



The 2025

OMBUDSPERSON REPORT

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The University of Victoria
Office of the Ombudsperson

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Nothing but a lot of
gratitude for the availability
of this service.

- 2025 Student

A Welcome from your Ombudsperson

On behalf of the Office of the Ombudsperson at the University of Victoria (the “Office”), I am pleased to present the 2025 Ombudsperson Report.

The Office’s impartial, independent, and confidential nature allows people to come forward to share concerns or injustices. From this engagement, I have the unique opportunity to hear voices and see patterns that may otherwise be hidden. In this report, I have selected two issues for your consideration this year entitled:

Should I? Justifying Your Choice of Penalty for Academic Misconduct

&

Enhanced Duty of Clarity: Maintaining Clear Boundaries Between Concessions and Accommodations.

If we have not met, my name is Angus Shaw. I work, live, and appreciate the lands of the x̱m̱əθḵw̱əy̱əm (Musqueam), Skwxwú7mesh (Squamish), sə́lilwətaʔł (Tsleil-Waututh), Ləḵʷəŋən (Songhees and X̱w̱sepsəm/Esquimalt), and W̱SÁNEĆ Peoples as a visitor. I honour these heritages and I am committed to Reconciliation and ongoing learning. I am determined to recognize barriers, take feedback, and make the Office of the Ombudsperson accessible and approachable for everyone. Please know that you are welcome here.

I would like to thank the Office’s partners: the University of Victoria (“UVic”), the UVic Students’ Society (“UVSS”), and the UVic Graduate Students’ Society (“GSS”).

Further, I want to sincerely thank the many people who visited the Office in 2025 — your voices are invaluable to the work the Office undertakes.

Respectfully,



Angus Shaw, BA, JD (he/him)

Ombudsperson for the University of Victoria



Administrative Fairness *The Ombudsperson's Focus*

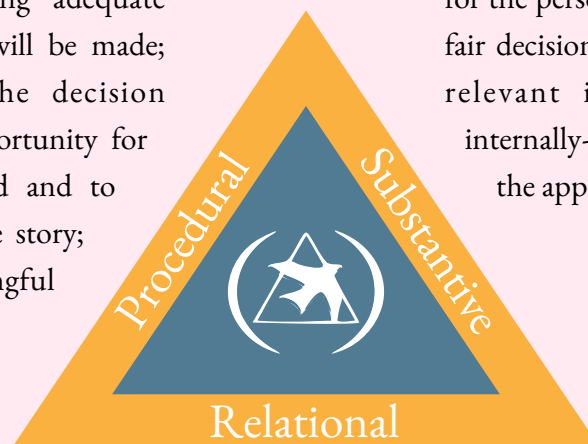
At our University, decision-makers are under a duty to act fairly and provide a fair process when making decisions that impact others. Their decisions affect students' careers, mental well-being, and finances. These impacts are serious and ought to come from well-reasoned, fair, and transparent deliberations. Although fairness is flexible and can apply differently in different circumstances, it is not optional. Decision-makers must avoid abuses of power and always be able to justify a decision — they must always be fair.

Fairness is flexible, but not optional

The limits and fairness guidance that apply to decision-makers come from our Canadian administrative law framework. For Ombudspersons, we have translated these concepts into a Triangle¹.

Procedural fairness refers to steps before, during, and after a decision. This has several features: an unbiased decision-maker; the right to participate in a decision; providing adequate notice that a decision will be made; information about the decision making criteria; an opportunity for the person to be heard and to present their side of the story; and clear and meaningful reasons for a decision.

Substantive fairness refers to the decision itself and includes following the relevant rules and considering individual circumstances to reach a fair outcome for the person impacted. A substantively fair decision must be rational, based on relevant information, justifiable, internally-consistent, and made with the appropriate authority.



Relational fairness refers to how a person is treated. Even if the decision was procedurally and substantively fair, if a person was treated disrespectfully or a decision-maker was not honest or forthright, the person may still feel unfairly treated. This includes cultural sensitivity, a trauma-informed approach, and treating someone with dignity.

¹ Adapted from Ombudsman Saskatchewan <https://ombudsman.sk.ca>


New Resources from the Ombudsperson

In 2025, the Office created and publicized several new resources on uvicombudsperson.ca. These materials are designed to help those seeking information and also create a place where all can turn to identify standards and best practices. Below are some of the most popular new resources available:



Giving Successful Feedback without Fear of Fallout


Strategies for students delivering feedback to help it be focused, respectful, and effective. It frames student feedback as a key driver of positive change at the University and highlights institutional safeguards that ensure fairness and accountability.

 [Go to the article](#)



The Ombudsperson's Tips for Appeals


Practical guidance to help students decide whether to pursue an appeal and how to do so effectively. It clarifies the concepts of “grounds” and emphasizes that an appeal is not just a second-opinion. It offers step-by-step advice for crafting clear written submissions and highlights the time, effort, and fundamentals of the process.

 [Go to the article](#)



Making Effective Decisions

Translates the principles of procedural fairness into a structured, nine-step approach inspired by the BC Ombudsperson for the UVic setting. By highlighting common pitfalls and best practices, it supports more consistent and defensible decisions..

 [Go to the article](#)

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Angus was so helpful!
His kind and gentle approach was much appreciated. He provided reassurance and validation [...] He made a difficult time, less difficult.

- 2025 Student



2025 IN REVIEW: The Office of the Ombudsperson at UVic

The Office lives on three principles: *Independence*, *Impartiality*, and *Confidentiality* to ensure the Ombudsperson is free to uncover unfairness without influence and maintain the trust of visitors. The Ombudsperson is advised by a committee of individuals from the UVic community and follows a [Terms of Reference](#). Funding comes from the UVSS, the GSS, and UVic. The Office is staffed by one full-time Ombudsperson who serves approximately 22,000 students and many community members.

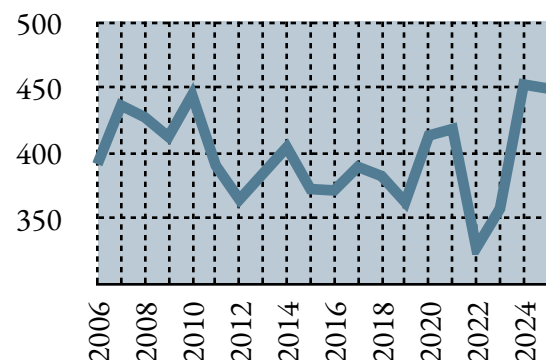
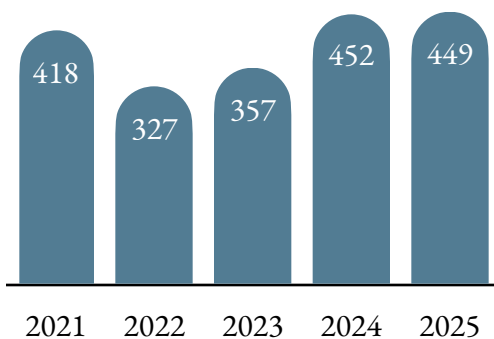
Day-to-day, the Ombudsperson hears visitors without judgement, fills gaps in knowledge, and provides balanced guidance to anyone who reaches out. The Office can help to diplomatically address a concern, facilitate communication, or, in some instances, investigate an issue and provide fairness recommendations. In all instances, the Ombudsperson seeks to increase the regard for fairness on campus. For more information visit uvicombudsperson.ca/beforeavisit.

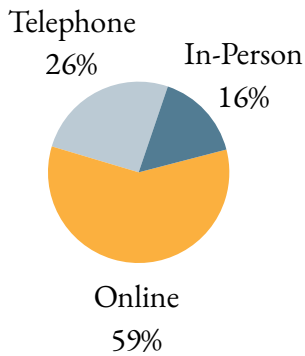
Those who reach out to the Ombudsperson (a “User”) approach with an issue and a file is created (a “Case”). Users can have multiple Cases. From these Users and Cases, the Ombudsperson collects data to compare with previous years and identify trends — see below.

Annual Cases

These charts below show the total number of Cases managed each year (January to December). Each Case can represent a relatively small or large workload, as each User’s needs are unique.

In 2025, the total number of annual Cases stayed relatively high at 449, which is comparable with 2024 at 452. In 2023, the total number of annual Cases was 357. It was 327 in 2022 and 418 in 2021.





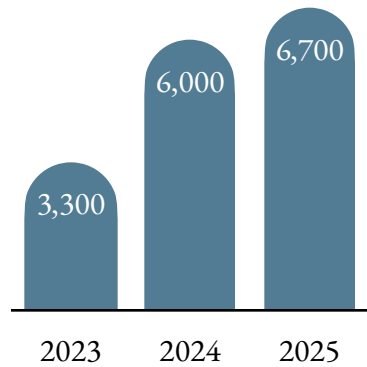
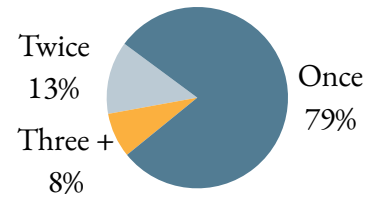
Appointment Modality

Users may book hour-long appointments with the Ombudsperson by registering at uvicom.mywconline.com or by contacting the Ombudsperson.

In 2025, the Office administered 427 appointments. 59% were online, 16% in-person, and 26% by telephone. Many users also sought assistance via email.

Appointments Per User

In 2025, 79% of Users who booked an appointment made only one appointment. 13% booked two appointments and 8% booked more than three appointments.



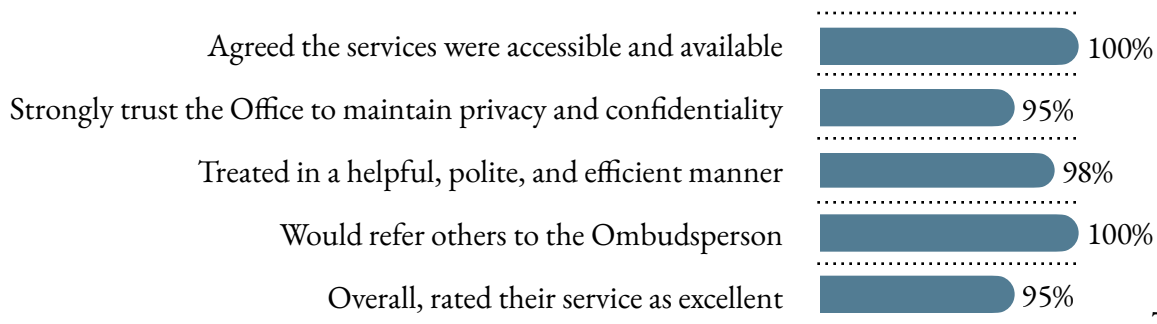
Website Visits

People may access resources through the Office’s website: uvicombudsperson.ca, where there are resources, guides, and templates for students and decision-makers.

In 2025, this website registered around 6,700 unique new visitors. This is more than previous years — around 6,000 in 2024 and 3,300 in 2023.

User Satisfaction

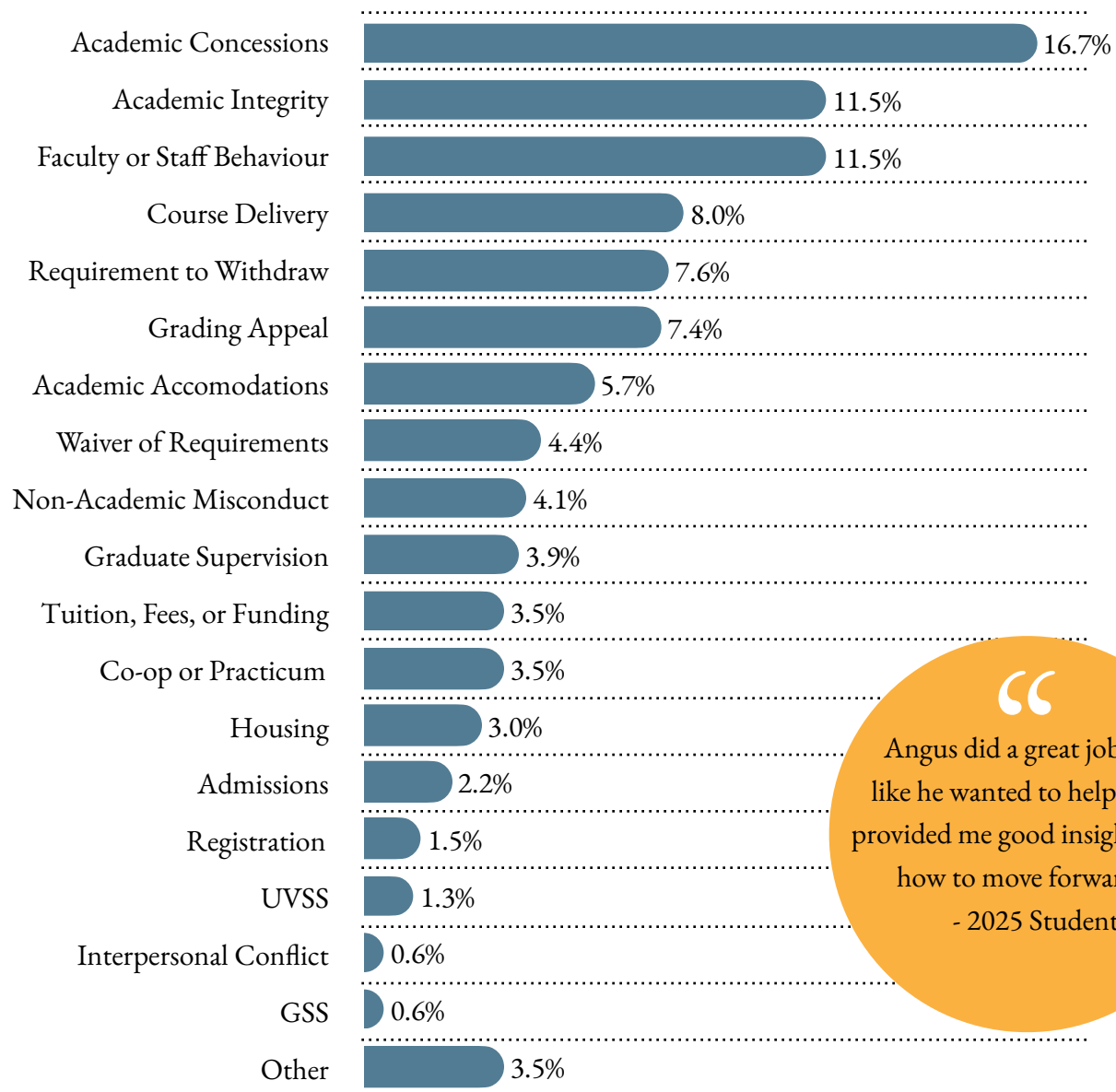
After an appointment, each User has the opportunity to provide feedback through an anonymous survey. The results below are based on 60 surveys in 2025. There is also an opportunity to leave anonymous feedback at uvicombudsperson.ca/survey/.



Nature of Case

The Ombudsperson categorizes and records the nature each Case. In 2025, Academic Concessions were the most common and represented 16.7% of all Cases at the Office. Visits about Academic Concessions have risen about 20% from 2024 and Academic Integrity has fallen about 26% from 2024.

The second most common nature in 2025 was Academic Integrity (11.5%), followed by Faculty or Staff Behaviour (11.5%), Course Delivery (8%), Requirement to Withdraw (7.6%), Grading Appeals (7.4%), and Academic Accommodations (5.7%). All other natures represented less than 5% of the total Cases at the Office.

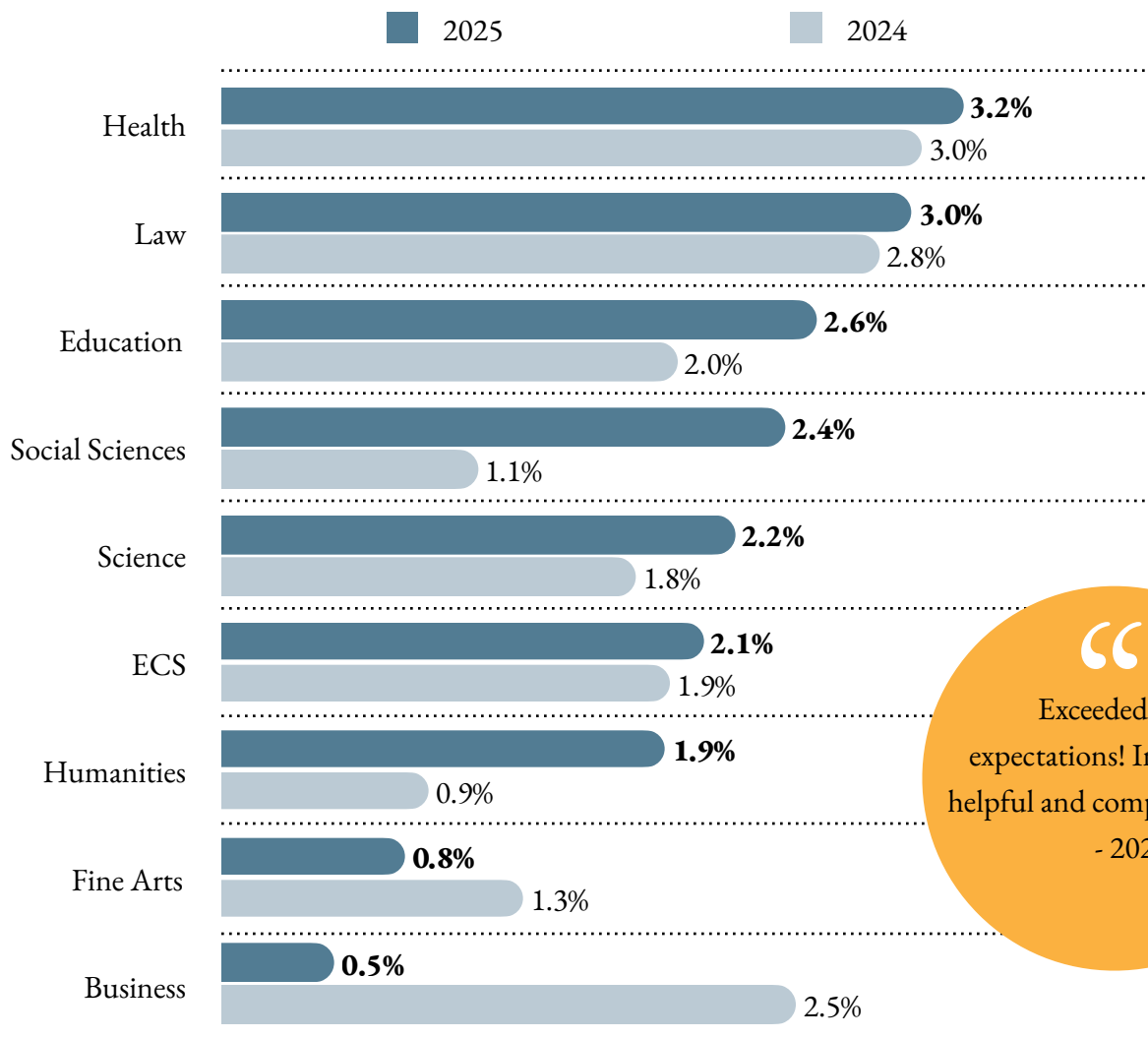


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Angus did a great job, felt like he wanted to help, and provided me good insights on how to move forward.
- 2025 Student

Faculty or Division Representation

This chart below shows the percentage of students who sought assistance from the Office relative to headcount. The percentage is calculated by dividing the number of students from each Faculty or Division who sought assistance at the Office by the total number of students registered in that Faculty or Division in 2025.

In 2025, approximately 3.2% of students in the Faculty of Health sought assistance from the Office. About 3% of Law students, 2.6% of Education students did the same. The proportions of students seeking assistance from other Faculties and Divisions were each under 2.5%. These numbers are generally consistent with 2024 with exceptions in Social Science and Humanities, both of which rose significantly, and Business which fell by a significant amount.

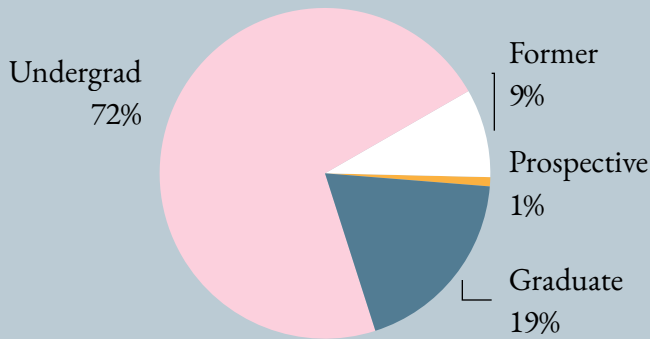


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Exceeded my expectations! Incredibly helpful and compassionate!
- 2025 Student



2025 IN REVIEW: User's Demographics

The Ombudsperson serves all UVic students, former students, persons who have applied to become students, and other members of the University community. The Ombudsperson's advice and intervention, however, is generally confined to student-related issues.

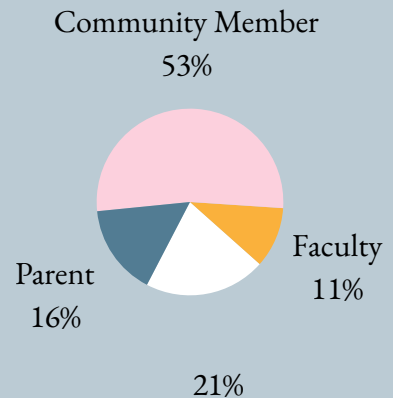


Student Users

In 2025, 90% of the Users were students. Of these student Users, 72% were undergraduate, 19% were graduate, 9% were former, and 1% were prospective.

Non-Student Users

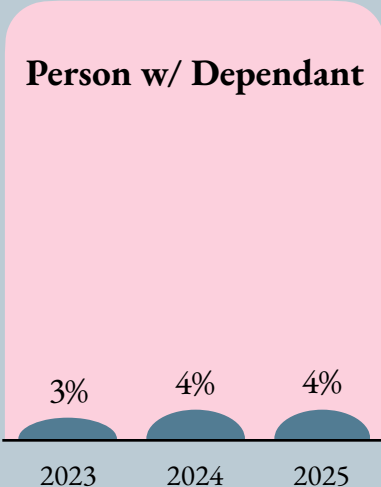
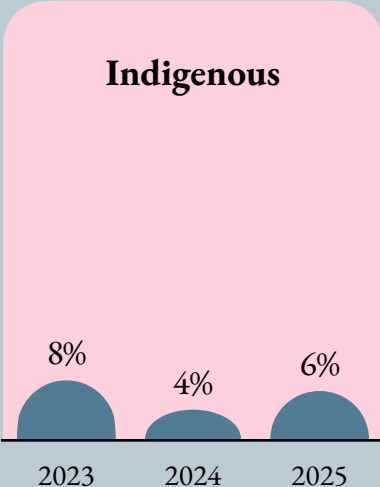
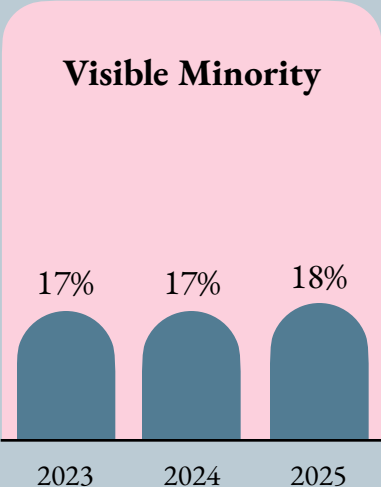
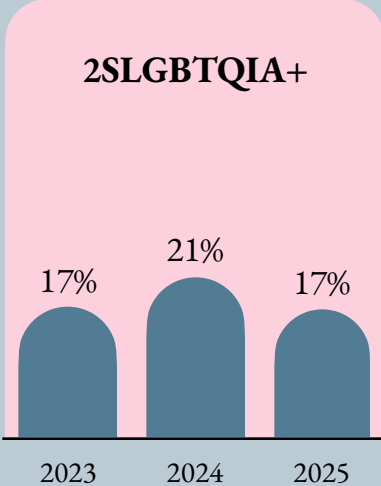
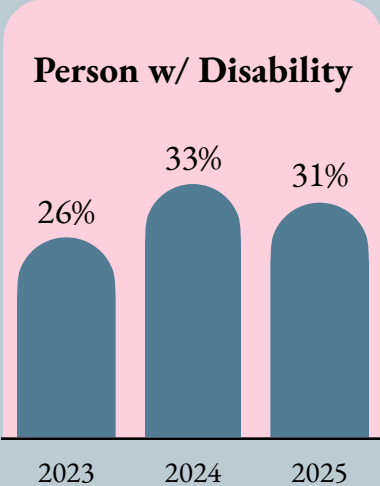
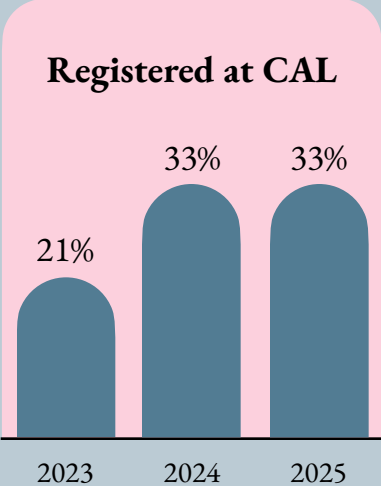
In 2025, approximately 10% of Users were not students. This is in line with previous years. Of the Users who were not students, 16% were parents, 21% were staff, and 11% were faculty. 53% of these Users were other community members with University-related inquires that did not fit into the other categories.



Very helpful, felt heard and I had all options laid out and explained thoroughly. Did not feel rushed or minimized!

- 2025 Student

Users are asked optional questions about how they identify. The charts below represent the percentage of students who identified themselves as belonging to each of these groups. Users who did not answer any demographic questions or not included in the calculations.



“
The Ombudsperson was good about creating a welcoming space where I could express my thoughts and feelings and gain valuable insights. This service was greatly appreciated.
- 2025 Student



Recommendations

The Ombudsperson has the unique opportunity to see patterns, identify trends, and hear voices that are otherwise hidden. As part of the [Terms of Reference for the Office of the Ombudsperson](#), the Ombudsperson “may make recommendations for improvement to policies, procedures and practices.” Through the year, many of these recommendations are informal and private between the Office and a decision-maker. However, some recommendations are public and available for the community to review. Below are summaries of the most recent and active public recommendations. You can find a full archive of the Ombudsperson’s public recommendations [here](#).

- In 2023, the Ombudsperson issued the public recommendation **Trial By Surprise: Participation Rights in Misconduct Processes**. This recommendation came from the large amount of similar academic misconduct complaints where students were given few details before they were asked to meet or were rushed into a meeting without enough time or access to supports. In response, the Ombudsperson called on decision-makers to provide this information to students before they were asked to respond.
- In 2023, the Ombudsperson issued the public recommendation **Forced Fit: The Procrustean Urge to Fetter One’s Own Discretion** in response to decision-makers who were failing to consider context and individual circumstances of the students in front of them — in short, taking an inequitable one-size-fits-all approach. The Ombudsperson recommended that practices like this ought to be revised.
- In 2024, the Ombudsperson issued the public recommendation **Artificial Integrity: How AI is Inflaming Unfairness at UVic** in response to an alarming increase in complaints of unfairness in academic integrity processes. The Ombudsperson highlighted several examples of common unfairnesses at UVic: *flipping the burden; suppressing the student’s story; hiding the rationale; working backwards from a hunch; not treating the student as an individual; and unclear or shifting rules*. The Ombudsperson offered recommendations to create a more fair process and templates for decision-makers.

The following are the Ombudsperson’s public recommendations for 2025:

1

Should I? Justifying Your Choice of Penalty for Academic Misconduct

To: Individuals responsible for assigning penalties under the Academic Integrity policies

Interpretation of the Word “Should”

The word “should” appears several times in UVic’s Academic Integrity policies. In the penalty section, the policy-writers have indicated certain types of misconduct “should” correspond to a certain penalty. For example, the policy indicates that “[s]ingle or multiple instances of inadequate attribution of sources should result in a failing grade for the work.” The meaning of “should” is debated and sometimes misunderstood in this context. Does it mean that a specific penalty must always be imposed? Or does it mean the decision-maker has discretion? Consider the following examples:

You can pay \$100.

You should pay \$100.

Normally, you will pay \$100.

You must pay \$100.

In which of these instances are you required to pay \$100? When is it optional? When simplified through this type of plain example, the meaning becomes clearer: “should” means strong advice or a recommendation, but not an obligation. In the \$100 example, you “should” (or it is recommended that you) pay, but you are not required to do so. This logic applies to the word “should” in UVic’s Academic Integrity policy too. Penalties are recommended, but a decision-maker must still choose which penalty is appropriate. Not engaging in this choice or failing to explain why a certain penalty is appropriate is administratively unfair. “Because I said so” is not enough.

Treating “Should” as “Must” in Academic Integrity Settings

The Academic Integrity policies promise that decision-makers will act fairly and students will receive outcomes that are appropriate to the circumstances. The policies do not promote a one-size-fits-all approach where unintentional or minimal misconduct earns the same penalty as deliberate or severe misconduct.

There is a specific instance where the word “should” becomes particularly contentious: when a decision-maker issues a written reprimand letter to a student who has committed academic misconduct. The policy states that a decision-maker “shall make a

Alongside deciding if cheating happened, you must choose an appropriate penalty. You owe a student an explanation of why you decided the way you did — for both decisions.

determination with respect to the appropriate penalty, in accordance with this policy.” As part of their administrative law obligations, decision-makers must provide reasons for their decisions. The Supreme Court of Canada has stated that administrative decision-makers have a “responsibility to justify to the affected party, in a manner that is transparent and intelligible, the basis on which they arrived at a particular conclusion.” (*Vavilov v. Canada (Minister of Citizenship and Immigration)*, [2019] 4 S.C.R. 653 at para 96.) However, some decision-makers do not do this. They may write something along the lines of: “Following the Academic Integrity policy, you will receive a zero as a penalty,” without providing any further explanation — in short, they misinterpreted the “should” as “must” or did not meet their obligation to provide reasons.

Decision-makers have a “responsibility to justify to the affected party, in a manner that is transparent and intelligible, the basis on which they arrived at a particular conclusion.”

Students, the Ombudsperson, and appeals bodies are left with questions: Is the decision transparent and intelligible? Does it meet the obligations under administrative law? Is it fair?

The Ombudsperson’s conclusion is no. These types of decisions are unfair and ought to warrant an opportunity for the student to appeal and have an appropriate penalty imposed with reasons provided. When this unfairness occurs, students often feel dismayed that their individual circumstances were not considered or that a one-size-fits-all approach was applied. This practice is not in keeping with the spirit of the Academic Integrity Policy, nor with the equity and fairness commitments the University has made to its students. It leads to appeals, wasted resources, and inequitable outcomes.

Recommendations

Understand your duty and when you are required to make a decision. If you have determined that misconduct occurred, you must determine the appropriate penalty, and you must provide written reasons for that decision. Contact the Ombudsperson for a confidential consultation about an individual case or for general discussion. Consider the following:

- Have you collected enough information to properly determine the appropriate penalty?
- Are there reasons to depart from the recommended penalty in the policy?
- Are there particular aggravating or mitigating factors that support a different penalty?
- Have you communicated, in a manner that is transparent and intelligible, the basis on which you arrived at your conclusion?
- Reasons that only justify a decision with “because the policy said so” will likely be appealed and may be overturned. This misstep causes unnecessary stress for the student, uses scant resources inappropriately, and does not discharge your duties as an administrative decision-maker.

2

Enhanced Duty of Clarity: Maintaining Clear Boundaries Between Concessions and Accommodations

To: Individuals responsible for academic concessions decisions

There is recurring confusion at the intersection of academic concessions and academic accommodations, particularly where a student applying for an academic concession, such as a Withdrawal under Extenuating Circumstances (WE), references a disability or accommodation.

A WE is a retroactive academic concession available where a student demonstrates that unexpected and unavoidable circumstances or conflicting responsibilities prevented completion of course requirements. In contrast, academic accommodations are generally forward-looking. They are administered through the Centre for Accessible Learning (CAL) and are designed to ensure equitable access for students with ongoing disabilities or chronic conditions. Providing accommodations is a shared responsibility.

Students may naturally reference their disability or accommodation when applying for a concession. For example, a student may think it is essential to mention their disability, because their experience of an unexpected event may be different or more impactful than if there was no disability present. Not mentioning it may feel dishonest or withholding of essential information. Naturally, the presence of a disability or chronic condition shapes the impact of an event. However, the existence of a chronic condition, absent an unexpected and unavoidable circumstance or conflicting responsibility, does not normally satisfy the concession criteria.

Where these two frameworks are not carefully separated, there is a risk that the concession request is not fully assessed on its own merits.

Why this matters

When disability status is referenced in a concession application, the stakes and fairness implications are heightened. If a concession is denied and the reasoning or procedure suggests (or implies) that the outcome turned on the student's accommodation status — rather than on the neutral application of concession criteria — this creates a risk of perceived differential treatment on a protected ground. Even absent discriminatory intent, insufficiently clear reasoning may expose the institution to risk and undermine confidence in the integrity of the process.

There is an enhanced duty of clarity when a student discloses a disability.

Clear analytical boundaries and articulating reasoning with particular care protects students and the institution. They ensure that students are neither advantaged nor disadvantaged by disclosure of a disability, and that concession decisions remain transparent, defensible, and fair.

Recommendations

The Ombudsperson recommends that academic concession decision-makers:

1. **Confine their analysis to the criteria in the concession regulations and guidelines.** Decision-makers should assess whether the student has demonstrated unexpected and unavoidable circumstances or conflicting responsibilities within the meaning of the concession policy.
2. **Avoid importing accommodation reasoning into concession decisions.** The existence of a disability or accommodation should neither weigh for nor against the student unless it is directly relevant to understanding the impact of the circumstances detailed by the student. For example, a student may claim that there was an unexpected worsening or a “flare-up” that was not covered by their accommodation. These types of circumstances, despite being related to the accommodation, must be analyzed—on their own—against the concession criteria.
3. **Recognize an enhanced duty of clarity where a disability is disclosed.** If a concession is denied, stating simply that the request should be resolved under an academic accommodation does not discharge this duty appropriately. If a student references an accommodation or disability in a concession application, decision-makers ought to:
 - (a) provide clear written reasons demonstrating:
 - (i) how the concession criteria were independently applied to the student’s claims;
 - (ii) how the student’s disclosed disability or chronic condition impacted or did not impact the decision-maker’s analysis; and
 - (b) avoid assumptions or unsupported conclusions about the student’s disability or chronic condition.
4. **Recognize jurisdictional limits and state them transparently.** If recommending that a student consult CAL for prospective support, decision-makers should make clear that this recommendation is separate from the obligation to decide on the concession request before them. Decision-makers also ought to recognize that accommodations are generally forward-looking and there are typically no accommodations available for some common requests such as missed exams or changes to a student’s transcript.



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To end ...

It is with gratitude that I acknowledge the many individuals who allowed this report to come into being and for the Office to fulfill its mission in 2025.

I am thankful to the dedicated members of the Ombudsperson Advisory Committee, the Office's funders (UVic, the UVSS, and the GSS), and the many individuals who strive to make the campus a more fair place for all.

Looking forward, the Office is well poised to advocate for fairness at UVic into 2026 and beyond. Any comments, feedback, or collaborations are welcome.

Sincerely yours,

Angus Shaw, BA, JD (he/him)
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