



OMBUDSPERSON 2019 ANNUAL REPORT

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Thank you to the university community for your continued dedication and support in the academic success and life journey for all those who come in contact with the university.

Annette Fraser
Office of the Ombudsperson
University of Victoria

In accordance with the Office of the Ombudsperson Terms of Reference, I present my annual report for the period of January to December of 2019.

2019 was my inaugural year as the ombudsperson. In reviewing last year's inquiries, the case distribution has been overall the same. I noticed students struggled with knowing how to resolve concerns due to not knowing the dispute resolution process available to them, thus my focus has been to increase student's knowledge of university policies and conflict resolution skills to empower them to effectively advocate for themselves. The role of university faculty and staff is to ensure the principles of administrative fairness are supported in the dispute resolution processes they manage, which encourages students to have confidence in a fair process regardless of the decision.

The themes and case studies identified in this report showcase the value of administrative fairness and the recommendations identifies areas for faculty and staff to consider. My door is always open not only to students but also to staff and faculty for consultation in policy development or decision making on a student matter.

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VISION, MISSION, GOALS

WHAT IS AN OMBUDSPERSON?

Ombudsman is a Swedish term defined in the Oxford Dictionary as “an official appointed to investigate individuals’ complaints against public authorities.” It is used world-wide to designate independent, impartial and confidential offices that receive inquiries and complaints from the public.

The Office of the Ombudsperson (or ombuds) is an **independent**, **impartial**, and **confidential** resource for undergraduate and graduate students and other members of the University of Victoria community. The ombudsperson helps resolve student problems or disputes fairly.

At UVic, the ombuds office is mandated to deal with student-related issues and may provide information and referrals; offer confidential advice, feedback or coaching; problem-solve or facilitate communication; review or investigate.

“With a focus on fairness, equity and respect, the ombudsperson builds capacity to help the institution be accountable to its own value and mission statements. In working with individuals, the ombudsperson facilitates fair resolutions that build trust and fortify the relationship between individual and institution.” – Association of Canadian College and University Ombudspersons (ACCUO)

WHY HAVE AN OMBUDSPERSON?

Members of the university community are empowered to resolve their concerns as they access safe spaces to receive information, advice and feedback to develop options to resolve their concerns.

On an institutional level, the unique positioning of the ombudsperson serves to provide unfiltered information that can produce insight to issues and resolutions. The ombudsperson is a source of detection and early warning of new issues and a source of suggestions of systemic change to improve existing processes.
– International Ombudsman Association

“Very knowledgeable on University practices and gave an unbiased view of my situation.”



VISION

A university community committed to fairness.

MISSION

To promote and support fairness, as an independent voice in the university community.

STRATEGIC GOALS

Students who need help are aware of services offered by the Ombudsperson and can access them.

In talking with students, the common feedback I received was “I didn’t know this office existed”. As I talked with faculty and staff, they have expressed desires for students to be more aware about the services offered at the ombudsperson’s office. In 2019, my focus on increasing marketing communications began with rebranding the office marketing strategy which included updating marketing material. In 2020 the office website redesign will be completed.

Complaints are addressed efficiently.

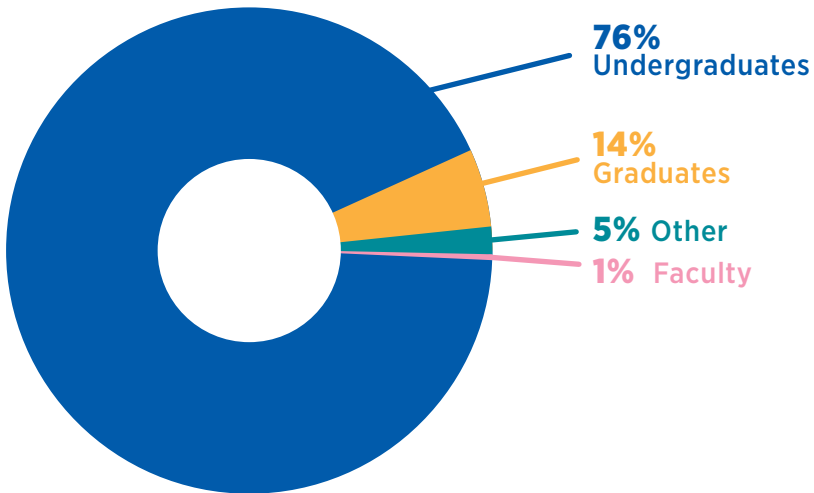
As part supporting its strategic goal in efficiently managing complaints, in 2019 the Ombudsperson’s office developed a confidential online feedback survey, more information about the survey is found on page 4.

University staff and faculty members are supported in improving academic administration.

This year, several faculty and staff contacted my office to consult about administrative decisions and the reviewing and development of university policies.

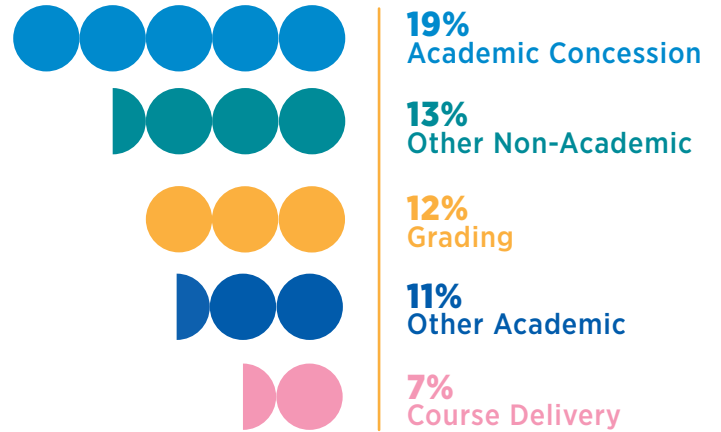
CASE DISTRIBUTION

TYPE OF OFFICE VISITOR



In 2019, the office handled a total of **363** inquiries and complaints distributed as follows:

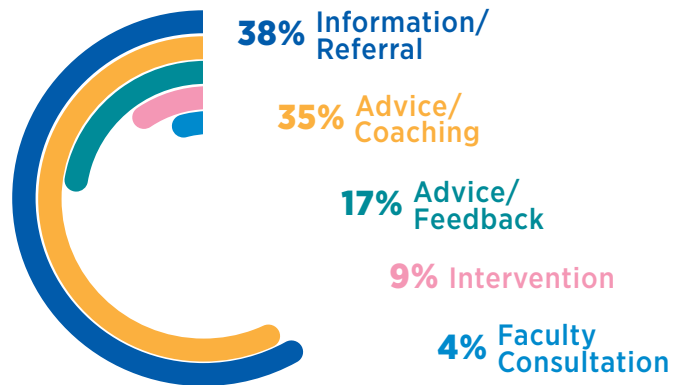
TOP 5 ISSUES OF CONCERN



METHOD OF CONTACT



Visitors who attended the office sought help in the following ways:



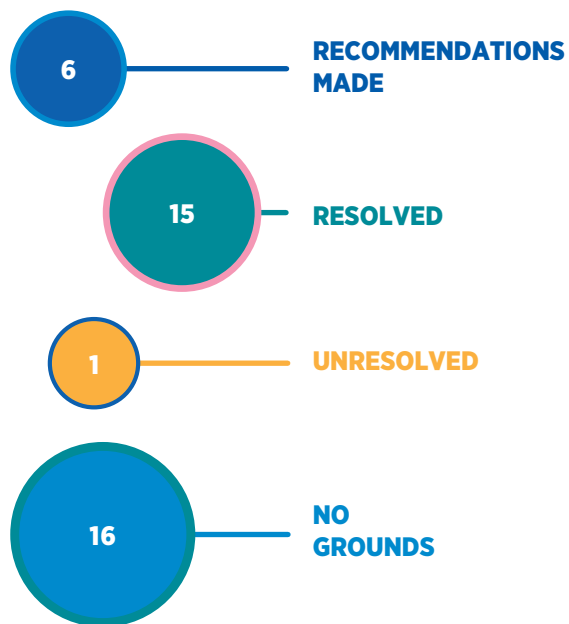
OMBUDS OFFICE VISITORS OVER TIME



HOW DID THE OMBUDSPERSON HELP THE UNIVERSITY?

41 INDIVIDUAL INTERVENTIONS

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



COMMENTS?

Participants in the survey were given the opportunity to offer additional comments. The comments are valuable and important to take into consideration for future office operations. Some comments had concerns with office approach to addressing complaints where the participants wanted more active investigation of complaints or to be more “hands on/aggressive” in fixing their problems. Others mentioned the limitations of the ombudsman to remedy situations or the limited authority of the position.

The Ombudsman is an office of “last resort” meaning that individuals should exhaust all avenues available to resolve their concerns. Whether it be complaints about academic appeals, or complaints concerning faculty/student misconduct, students are sometimes reluctant to follow through with a process because of fear of retaliation and the effort needed to see the process through. Understandably, the process of appealing administrative decisions or participating in formal complaint process can seem daunting because it requires effort in composing an appeal and gathering supporting documentation.

As a neutral third party, the ombudsman is there to identify gaps and instances of procedural unfairness and to remedy those concerns either on an individual basis by working with the parties to explore options for resolution or to make those discrepancies known to the university community at large by making and following up on recommendations. Investigations can be a great tool in identifying administrative unfairness; depending on the nature of complaint, access to information sometimes can be a stumbling block due to the Freedom of Information and Privacy Act. This year, to overcome the challenge of accessing information, I plan to introduce fairness audits of university policies as a tool to identify areas to improve administrative processes.

OMBUDSPERSON FEEDBACK SURVEY

Did the Ombudsman handle your complaint in a fair manner?
(73% answered yes)

73%
answered
YES

How would you rate your experience with the Ombudsman's office?
73% (Average, Good, Excellent)

73%
EXCELLENT

Are you satisfied with the results of your complaint?
83% (Agree, Neither Agree or Disagree)

83%
AGREE

Case examples are opportunities to capture the types of inquiries that come to the ombuds office; these few cases are not representative of the overall support given by all levels of faculty and staff when students face challenges and the willingness to work with students to help them achieve success in their academic life.

The value of appeals

A student requested to have their preferred name inscribed on their degree parchment and was told that the request would not be granted and was given no other guidance on how the decision can be addressed. The student was referred to my office, where I worked with parties to ensure the student had the opportunity to appeal the decision to refuse their request. There are many reasons why individuals may not have completed the process of legally changing their name due to implications and stigma that may ensue with reporting the change to other third parties. Upon reviewing their policies and consulting with other expertise, the university developed a process in which the student can have their preferred name on their parchment, this required the student to submit a notarized statutory declaration requesting for the preferred name to be on all official university records and documents, including diploma and transcripts. In proceeding with this process, the student was made aware of the implications as other institutions and licensing boards may question the discrepancy. The university regulation is states: Students who have grounds for believing themselves unjustly treated within the University are encouraged to seek all appropriate avenues of redress or appeal open to them.

It's important that whenever a decision is made, that students are informed of their right to appeal as it can bring about change not only on an individual basis but on a systemic level as well.

“*My problem wasn't really resolved by the ombudsperson, though it was resolved at the same time I reached out. It's a good resource but should be better advertised ie. CLEAR INSTRUCTIONS ABOUT HOW TO USE AND WHERE TO FIND, I wish I had found them sooner.*”

Student Empowerment

A graduate student contacted my office to seek information about their rights as a student for requesting accommodations for mental health related matters, and about supervisor relations. Specifically, the student had felt that their supervisor was not accommodating and has not necessarily made any efforts to understand the situation despite numerous attempts. The student was at the point where they were deciding what their next steps should be in regards to continuing their degree at UVic, whether it be working through the issue with the supervisor, finding a new supervisor, taking a leave or dropping the program. In consultation with the student, I educated the student about the resources available to them, such as, seeking confidential advice from faculty members like their graduate advisor or associate deans. I also reviewed some ways they could approach discussing the matter directly with their supervisor. The student took the information under consideration and decided to discuss the matter directly with their graduate supervisor. As a result, they were able to come to a reasonable solution where the student could complete their thesis remotely.

It appears that students are more willing to directly address their concerns when they are educated about options and suggestions on how to address their issues. More importantly, it seems students are encouraged to take a proactive approach when people are approachable.

Value of Being Heard

A student contacted my office seeking advice on whether to appeal an academic integrity violation. The student attended a mid-term exam and brought in unauthorized equipment. The student admitted to bringing the equipment and after meeting with the head of the department, it was determined that the student violated the policy and an academic penalty was enforced. The decision seemed reasonable and in accordance with the university policies. In meeting with the student, it was clear that the student was distraught about the matter because from their perspective, their actions were accidental. I provided the student information about the academic integrity policy and procedures and my assessment of the unlikelihood of success in the appeal process. The student appealed the decision to the Associate Dean of the faculty and was denied. In response the student said: “My appeal was read, my story was heard.”

Students are concerned about their grades but they also care about how they are perceived by their peers and superiors. Although not successful, the student was able to tell their story and there is value in that process.

THEMES & RECOMMENDATIONS

PRINCIPLES OF ADMINISTRATIVE FAIRNESS

Sufficient Reasons

This past year, I had opportunities to review decisions made by faculty and staff. A key aspect that was missing are reasons for the decision. Whether it be advisors, instructors, chairs or deans, all staff and faculty make decisions that impact the outcomes in the academic journey of students and other members in the university community. The key elements of administrative fairness involves: giving people the opportunity to be heard, making timely decisions without bias and in accordance to the prescribed policy with clear and sufficient reasons that support the decision made. When students' requests are granted or denied, what is lacking is how the decision maker arrived to their decision. Sufficient reasons are the key foundation to administrative fairness. Sufficient reasons demonstrate how the decision maker gathers information and determine what is relevant and allows for students to be heard.

Giving reasons for decisions helps a person see the facts and reasoning that were the basis for the decision and see that the decision was not made arbitrarily. It also ensures that the person affected by a decision is able to see to what extent any arguments they put forward were understood, accepted or formed a basis for the decision. (BC Ombudspersons Office, Fairness in Practice)

Timely Decisions and Administrative Processes

I appreciate the Senate sub committee consulting with me as they review the academic concessions regulation and I have submitted my suggested my comments and suggestions for their consideration. Students attend my office seeking advice because they are unsure of the options available to them through the RAC process. Students often delay in addressing their academic issues for one reason or the other, sometimes to their disadvantage. When students attend my office looking for information about options for dropping courses, a question that comes up is why students did not drop the course by the academic drop deadlines? Some concerns that have been raised is that students were still waiting for the return and feedback of their submitted assignments and tests.

The academic calendar guides faculty to provide feedback and return work that will count toward the final grade. Just as a students are expected to submit work and sit exams according to the course outline,

student should also expect to receive their coursework in a timely manner. Lakehead University has taken this into consideration by incorporating into their academic regulations that, "For all courses, at least 25% (for one term courses) and 30% (for two term courses) of the final grade shall be provided to students prior to the last day to withdraw without academic penalty for the course."

I recommend that academic units and course instructors review their course delivery to ensure that students are in a position to weigh out their options as to whether they should drop the course by the academic drop deadline date. In any university process that requires students to submit documents by a prescribed deadline, students should also expect to receive a response in a reasonable amount of time and if more time is required or if there is a reasonable delay to be notified of such.

REASONS FOR AN ADMINISTRATIVE DECISION SHOULD INCLUDE THE FOLLOWING:

- The issue to be decided;
- The information and evidence relevant to the issue;
- The applicable rules (legislation, policy etc.);
- Any legislative, policy or procedural requirements the decision maker was required to follow;
- How the information and evidence gathered was considered and assessed in the decision making process;
- What decision was made; and information about any appeal or review mechanism available to the person.

“I'm delighted to inform you that my appeal has been accepted. I'll be joining the school back in the fall. This would not have been possible without your help. So, thank you so much for your guidance.”

The Ombuds office was contacted by 51 graduate students during 2019.

In comparison to last year, there is no distinct issue that took precedent rather there was a myriad of issues raised by students in addition to supervisory concerns, such as: interpersonal conflicts, academic concessions, academic integrity allegations, or access to services and resources. Last year, I noted students received valuable support and guidance when I referred them to the Faculty of Graduate studies to obtain confidential advice. The Graduate Supervision Policy encourages students to use an adviser for support but is silent as to suggest who that person can be. The Graduate Students' Society has approved a Student Advocate Fund where the scope of work includes attending meetings on or behalf of students, and other advocacy efforts.

Regarding graduate supervision, concerns about the expectations around the progression of the thesis were brought to my attention. Section 5.11 of the Graduate Supervision Policy requires a formal assessment of progress for students in thesis or dissertation programs be carried out at least on an annual basis, and project and course based projects done at the discretion of the academic unit. In particular, students in project or course based graduate programs expressed concern that the expectations or benchmarks coming out from meeting with their supervisor over the course of the year are not being captured, which sometime leads to unmet or misunderstood expectations about the progression of their work.

I recommend that, in addition to the required annual progress report, any key discussions had between student and supervisor that impacts the delay or progress of a thesis or project should be documented to form an additional record on the student's file, which can help both the supervisor and student be on the same page about the research.

Receiving financial support is an important aspect to graduate studies. Depending on individual circumstances it could be the main source of financial support. Financial supports for graduate students can come by scholarships, bursaries and fellowships internally through UVic or externally through other funders. The university has set out regulations that sets out the terms of how the money is administered; however, the criteria in terms of how a student qualifies for the funding and how much funding they will receive is left up to the individual departments. here are many factors that goes into determining how much a student is to receive, such as the amount of money allotted to

the department, or the number of graduate students. Although grateful, it's not always clear as to why certain students may receive more or less funding.

Regardless how a department decides to allocate money, a reasonable approach to the decision would also include communicating that decision to all students impacted and include sufficient reasons referred to earlier in this report.

A particular type of funding a student may receive is stipends through their supervisor's professional research grant where their primary duties are to support the faculty member's academic research while managing their own graduate research. The amount and timing of the disbursements are at the discretion of the supervisor and at times the terms of the arrangement are not documented, which has led to situations where students feel vulnerable because they have no assurance they will receive funding despite conducting research work on the supervisor's behalf, thus potentially leaving them without financial support and possibly jeopardising their graduate work.

Documenting terms of financial support will give supervisors confidence that their research will progress and assurance to the students that they can rely on financial support to pursue and complete their graduate work.



“ My son was faced with a formidable task of filing an academic appeal for review of a policy. It was recommended by UVIC in their procedures to consult with the Ombudsperson prior to submission. My son & I were able to consult and receive expert advice that was valuable to our moving forward with the appeal. This service is essential to the education and support of all students in ensuring Fairness of policy for all. ”

MANDATE & OTHER ACTIVITIES

OFFICE STRUCTURE

The office is funded by direct contribution 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 and senate. *(Because of confidentiality requirements, committee members do not have access to individual case information.)*



PROFESSIONAL DEVELOPMENT & ACTIVITIES

In April 2019, Ombudsperson Annette Fraser attended the biennial joint Forum of Canadian Ombudsman (FCO) and the Association of Colleges and University Ombudspersons (ACUO) that was held in Toronto. The theme of the conference was, “The **OMBUDSMAN Building Trust Promoting Fair Resolution Processes**”. Keynote speakers included, Rob Behrens, Parliamentary and Health Service Ombudsman from the United Kingdom and Susan Opler, the City of Toronto Ombudsperson. The workshops and speakers shared insightful thoughts and relevant case studies about the ongoing practice of ombuds work.

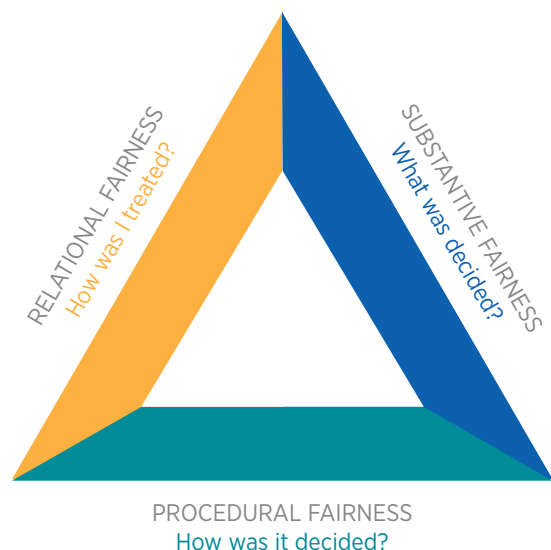
In June 2019, Ombudsperson Annette Fraser was invited to attend the Future of Ombudship: Symposium on the Future of Parliamentary Ombudsman Functions and Services sponsored by the BC Ombudsperson Office

and UVic School of Public Administration Department. The symposium illuminated challenges of ombuds work for all ombudspersons across sectors, such as, the close and sometimes blurry relationship between investigation of specific complaints and Ombuds work with broader, systemic implications, and the major challenge posed to oversight, governance and accountability of decision-making.

In June 2019, Ombudsperson Annette Fraser hosted the Association for Colleges and Universities Ombudspersons (ACCUO) Western Regional Meeting. Guest speakers included Dr. Rob Hancock (Professor, Academic Manager of LE, NONET Project) and Ruth Young (Manager, Indigenous Initiatives) from University of Victoria who presented and led a dialogue about how administrative fairness looks like from an indigenous perspective. Some key thoughts discussed were: Decolonization involves transforming the institution; ombuds can help institutions move from hierarchal structures to relational structures through the power of asking questions and unpacking the assumptions about the “stories” we tell “about the stories we tell.”

As Ombuds of post-secondary institutions we were encouraged to incorporate indigenous ways of knowing around fairness and equity. It begs to question whether the ACCUO’s Standards of Practice (2012) and Constitution around indigenization concerns should be reviewed to acknowledge indigenous perspectives? The afternoon included robust discussions on various cases brought forth by fellow ombudspersons.

THE FAIRNESS TRIANGLE



Three Aspects of Fairness: The Fairness Triangle
(Ombudsman Saskatchewan, 2012)