



OMBUDSPERSON

2021 ANNUAL REPORT

VOLUME 25 | ISSUE 1

Dear Members of the University of Victoria,

I never expected the world to still be dealing with the affects of the pandemic two years later after the first cases of COVID was diagnosed in 2020. I acknowledge the tireless efforts and challenges by students to keep up with their studies, especially international students relocated back in their homeland studying and taking exams at abnormal times of the day and night while facing various challenges with returning to Victoria to study. In the same breath, I acknowledge the efforts of staff and faculty continually planning and adjusting to changes; together we all have experienced work fatigue and burnout to some extent or another. I hope 2022 will bring forth renewal for all. In presenting this annual report, the themes and observations are not entirely new but as you take the time to review the content, reflect on ways you as an individual, department and faculty can identify areas to improve and build upon the positive and innovative efforts made in 2021 to support students.

Academic Concessions remained the category with the highest number of complaints as it has been in previous years. Students contacted my office for informational purposes, such as, how to complete and submit the form. Despite the high volume, requests were processed and approved in a timely manner. A key factor I attribute to this trend is due to waiving required medical documentation and experience of processing student requests during the pandemic. Instructors no longer had to scrutinize medical documentation and students were relieved of the burden to having to get documents especially when access to family practitioners is scarce. I reviewed the proposed Undergraduate Academic Concession Regulation and Guidelines. The body of work demonstrates a conscientious response in reflecting the suggestions from university community stakeholders. I submitted a letter of endorsement to the Associate University Secretary in support of the proposed changes.

The pandemic shone light on the grave challenges students encounter in accessing academic accommodations. Currently, the university Academic Accommodation policy is undergoing a review, and I am part of the policy review committee. The committee has met several times this year to make suggestions for revision to the policy. In those meetings, I observed students' frustrated with the process. The frustrations is not because their concerns are not being heard, but I believe it is because their concerns are not finding their way into the policy in meaningful and impactful ways to support their needs and rights to being accommodated. I speak more about this on page 5. I appreciate the committee's response to these expressed frustrations by taking the time to regroup to undertake further consultations with stakeholders and explore resources to support implementation.

As a public office serving the student body, it is beneficial to receive feedback on the services provided by my office. Consistent with last year's annual report, students request intervention and advocacy. The Office of the Ombudsperson is an office of last resort after all available options are exhausted, but I do note those avenues can be exhausting for students to obtain a resolution. As I head into my 4th year at the university, this office feedback gives me the opportunity to reflect and update my strategic framework to enhance my advocacy for fairness in policies and procedures to produce reasonable and fair outcomes for students.

I present to you my 2021 calendar year annual report. I express thanks to my university community partners, with whom I work with on a regular basis, for their dedication to support students.

Regards,

Annette O'Hara
University of Victoria
Ombudsperson



418 In 2021, the Office of the Ombudsperson handled a total of 418 office inquiries.

VISION, MISSION, GOALS

WHAT IS AN OMBUDSPERSON?

An Ombudsman/Ombudsperson assists with the fair and expeditious resolution of complaints in an **impartial**, **confidential** and **independent** manner. Services are free of charge and the Ombudsman/person is not a representative of the person raising the complaint or the organization being complained about. Depending on how it is has been established, Ombudsman/person roles include:

- The use of informal resolutions for complaints using tools like mediation, negotiation and shuttle diplomacy.
- The use of Inquiries and structured investigations to determine whether a complaint is founded along with the ability to make recommendations to correct unfair situations, both in individual cases and to address systemic issues
- Assistance with resolving complaints through advice, referral and discussion and by exploring available options.
- Looking for trends and patterns in complaints to identify and make recommendations to address potential systemic issues and seek system-wide improvements to influence positive changes.

(taken from Forum of Canadian Ombudspersons website www.ombudsmanforum.ca)

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.

WHY HAVE AN OMBUDSPERSON?

- An Ombuds Office helps address grievances. Those with a sense of grievance against the institution are often less productive as staff or faculty members, less likely to succeed as students, and less likely to contribute as alumni;
- An Ombuds Office can help prevent conflicts from escalating. Conflicts cost time and resources;
- An Ombuds Office is tangible proof that the institution values fairness and values the members of the institutional community as individuals.

“Just so you know, I definitely appreciated and still appreciate the time you put in with me back then, [it’s] a huge and instrumental resource.”

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.

Despite the restraints placed on office operations due to COVID, students were able to access services from the Ombudsperson primarily through email, phone and Zoom. Using Zoom was helpful as it made my services accessible for those students who were living outside of BC and Canada. Virtual appointments will continue to be an option for students to connect with the Ombudsperson.

Complaints efficiently addressed.

This is the second year using the feedback survey as part of office operations. The survey provides a good look at how the office can respond to improve addressing complaints. You can refer to the results on pg. 4. As a one-person office, taking time off sometimes represents challenges because students do not have access to office services when the Ombudsperson is away. The volume and time required to address concerns for students requires the office to revisit its complaint handling process to assess for effectiveness and accountability.

University staff and faculty members supported in improving academic administration.

In 2021, the Ombudsperson Office connected with different departments, such as, Resident Services and the Chemistry Department. The office continues to act as a resource to academic leaders and university staff to consult about procedural aspects on addressing student matters. The Ombudsperson will begin working on developing a university wide training on administrative fairness. Faculty resources are currently available in the “Faculty Resources” section of the Ombudsperson website.



CASE DISTRIBUTION

TYPE OF OFFICE VISITOR

87% Undergraduates
(Up 1% from 2020)

10% Graduate
(Same from 2020)

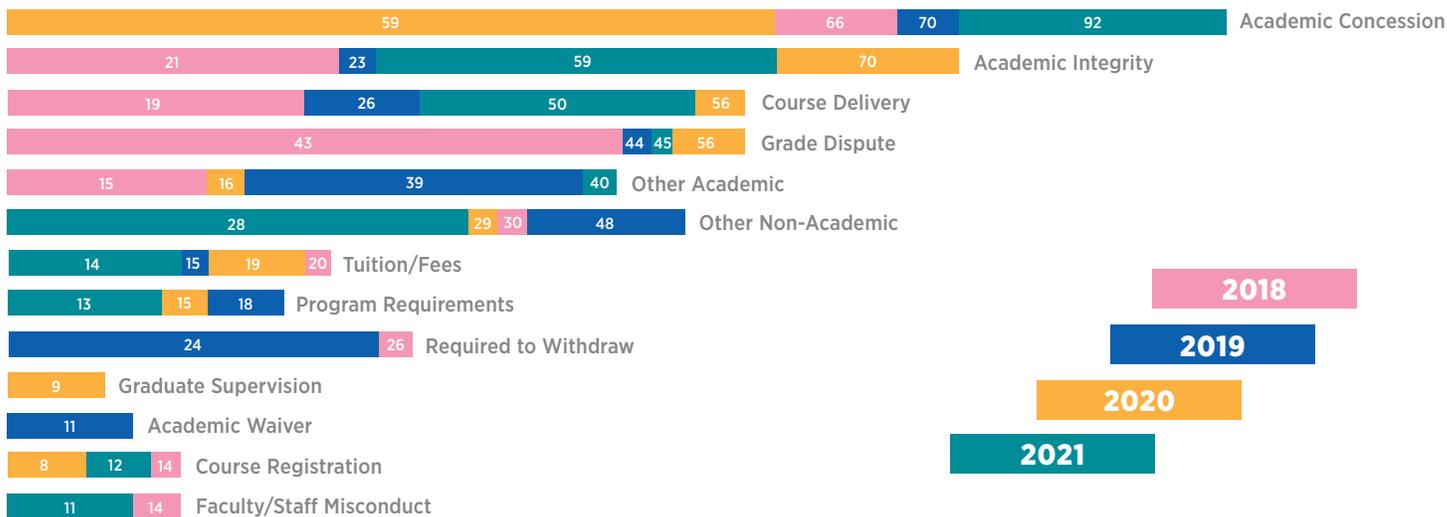
2% Other
(Down 1% from 2020)

1% Faculty
(Same from 2020)

VISITORS WHO CONTACTED THE OFFICE, SOUGHT HELP IN THE FOLLOWING WAYS:



NATURE OF COMPLAINT (TOP TEN) YEAR TO YEAR (Number of office files)



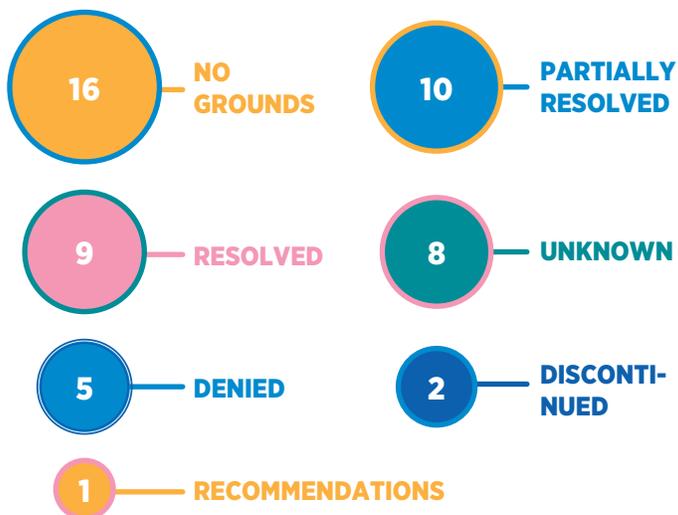
OMBUDS OFFICE 5 YEAR CASE ACTIVITY



HOW DID THE OMBUDSPERSON HELP THE UNIVERSITY?

51 INDIVIDUAL INTERVENTIONS

The Ombudsperson only intervenes in individual cases with student's consent; however, the Ombudsperson does have the authority to initiate case reviews and investigations. Interventions include facilitating communication between students and academic units, problem-solving, mediation and case review/investigation.



OMBUDSPERSON FEEDBACK SURVEY

(7.6% participation rate)

I was treated in a helpful, polite and efficient manner by the Ombudsperson?

(Up 1% from 2020)

73%
YES

How would you rate our experience with the Ombudsperson's office?

(Down 10% from 2020)

79%
GOOD,
AVERAGE,
EXCELLENT

I was given relevant, accurate and adequate information to enable me to understand and evaluate the options available to me to address my concerns?

72%
NEUTRAL,
AGREE,
STRONGLY
AGREE

FEEDBACK SURVEY COMMENTS?

The survey invites participants to write additional comments or suggestions about the services received from the Ombudsperson. This year 47% of the participants provided additional comments. It is important to shine light on the spectrum of concerns and experiences students encounter to identify concerns to identify areas for improvement; some of those comments are highlighted as follows:

"When I finally had the opportunity to talk to the person, I didn't feel like they were on my side, maybe I came in with the expectation that the Ombudsperson is a facility that represents and supports the student's side of the issue, but instead it felt more like more blame is put on me, and I just wished they were more on my side..."

"The Ombudsperson was generally knowledgeable, respectful and approachable. A great source of information if you haven't already looked into an issue, but did not help to solve or ease my stress regarding my issue since they do not provide any form of intervention or action-oriented support. In my case, this is what I was looking for, and what would have been helpful even on a small scale."

"[The Ombudsperson] is fantastic, huge endorsement for her to be able to pluck out information that otherwise would be hard to obtain. She is quiet busy, but when she gets the time she ensures that she doesn't rush anything, hence, doesn't sacrifice quality for quantity."

Impartiality is a principle of practice incorporated by all those who work as Ombudspersons through various public service sectors. Impartiality means, the Ombudsperson does not give special favour or treatment to any specific member of the university community, as there are no benefits or interests to gain from the outcomes. As an Ombudsperson, I do advocate for fairness in university policies and procedures that affect students by making recommendations and working with staff, faculty and student societies in various ways to improve upon outcomes for students. Intervention is not available when regular avenues for resolution remain available. The Ombudsperson can initiate investigations when there are concerns about fairness in the process itself; however, these take time to conduct and conclude. Over the past two years, students have expressed the want or need for intervention. As an Ombudsperson, I see the role of "being on the side of students" on a regular basis is an area that the undergraduate and graduate student societies should consider.

STUDENT MISCONDUCT

Policy AC 1300 Resolution of Non-Academic Allegations is the primary student misconduct policy. Academic units may proceed in addressing student misconduct issues using a combination of relevant university policies including policies found in the academic calendar. The Creating a Respectful and Learning Environment and Attendance Policies in the academic calendar states:

All members of the university community have the right to experience, and the responsibility to help create, such an environment. In any course, the instructor has the primary responsibility for creating a respectful and productive learning environment in a manner consistent with other university policies and regulations.

An instructor may refuse a student admission to a lecture, laboratory, online course discussion or learning activity, tutorial or other learning activity set out in the course outline because of lateness, misconduct, inattention or failure to meet the responsibilities of the course set out in the course outline.

The academic calendar includes an appeal mechanism for students by appealing through the line of authority, namely the instructor, Director/Chair and the Dean or the Dean's delegate. This past year, I observed two academic units from two different faculties address student misconduct issues with no specific procedure, such as the "Procedures for dealing with violations of academic integrity" found in the academic calendar. I acknowledge, not all situations are neatly covered by a specific policy. In such cases, academic leaders should ensure the principles of administrative fairness exist to ensure the integrity of the process. I observed the following challenges in the cases brought to my attention:

- Lack of clear and reasonable notice of the allegations, which led to confusion and mistrust between faculty, staff and students.
- Difficulty in clearly identifying the nature of the allegations.
- Students not informed of their right to access a support person or an adviser as part of the process.
- In one instance, it was not clear if a student had access to appeal. In another instance, the time available for the student to appeal became moot because too much time has passed while the student was trying to clarify the process and determine their options.

As the Ombudsperson, I initiated an investigation on one of the matters, which included conducting interviews and reviewing information available at the time and concluded the matter with a report to the Faculty. Although the Faculty did not agree with the report in its entirety, the faculty did support in taking action in response to the recommendations made. The Faculty reviewed and responded to my report as follows:

The Faculty recognizes that there could be greater clarity on the steps available to students to resolve disputes and conflicts at the Faculty. I have asked [the] Associate Dean to develop a guide to provide information to students regarding the dispute resolution processes that are available to students at the Faculty when they experience conflicts...This guide will cover issues such as students being able to access a support person during disciplinary processes and that appeal processes should be clearly explained in communications with students.

I do note that as the university develops an Equity, Diversity and Inclusion framework there may be academic units who incorporate a decolonize approach to address student misconduct issues, which I think can be applied more broadly throughout the university at the same time I encourage institutional wide consistency in the principles of administrative fairness. As David Karp, author of Little Book of Restorative Justice for Colleges and Universities (2019) state:

"The way we respond to student misconduct symbolizes the kind of community we aspire to be."



THEMES & RECOMMENDATIONS

ACADEMIC ACCOMMODATIONS – INSTITUTIONAL SHIFT

I value the opportunities to be part of policy review committees to help shape and improve university policies. Reviewing policies has its challenges and when it comes to reviewing the university Academic Accommodation Policy AC1205, the challenges are evident. A committee member expressed there needs to be an institutional shift on how we view academic accommodations. I wholeheartedly agree. The process to be registered through the Center for Accessible Learning can be daunting as students are required to provide medical documentation in order to be approved for academic accommodations, which can be expensive to obtain and difficult in accessing medical practitioners. In a paper by Dr. Prema and Dr. Dhand from Thompson River University (Dhand & Prema, 2019) written about academic inclusion and accessibility in STEM education they indicate the following barriers students encounter, which I think can be generously applied to all aspects in accessing accommodations:

- **Diminished support systems after secondary (students entering lab-based courses may not be aware of available supports in their university, or the supports simply may not be available);**
- **Lack of awareness of successful role models (students may not be aware that there are, indeed, successful scientists with disabilities from whom they can learn);**
- **Lack of access to technologies (students may not have access to the required assistive technology that would enable them to take part in lab activities);**
- **Poor self-advocacy skills on the part of students;**
- **Inadequate accommodations.**

A consistent concern brought to my attention is about the burdens students face with having to advocate for the implementation of their approved accommodations into their academic courses. The policy indicates that an instructor can only deny an accommodation if it presents undue hardship, which is rare. Furthermore, if instructors disagree, then they are to contact CAL to discuss, which may involve further consultation and if needs be a request for a formal review. Instead of instructors using the process as indicated in the policy, students find themselves in a situation where they have to re-negotiate or justify their accommodations to their instructor at critical times when they have to take exams or when assignments are due. In a 2018 report by the National Educational Association of Disabled Students (NEADS) elaborates this aspect of reaching accommodations further by stating:

Moreover, it is a truly taxing endeavour that causes a student to devote their time, energy and resources to the constant articulation of their needs that could otherwise be devoted to study, social integration and academic learning in some format.

In essence, a diverse environment does not imply an inclusive one, and vice versa. An emphasis on diversity measures encourages an emphasis on intake and recruitment programming. Meanwhile, an emphasis on inclusion measurement encourages – and potentially rewards – a holistic commitment to a fully accessible and universally designed environment, a commitment that recognizes that full inclusion comes from removal of barriers to entry and transition within post-secondary, as well as removal of ‘environmental’ barriers within programs and the student experience

In speaking of these matters, I want to recognize that during COVID, the university community has been responsive and innovative in creating resources, such as the Online Assessment Room along with faculty exercising flexibility and understanding to support students and adding resources to the Learning and Teaching and Support and Innovation Division; however, there is always room for improvement.

At this time of policy review, there is a great opportunity for the university to think of innovative and collaborative ways to build and enhance the policy framework. An example of collaborating with subject matter experts beyond the university is a human rights case between a student and York University regarding the extent a student has to disclose their medical diagnosis in order to receive academic accommodation. The Ontario Human Rights Commission intervened and created new guidelines in collaboration with ARCH Disability Law Centre and York University. The guidelines eliminate the mandatory disclosure of mental health disability diagnosis in order to receive academic accommodations (Ontario Human Rights Commission, 2016). I have provided my specific recommendations to the policy writers as part of the stakeholder consultation process, such as, a clearly defined process for reaching accommodations in practicums. A student from the policy review committee said it best when they said, *“Academic accommodations should be a given and students should not have to justify their accommodations that they are legally entitled to.”*

REFERENCES

- Dhand, R., & Prema, D. (2019, May 31). Inclusion and accessibility in STEM education: Navigating the duty to accommodate and disability rights. *Disability Studies*, pp. 121-142.
- National Educational Association of Disabled Students. (2018). *Landscape of Accessibility and Accommodation in Post-Secondary Education for Students with Disabilities*.
- Ontario Human Rights Commission. (2016, January 6). *New documentation guidelines for accommodating students with mental health disabilities*. Ontario, York.

The Graduate Supervision Policy calls for graduate thesis work be thoroughly reviewed and include constructive comments for improvement on a schedule negotiated with the student. Furthermore, if a draft of a thesis is not ready, the supervisor provides a written rationale. The times I have been involved in facilitating communication between supervisors and students, I notice: students complete several rounds of revisions based on feedback but lacking a written rationale about the readiness of the work and lack of discussion or confirmation of reasonable timeline for completion, which leave students feeling confined to an uncertain end to their degree.

As per the policy, a written rationale identifies key areas the student needs to complete and provides a written record for both parties to refer to in future discussions and in meeting the criteria set out in the rationale, students have a clear path to complete their degree in a timely manner. Graduate handbooks are a key source of outlining expectations of all those involved in the work of graduate programs. In my previous follow up with the Faculty of Graduate Studies most if not all graduate programs now have a graduate handbook. The policy requires academic units to include unit policies regarding graduate supervision, graduate funding and formal review of student progress

There will be differences in content; however, in my perusal of graduate handbooks, I noticed there is inconsistency in the unit policies that is required by the policy (see sections 5.9, 5.10 and 5.11). **I recommend every graduate degree program review their graduate handbook to ensure that the required unit policies, as required by the graduate supervision policy, are updated and accessible for graduate students.** I believe updated graduate handbooks will be a means to help alleviate the frustrations graduate students encounter. I have identified some key information set out by the policy that should be included in all graduate handbooks:

- Graduate course requirements and the anticipated approximate timelines for completion of program milestones.
- Procedures and timelines for nominating a supervisory committee that are consistent with FGS guidelines.
- Expected minimum frequency with which students and supervisors would normally meet, this interval should normally not exceed 40 business days – i.e. supervisors and students should normally meet at least twice per term – unless a delay is required by field work, remote study, supervisor or student vacation, sick leave, etc.).

- A list of such information and metrics that the student will be required to collect and submit for any instance of formal review.
- Whether students are entitled to funding and, if so, the minimum funding level, and the duration and source(s) of funding, and whether/how the funding is renewable.
- The process by which the academic unit shall advertise internal funding opportunities, if any, for students pertaining to stipends, awards, travel, etc.
- The criteria (e.g. GPA, publication record, research expenses, etc.) for the disbursement of graduate budgets, the selection of nominees, and the recipients of awards.
- The policy will include the minimum frequency with which progress will be assessed, the basis for assessment, written feedback from the student, and mechanisms for addressing identified deficiencies in skills, knowledge, or expertise and/or less than satisfactory progress, and the consequences of sustained unsatisfactory performance.

The policy also tasked the Faculty of Graduate Studies with implementing a campus-wide electronic system for assembling and recording aspects of formal reviews. The Faculty of Graduate Studies is currently working on the “beta” system. I believe this electronic system will be a great tool for students, staff and faculty to monitor and manage graduate research progress towards degree completion and will continue to monitor the progress of this system. I also look forward to a future review of the Graduate Supervision Policy to continue to clarify the policy and procedures. A review is scheduled sometime in 2023.

The Office of the Ombudsperson has recently created a graduate supervision checklist as a tool for students to be proactive in managing their academic work and will work with community partners, such as the Graduate Student Society, to update and make the tool more readily available to the academic units and graduate students.



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

As an executive member of the Association of the Canadian Colleges and Universities Ombudspersons, I work with fellow ombuds in post secondary institutions across Canada. Since my appointment, I have been involved in developing a strategic framework for the association to support succession planning. My time and efforts is also dedicated to my duties as a co-chair of the Equity, Diversity and Inclusion Committee. In response to the EDI survey conducted earlier this year, the committee is currently working on developing an EDI professional development plan to be implemented in the later part of this year.

I attended the ACCUO virtual conference in February 2021 and I am scheduled to virtually attend the International Ombuds Association conference in April. I am looking forward to hopefully attending some of these events in person in the future.

With the pivots made to course delivery this past year, it produced a collection of hybrid outreach activities. The Ombuds office created a student orientation video that was distributed to academic units across campus including attending Graduated Student Orientation and participated in a departmental graduate cohort Q&A, this event provided the graduate students.

Connecting and collaborating with university partners is rewarding. I invite each academic unit to schedule a time in their departmental meeting to connect with my office at least once in each academic year. Currently the Ombudsperson is on the policy review committees for the review of the Academic Accommodation Policy and Discrimination and Harassment policy and currently consulting and submitting recommendations for the policy review of the Academic Integrity Policy.

THE FAIRNESS TRIANGLE



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