out that, although the department had tried to be accommodating and proactive after the first term, they had not informed the student that they would not consider extenuating circumstances retroactively if the student chose to complete courses during the second term and failed to meet the grade average requirement.

The situation was resolved through discussions between the associate dean, the student and the department. The "requirement to withdraw" recommendation was not upheld and the student was offered an option for meeting program requirements. The student eventually requested a voluntary withdrawal to pursue a different program, better suited to his needs, timeframe for completion and funding situation.

Thank you for listening and helping me with different strategies during my most difficult times in this PhD journey. I much appreciated your support and I couldn't have finished this without your help. (PhD student)

I have a defense date! Your support and advice on how to move forward was so appreciated. It made a world of difference to have a safe and confidential place to troubleshoot issues. I am very grateful for the work you do. (Master's student)

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 recourses, self-advocate, identify 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 undergraduate and graduate student orientation fairs, and the ombudsperson co-presented an orientation workshop on the supervisory relationship for graduate students. The ombudsperson was also part of a panel on academic integrity for the first year instructor group, and was a guest lecturer in two graduate classes.

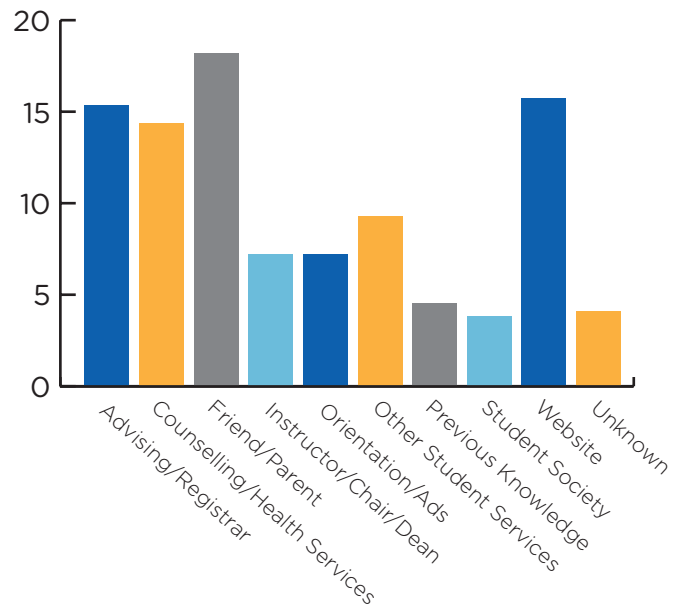
The ombudsperson is part of UVic's Advisory Committee on Academic Accommodation and Access for Students with Disabilities. The ombuds office also provided feedback on policies and procedures on request, for example on the revised terms of reference for the Senate Committee on Appeals, and for Graduate Students' Society (GSS) appeal procedures.

PROFESSIONAL DEVELOPMENT AND ACTIVITIES

In 2017 I was asked to chair the International Relations Committee for the Association of Canadian College and University Ombudspersons (ACCUO). I was also part of the steering committee of the European Network for Ombuds in Higher Education (ENOHE). ACCUO and ENOHE will be hosting a joint conference in Edinburgh in June 2018.

I presented talks about the development of policies and procedures for dealing with sexualized violence at the ACCUO conference in May in Ottawa, and at the ENOHE conference in June in Strasbourg. I also responded to a request from a Mexican colleague about approaches for providing accommodations for mental health issues and for dealing with questions of student professional suitability in Canadian universities.

HOW STUDENTS HEARD ABOUT THE OMBUDS OFFICE (%)



ORIENTATION 2017

