



OMBUDSPERSON 2020 ANNUAL REPORT

VOLUME 24 | ISSUE 1

Dear Members of the University Community,

I extend my heartfelt compassion and condolences to all those who have been affected by the

COVID-19 pandemic. No one was left unscathed. The transition to online course delivery was not easy but it was met with hard work and dedication from the university community. Some students thrived and others struggled along with the challenges of learning in online forums. I noticed the home environment of domestic and international students was not always conducive to a supportive learning and studying environment, which affected students academic and mental health well being. The number of contacts made to the office increased 14%, which I attribute to the pandemic. Like most student services, my office transitioned to engaging with students via email, phone and zoom.

At the outset of the pandemic, my office was overwhelmed with the stark increase in academic integrity violations. Students contacted my office because they were unfamiliar about the academic integrity policy and procedures. In some cases, academic leaders determined whether a student was placed on academic probation or possibly expelled. I am actively conversing with academic leaders in working to find preventative avenues to alleviate the volume of allegations and means for the policy to work more effectively.

In addition, students consistently contacted me wanting to know who to contact and what is the process to for academic appeals and complaints about unprofessional conduct. In December 2020, the BC Ombudspersons Office released the Complaint Handling Guide; the guide explained people often complain when their expectations are unmet. Further, an effective complaint system can promote an organization's willingness to implement changes to procedure and practices and "foster a culture of apology and disclosure" when mistakes are made (BC Ombudspersons Complaint Handling Guide, 2020). Case in point, the athletics department has made recent changes in response

to complaints raised by student athletes that include "implementing a professional code for coaches, hiring a director of varsity performance sport and creating a student co-ordinator position to provide clear options for how students can raise concerns (Canadian Press, 2021)."

Instructors, departments, faculties and the Senate are primarily responsible for academic matters. It's important to note that academic matters are not only about procedural fairness, they also include relational fairness, which is looking at how the student was treated (please refer to Fairness Triangle pg. 8). The nature of academic matters can include: failure to show appropriate respect in an instructional setting, misuse of faculty authority within an instructional setting, and conduct in the classroom or another instructional setting that adversely affects the learning environment (Columbia University, Academic Concerns, Complaints and Grievances). The Complaint Handling Guide publication explains that accessibility is key to effective management of concerns. It states:

A good complaint resolution system must be accessible and open to receiving complaints from a wide range of people. Organizations must work to make it easy for people to voice their concerns. This requires that organizations develop a complaint system that is simple to use and is explained in plain language.

The killing of George Floyd and the heightened racial social injustices experienced by people, locally, nationally and beyond brought forth the needed impetus post secondary institutions to do honest and in-depth assessment of its commitment to equity, diversity and inclusion. I am excited for the university wide EDI Framework to be implemented and how it can create more inclusive and diverse spaces for students to thrive. The true mark of commitment to the principles of EDI will be the university's commitment to action.



Annette Fraser
Office of the Ombudsperson
University of Victoria

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 worldwide term used to designate independent, impartial and confidential offices that receive inquiries and complaints from the public.

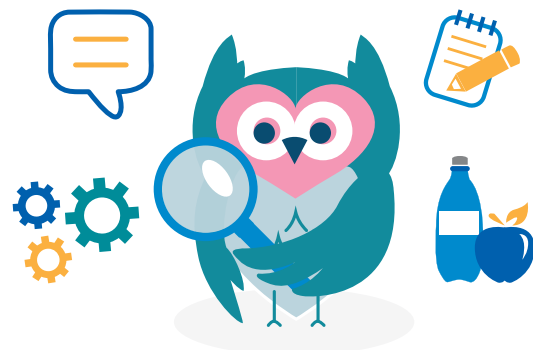
There are different types of ombudsmen with different roles, functional responsibilities, and standards of practice including organizational ombudsman, classical ombudsman, and advocate ombudsman. While the focus of this document is to describe what an organizational ombudsman does—and does not do—it is important to distinguish between different types of ombudsmen.

The standards of practice and functional responsibilities can be very different for different types of ombudsmen. The organizational ombudsman is defined as: “a designated neutral who is appointed or employed by an organization to facilitate the informal resolution of concerns of employees, managers, students and, sometimes, external clients of the organization (International Ombudsman Association)

The Office of the Ombudsman (or ombuds) is an independent, impartial, and confidential resource for undergraduate and graduate students and other members of the University of Victoria community. The ombudsman 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 ombudsman builds capacity to help the institution be accountable to its own value and mission statements. In working with individuals, the ombudsman 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 ombudsman serves to provide unfiltered information that can produce insight to issues and resolutions. The ombudsman 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

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 Ombudsman and can access them.

In 2020, the office website redesign was completed. A feature of the website is an online contact form where students can easily access to explain their concerns and issues. An appeal template is now available as a tool to assist students in formulating their university appeals. The data tracking indicates students primarily became aware of the office is due to information found on various UVic websites and faculty and staff referrals.

Complaints efficiently addressed.

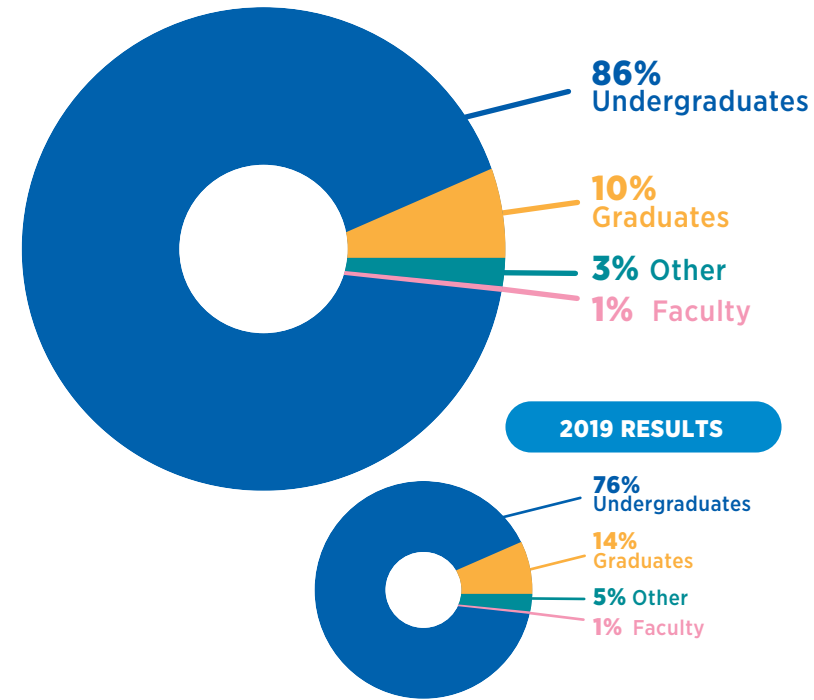
This is the second year that the Ombudsman’s feedback survey has been active more information about the survey is found on pg. 4. The volume and time required to address concerns for students requires the office to revisit its complaint handling process to assess for effectiveness and accountability.

University staff and faculty members supported in improving academic administration.

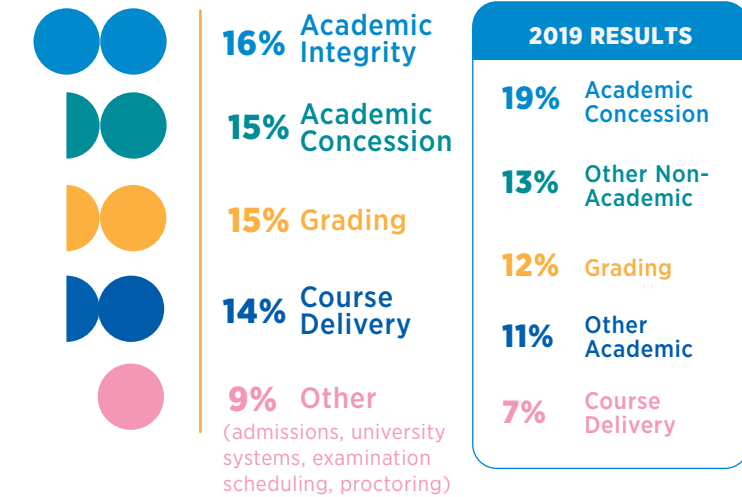
A newly created faculty orientation package includes an overview of administrative decision making, quick tips and guides is now available as part of the new academic leader orientation offered through Faculty Relations. The Ombudsman consulted on the revision of the Terms of Reference for the Senate Committee of Re-Registration and Transfer Committee (SCART) and Standards for Professional Behaviour for the Tri-Faculties.

In 2020, the office handled a total of **413** (14% increase) inquiries and complaints distributed as follows:

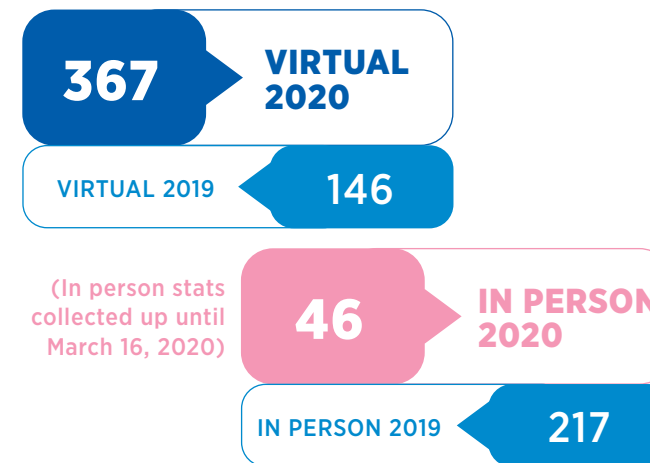
TYPE OF OFFICE VISITOR



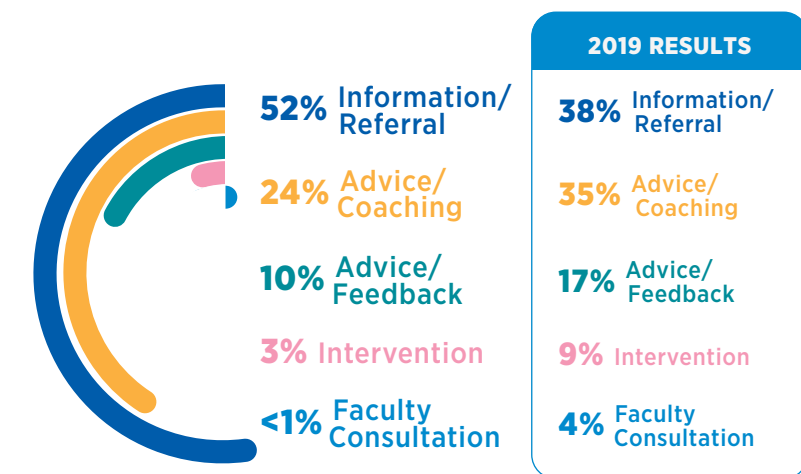
TOP 5 ISSUES OF CONCERN



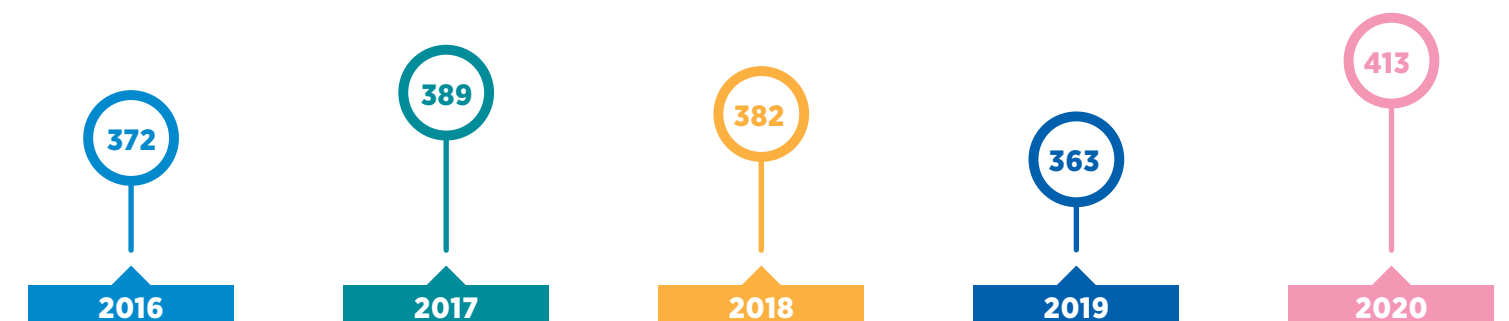
METHOD OF CONTACT



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

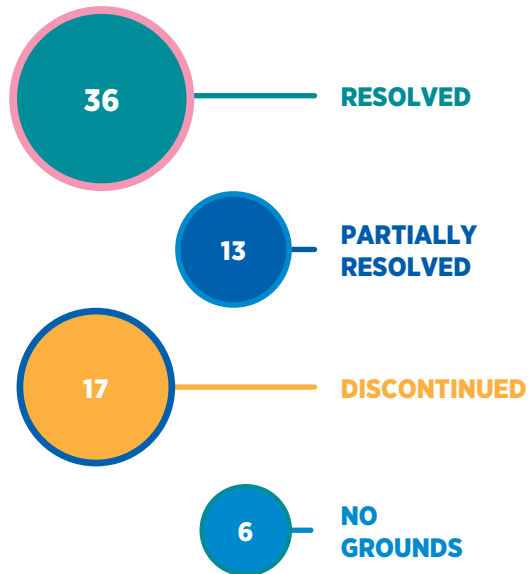


OMBUDS OFFICE VISITORS OVER TIME



73 INDIVIDUAL INTERVENTIONS

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



OMBUDSPERSON FEEDBACK SURVEY

Did the Ombudsperson handle your complaint in a fair manner?
(up 1% from 2019)



How would you rate our experience with the Ombudsperson's office?
(up 16% from 2020)



Are you satisfied with the results of your complaint?
(down 5% from 2019)



FEEDBACK SURVEY 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. The survey invited participants to write additional comments or suggestions, this year 96% of the participants provided comments. It is important to shine light on the spectrum of concerns and experiences students encountered. I highlight the following comments:

"I'm not sure if this is allowed, but I think in certain situations it would be helpful to have someone from the ombudsperson's office reach out directly on behalf of the student. Often times the student is not considered "legitimate" in the eyes of the administration and therefore often-serious complaints never reach to right person. This only continues the cycle and does not change things for future students. Having someone reach out on their behalf shows the administration that this is serious and perhaps things might be fast tracked or the attitude might change, which makes a student feel more comfortable in an awkward environment."

A common and repeated concern from the previous year of students not satisfied with their contact with the office is the expectation for the Ombudsperson to intervene. As an organizational Ombudsperson, the focus is to identify issues with administrative decision making, including how students are treated when raising concerns. When is the appropriate time for the ombudsperson to intervene and when is the appropriate time for students to self-advocate? Self-advocacy requires students to know who to contact, what to ask for or how best to use supports (Self Advocacy – Alberta Learning, 2002).

UNDERGRADUATE HONOUR'S PROGRAM

A student contacted my office with concerns about the completion of their honors thesis. The student decided to enroll with encouragement from their course instructor who became their thesis supervisor. Upon enrolment the student, the student presented a final draft of their research proposal in the early part of the fall term. Shortly thereafter, the supervisor notified the student of their approved study leave, thus being available remotely to supervise the student due to other commitments and internet connectivity. The student explored alternatives and believed their only options at the time was to change their topic to something similar to what the supervisor was already working on or to not pursue the honour's thesis.

The option of changing supervisors was explored but none were available due to sabbatical leaves, so the student decided to pursue the thesis. With the pending departure of the supervisor, the new thesis outline required the student to undertake all the work necessary to collect and analyze data by the end of the fall term. The combination of short notice of the supervisor's departure and availability, which led to extra and tighter deadlines and issues with the ethics approval process, the student withdrew from the honors thesis program. In reviewing the matter and facilitating conversations with academic leaders, it lead to clarification in the academic calendar outlining the expectations when a proposal draft is to be submitted and when the thesis is to be completed. Had the student and supervisor known this, this unfortunate event could be avoided.

An honours thesis is a bridge between undergraduate and graduate work. The focus on research requires supervision of the student to contribute to a successful outcome. I recommend all departments that offer honor's program, if needed, clarify the program requirements and expectations of honour students and supervisors.

"I really appreciate your help with this. Your support made it much easier for me to navigate where to go and have the right conversations with the right people"

EXERCISING DISCRETION

"Thank you for your guidance in finding out who my second point of contact for appeal was and for your review of my secondary appeal. It is much appreciated!"

The transition to the online course delivery towards the end of the Winter 2019-2020 term brought unique challenges. Students had to decide if they wanted to take the COVID PASS/FAIL and if the deadline had passed, make an appeal based on "acceptable reasons for not submitting a grading option in time", such as, incorrect and incomplete advising. A student contacted my office seeking options on how to escalate their appeal. The student had applied to a program at another post-secondary institution (PSI) but was unsure whether the program would accept the COVID option as part of determining acceptance. The student attempted to get information, but the final decision on the acceptance of grades was released on the PSI's website after UVIC's deadline, which was later extended.

The student appealed to have their transcript reflect the COVID grading options, the appeal was denied on the basis that it was believed the student could have made reasonable efforts to obtain the information before the deadline despite the student-providing context about the timing of the release of information and was encouraged to contact the Ombudsperson. In reviewing the matter, it was determined that the student still had an option to appeal to the Registrar. In confirming the appeal option and providing feedback on the appeal, the student submitted the appeal and was successful. Although the deadline was important, the context of the pandemic situation and the impact of delay in processes and communicating information internally and externally impacted university processes.

Each case is different, and the goal is not to treat everyone the same – fairness requires that exceptions to standard processes be made where warranted. In the decision making process, consider the individual circumstances of the case using your own judgment (Quick Tips Exercising Discretion, BC Ombudspersons Office).



ACADEMIC INTEGRITY – FREQUENTLY ASKED QUESTIONS

Why students cheat, how they cheat are important factors to consider in the university community. However, the preventative measures taken by faculty to prevent violations intersects with students exam strategies. For example, some assessments are designed to minimize cheating by preventing students to go back to revise or return to an answer once the student moves forward in the exam. As student assessments are being reviewed, faculty members must keep in mind that such features can create difficulties for students with accessibility and disability related needs and concerns.

As the volume of allegations increase, issues about the procedure increase, such as, not giving students reasonable notice, the opportunity to be heard, and insufficient reasons. In time, I have observed that the processing of violations has improved, such as, having a committee and people delegated to share the workload of investigating allegations. As part of the notification, students are referred to the academic policy to understand the process; however, for the average student, the policy is a wordy and lengthy document that can leave students overwhelmed. A sample of the majority of academic integrity related emails I have received reads as follows:

“I’m a bit confused about this stuff. I got a Zero on the assignment but is there anything on “My Record”? I would like to know, what exactly appears on “My Record”? Secondly, I’m assuming Deans and Committees from other Faculties can view it? Thirdly, what can they see? Fourthly, can I see what that portion of “My Record” looks like? Lastly, can staff from other Canadian Universities see the alleged violation or make a request to do so?”

As a one-person office, a good portion of my time is spent answering generic questions that I believe could be better spent reviewing high-level systemic issues. **I recommend that a Frequently Asked Questions about the Academic Integrity Policy and Procedure be developed in partnership with the Ombudsperson’s Office.** At the appropriate time, I look forward to consulting with the Senate Committee of Academic Standards and making recommendations for the policy to be clearer and simpler in its interpretation.

HOW DO I RAISE A CONCERN?

I appreciate the university’s proactive efforts to get feedback from students and instructors about the transition to online course delivery found in the Student and Instructor Online Experience produced by the

Learning, Teaching Support and Innovation Division (LTSI). A theme that echoes from that survey raised in my office is “Access and Knowledge of Existing Resources.” More specifically, students ask “Where do I find information about and how to raise a concern?” This is a concern that has also been a concern raised with the University of Victoria Student Society (UVSS). The university dispute resolution process is a normal and reasonable approach to resolving concerns yet students still struggle to know how to raise concerns for various reasons.

“I am wondering what the process is for raising a concern about a professor and how they conducted a class? There is no place for feedback for their section on the course evaluation survey and I also believe that this is more important than just some tips and tricks for doing it better next semester.”

I appreciate that a return to in-person classes will alleviate some of the discord; however, this type of inquiry has been a constant, since serving in this capacity. In response to the feedback survey, the VPAC COVID-19 Advisory Group produced the online Brightspace document “What students can expect in courses”. The guide to expectations is a well thought out document. Students are more likely to self-advocate for themselves when they know what to expect in their courses. Also, it will help students to better articulate their concerns to staff and faculty. Besides being posted on Brightspace platform, **I recommend that this document be adopted on every academic unit website and for every instructor to include the information in their course syllabus and the main Uvic website on the “Student” webpage.**

The Advisory Group has also produced “How to talk to your instructor, and provide feedback to your instructor.” Feedback is given when it is solicited and complaints are raised at and raising a concern. In the latter, there is the expectation that the grievance will be reviewed including gathering pertinent information and arriving at a conclusion. The process for raising concerns about course delivery looks different from appealing a grade or a complaint about faculty conduct. As I meet with students who experienced traumatic experiences in trying to resolve their grievances, sometimes they remain dissatisfied because the resolution process fails to acknowledge the mistreatment they have suffered.

In a modern university environment..up-to-date information should be available on the university’s website with ample, user friendly, cross-reference links. The website could also have appropriate flow charts to summarise the course an individual complaint might take. This web-based information should also be supplemented by including information about complaint handling in the induction procedures and documentation for all new staff and students, as well as in the annual university and faculty/school handbooks (Complaint Handling at Universities – Australasian Best Practices Guidelines – Ombudsman of Western Australia

The Ombuds office was contacted by 40 graduate students during 2020 (51 contacts in 2019).

HOW CAN WE EMPOWER GRADUATE STUDENTS?

The Graduate Supervision Policy provides the framework for the supervisory relationship comprised of responsibilities, assessments and procedures. In reference to my 2019 annual report, graduate students are challenged with finding ways to document goals and metrics to navigate program completion. Students are to meet at least twice a term with their supervisor. In addition, students have access to seek confidential advice from, supervisors, graduate advisors and associate deans on matters, such as program completion. Despite access to these resources, there are times where graduate students fear of reprisal remain. In the past year, students have expressed frustration when submitted work has taken longer than the normal timeline; there may be valid reasons for the delay but in those instances there has been little to no communication. Again the supervision policy encourages students to make use of the resources available to them but as much as I have encouraged students to use the resources available to them, it sometimes is met with resistance in not wanting to pursue the matter further.

I appreciate the Faculty of Graduate Studies willingness to listen to student concerns and efforts made to find resolutions when matters are brought to their attention. Although the graduate supervision policy has the framework and resources available for students to be successful in their program there seems there seems to be a bigger issue at play that needs further attention. Why are students fearful (perceived or real) of being proactive in resolving their concerns? And how can graduate students become more empowered to resolve issues that come up during a graduate program? I do not have any immediate recommendations to these questions but perhaps this warrants looking for ways to enhance the graduate student orientation as a starting point.

RESEARCH PROJECT

As an ombudsperson, part of my work involves looks at issues at a systemic level. In collaboration with ombudspersons from the University of British Columbia, Simon Fraser University and the University of Alberta we are collectively working on a graduate supervision research project. This group aims to identify salient issues in the supervision of graduate students and current resources and supports. We aim to make impactful recommendations to our institutions and stakeholders to improve the graduate student experience and graduate education through the promotion of best practices.



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

International and national conferences were cancelled or transitioned to virtual events in 2020. The International Ombudsperson Association is one of the largest associations for ombudspersons that offer comprehensive resources. Ombudsperson Annette Fraser attended the webinar titled *Annual Reports a Catalyst for Change*. The California Caucus of College and University Ombuds offered a free virtual one day conference, featuring keynote speaker, Dacher Keltner, Faculty Director for the Center for Greater Good at UC Berkeley who presented on *Managing Yourself: Don't Let Power Corrupt*. The conference also offered breakout sessions in the topic area of Ombuds and Diversity, Equity and Inclusion Work in Higher Ed and Beyond. In March 2020, Ombudsperson Annette Fraser was appointed to the executive board

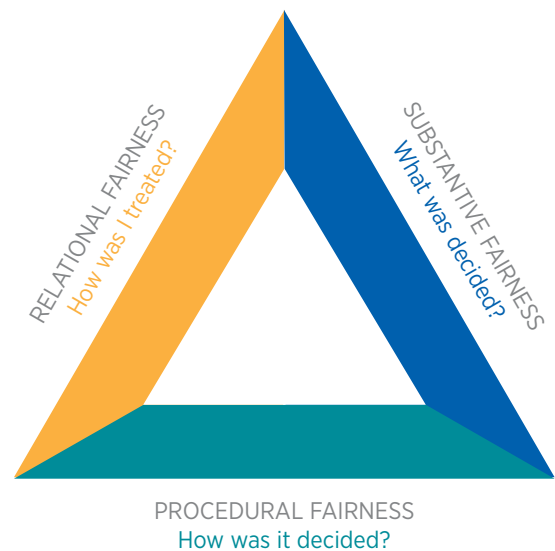
of the Association for Colleges and Universities Ombudspersons (ACCUO) Western Regional Meeting.

In August 2020 the Ombudsperson website was relaunched to complete the office rebrand initiative. The website is still a work in progress as the content is updated and improved to increase user functionality. A new function the website offers is a web contact form that helps students to get access directly to the office.

Student Orientation activities included participating in virtual online events, such as Thunderfest and orientations in first year academic courses. Due to the amount of events and limited availability, the office will be working to advertise office services through other means working with the UVSS and producing videos to be distributed throughout the university for the 2020-2021 academic year.

As part of the university community, the Ombudsperson participated in the extensive review of the Sexualized Violence Policy. It was a lengthy process and all members who participated provided thought provoking questions, perspectives and concerns. I appreciated the opportunity to be involved and look forward to the next project of reviewing the Discrimination and Harassment Policy in 2021.

THE FAIRNESS TRIANGLE



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