



Office of the Ombudsperson for Students

empower
accountability

listen

fairness

community

resolution

respect

share

Annual Report 2009



Office of the Ombudsperson for Students

Promoting a Spirit of Fairness

Introduction

It is a privilege to have this opportunity to present the first Annual Report of the Office of the Ombudsperson for Students at the University of British Columbia. The establishment of this Office in 2009 coincided with the 200th anniversary of the creation of the first parliamentary ombudsman in Sweden in 1809. I believe that this marks a very auspicious beginning for the Ombuds Office at UBC and our mandate to help ensure students are treated fairly and can learn, work and live in a fair, equitable and respectful environment at UBC Vancouver.

The Ombuds Office officially opened in September 2009. This first year has been a “start-up” year: articulating and honing the mandate and role of the Office, finding office space, constructing and launching the Ombuds website, and all the myriad of other activities required to build a new office from scratch. Most of all, it has been a learning year – learning about systems and processes, the people and the culture of the university. And, as with all new ventures, what has been crucial is the cultivation of relationships to further the integration of the Ombuds Office into the fabric of this community.

Amidst our setting-up of operations and learning how the university “works,” students found us while we were in temporary office space, with no internet identity and minimal communications to the student community about our existence. Our doors were open from January 2009 with the intent to support and assist students in navigating the challenges they face at the university. That continues today, with the able support of the Ombuds Officer, Joanna Mackie, who must be credited and thanked for her significant contributions to setting the Ombuds Office up in our new location and getting our website launched.

I would like to acknowledge and thank the Alma Mater Society and the Graduate Student Society for their support and advocacy for the creation of this Office; it was due to their perseverance and unwavering conviction about the need for a university ombudsperson that this Office exists today. Both societies also contribute to the funding of the Office and continue to play important roles in helping the Office understand and respond to the needs of students.

Finally, I extend my appreciation and gratitude to the Ombuds Advisory Committee, who have supported and guided me through this first year. In a position that by its very nature must be isolated to a certain degree in order to maintain independence, the Committee has played a vital role in helping to include and engage me with the broader community and providing me with valuable advice and feedback to launch the Ombuds Office.

Shirley R. Nakata
Ombudsperson for Students

Mandate

The Ombuds Office is an independent, impartial and confidential resource to ensure that students are treated fairly in every aspect of their university life.

The work of the Office can be viewed in two broad categories: the individual and the institutional.

Students who visit the Office are assisted to respond most effectively to their concerns about unfair treatment at UBC Vancouver. We are a general resource centre for students who don't know where to start when they have a problem. And, through exploring options, explaining existing policies and procedures, coaching and providing tools, the Office supports and encourages students to move forward, directly and constructively. We are not advocates or "fixers" for the individual student; rather, we work together with students to build their capacity (and sometimes confidence) to seek out and achieve solutions.


Critical to student success is having a community of well-supported decision-makers and clear, consistent and accessible policies and procedures. So while the jurisdiction of the Office is limited to student complaints, a significant part of our work is focussed on providing advice, training and support to faculty and staff who deal with students and make decisions that affect them. At the institutional level, we work proactively to improve systems and develop best practices and procedures to minimize the opportunity for problems to arise so that whatever the outcome, students feel they have been treated fairly and respectfully by the university.

The Office is authorized to conduct investigations into complaints of unfairness where other avenues have been exhausted. In addition, we can initiate a review of a situation or a particular policy when there is a concern about fairness and make recommendations for change to the appropriate authority. It is important to emphasize that the role of the Ombudsperson is not to direct or make orders or to overturn decisions or interfere with proper processes already in place. As an independent voice and advocate for fairness, the Ombudsperson acts more like the "conscience" of an organization¹, to persuade and offer recommendations for reflection and thought, and in some cases, change.

The Ombuds Office is committed to providing timely and meaningful services to the university community to achieve its mandate. Communications to the Ombuds Office received during office hours are acknowledged within 24 hours. All visitors, whether they are students, staff, faculty or persons outside the jurisdiction of the Office, are responded to in a respectful and helpful manner.

We have developed our website to provide practical information that may assist students, staff and faculty without the need for them to contact the Office. There are extensive lists of university resources as well as "Fairness Toolkits" that address some of the more common challenges like preparing for a difficult conversation, reframing problems in order to move forward and writing a clear and professional letter of request. Effective Ombuds services are delivered in a variety of ways and both the content and delivery of such services will continue to respond to the needs of the community.

¹ Andre Marin, Ontario Ombudsman



Excellent outcome, I'm so grateful you are there and the Ombudsperson role you have is there. I know many future students will benefit"

A Student

What does fairness mean?

Fairness is a shape-shifter, its content very much informed by the particular context and circumstance in which it is raised. While many would agree on an objective definition of fairness, disputes and conflicts quickly arise about what is fair when unfairness has been alleged. Within the educational context, it is important to define and strive for a policy of fairness that is consistent with and complements the foundations of learning and teaching. UBC's strategic plan, Place and Promise, speaks of excellence, integrity, mutual respect and equity. What model of fairness would best support such values?

The most important human endeavour is the striving for morality in our actions. Our inner balance and even our very existence depend on it. Only morality in our actions can give beauty and dignity to life. To make this a living force and bring it to clear consciousness is perhaps the foremost task of education."

Albert Einstein, 1950

Fairness that is interpreted in a strict legal sense – right to notice and reply, unbiased decision-making, reasons for decisions, etc. – would fail to meet the standards the university has set in terms of how students should be treated and valued. How we believe we have been treated can impact more significantly on our perception of fairness than the outcome itself. It is therefore vital that we acknowledge that fairness is based more in our emotions and is much less a cognitive exercise than we might think.

A policy of fairness



A policy of fairness, given Place and Promise, needs to emphasize the importance of building and maintaining relationships on a foundation based on these core values:

Accountability – to ensure that we each take responsibility for our actions and acknowledge our role and capacity to move forward.

Community – to understand our interdependence as members of one organization working towards common goals consistent with UBC's vision and strategic plan.

Compassion – to appreciate that personal circumstances and challenges affect each of us and that empathy should inform our interactions with others.

Fairness at UBC means having robust policies, practices and procedures that not only lead to solid and well-reasoned decisions, but also to ensuring that all parties perceive that they were treated with respect, integrity and justice. Fairness includes prompt and courteous service and accessible information. It requires building a landscape based on respect and fairness, in which hard and sometimes adverse decisions can be made and delivered without causing disengagement, disaffection or disillusionment.

Year One – Reflections and Observations

A key benefit to having an ombuds office inside an institution is its unique placement as an impartial and independent observer within yet apart from existing systems and structures. Being new to the university, both as an office and personally, creates an additional advantage of experiencing university life from a perspective that may be more aligned to that of a new student. My preliminary observations are just that, preliminary, and undoubtedly manifest the usual spiralling trajectory that follows a learning curve.

Individualized Identities

My early impression during the initial months of setting up the Office was that the university was like a metropolis, with various units working like small townships in and of themselves. For the most part, units appear to have very well-developed individual identities with a strong commitment to their own goals and mandate. What appears to be less evident is a sense of belonging to one organization, one community with one set of overarching goals and objectives that focuses on students.

This strong intra-unit identity within a vertical structure can be very positive and constructive in achieving the unit's goals and fulfilling its responsibilities. It can sometimes also hinder the ability of an individual or another unit to cut across horizontally to access the resources in other units necessary to achieve the best possible result effectively and efficiently. When a student encounters a problem, they see it as being with "the university." To foster a positive sense of affiliation, it is important for students to feel that the university is a cohesive and unified community that delivers services and responds to their needs in a well-integrated manner. I have heard from students as well as faculty and staff that students often feel "bounced" from one place to another to find answers and that sometimes different units respond differently to the same question. Problems that begin as being relatively minor can quickly lead to disaffection simply through the process the student is told to follow.

Another product of this individualization is the development of a diverse range of practices and rules that are applied to what appears to be similar or the same types of issues. While 100% consistency across campus is neither expected nor desired, there is room to enhance consistency and standardization in some of the ways we deal with student issues. Discretion and flexibility can be preserved as needed while providing more certainty and clarity by establishing norms and templates for best practices and procedures.

Accessibility of Information

The information network at UBC, comprised of online, hard copy and in-person resources, is extensive. There is a wealth of information on so many different matters presented for the most part in a welcoming and positive manner. The challenge that some students face is finding the information they need when they experience a problem. It must be acknowledged that many students do not read the Calendar and many are not aware of the various resources that are available on campus. That said, the Ombuds Office has itself had difficulty navigating the UBC website and locating answers to questions that students pose. For example, not everything one might want to know about the academic misconduct process is located in one place. A unit's website may not necessarily have links to other related resources that might



**Another
important
aspect of
administrative**

**fairness is the attitude
of public institutions
and public servants,
including the
Ombudsman's office,
regarding the quality
of service provided to
individual members of
the public."**

***Stephen Owen, BC
Ombudsman Annual
Report, 1989***

assist the student. Each faculty may have slightly different internal processes to suit its particular needs, and the information for those processes – where it can be found, how much is available – also varies significantly. In some areas, the language is formal and borders on being legalistic to the extent that the information can no longer be said to be accessible.

Accessibility means consistency, simplicity and clarity. While some variation must be afforded, there is room to centralize and standardize some information and how and where it is presented so that student accessibility is enhanced.

Service Standards

This university can feel proud of the calibre of people who fill the thousands of positions that serve students, staff and faculty every day. The vast majority of people who interact with the university experience friendly and responsive individuals who not only have the knowledge and skills for their jobs, but who also express a sincere desire to help.

As in any large institution there will be people who have found their experience to be less than satisfactory: they experience delays of two, three or more weeks to email or phone inquiries; the way in which their inquiries are answered is unhelpful or bureaucratic; the minimum amount of information is imparted and a referral to another unit is made. There will be different reasons as to why some responses are less than exemplary and certainly there will be cases where the person inquiring has contributed to the nature of the response.

Timely and responsive communications are critical to a fair process. The final outcome in any given situation may necessarily have an adverse impact on a student; that may be unavoidable given the particular facts of the case. What is within our control is the manner in which a student is treated and that will impact on how positively a student feels affiliated and engaged with the university.

Intercultural Acuity

In its first year of operation the Ombuds Office saw students from a variety of backgrounds. A significant number of students who have sought assistance from the Ombuds Office are members of a “visible minority.”² A number of those students, especially at the graduate level, are international students. Cultural diversity, in addition to generational, gender and political differences, may impact the potential for challenges to arise for students vis-à-vis the university.

Intercultural curiosity and understanding are vital to building a sense of community for all university members. Diversity is a buzzword used to mean many different things. To some, it may be synonymous with “multiculturalism”; to others, it may require a paradigmatic shift in the way we view our society.

Whatever name we put to it, what is critical is our commitment and ability to be open and curious about each other and our respective life experiences. Our capacity and willingness to recognize and understand our differences, our sameness and our interdependence contribute significantly to our success in fostering an intercultural acuity that will benefit all community members.

² “visible minority” is used as per the *Employment Equity Act* definition

Year One – The Work of the Ombuds Office

Case Summaries

Below are selected samples of cases the Office dealt with in 2009. In most cases, the Office responds to students based on the information they provide, without an investigation or speaking with other individuals involved in the situation. Typically, we begin by listening. In many cases, the process of giving the student a space to speak about their issues to an impartial person is, in and of itself, a “solution.” We may prompt exploration in one direction, ask a critical question or two, or nudge them to move from recycling the problem to identifying desired and possible outcomes. We will always encourage students to focus their efforts on resolving their issues closest to the source. While the Ombuds Office can intervene to facilitate or mediate a resolution, relationships can best be preserved and strengthened where the parties can move successfully through the problem between themselves.


(In these summaries, information that could identify the student or the faculty or unit have been removed or changed.)

Facts

A student asked for help from the Ombuds Office when she was faced with a number of issues that could jeopardize her graduation from her program. She failed a course but on the advice of a faculty member, she did not re-take the course over the summer. She then discovered that she could not take the course in the winter session due to her schedule and opted to take an equivalent and approved course through distance learning. What followed was a series of events that, from the student’s perspective, appeared inconsistent and unclear. She was told that the distance learning course was not an acceptable equivalent and then told the mark she received in it was not sufficient. Her repeated emails and telephone messages to her advisor were not responded to for a period of about six weeks (over the summer). During the course of communications with the department, she learned about policies that she had not been aware of prior to making her decisions.

The Ombuds Office worked with the student to clarify the chronology of events and set out her understanding of what she did and what advice she received. She asked the Ombuds Office to sit in on a meeting scheduled with two members of the department in question. The distance learning course was accepted and the student was able to graduate as planned later that year.

The Office sees a number of cases in which students either cannot find or are not referred to policies or procedures that impact on their situation. And, where the university has not been responsive or has made some inadvertent errors or changes in the information provided, students often seek an expression of acknowledgment, which is usually sufficient to diffuse any frustration and prevent disaffection.



Ombuds listen a great deal. In many cases, they are not able to assist complainants in achieving their preferred outcome. But they do offer salve for the open sores of feeling rebuffed and disregarded, and this is often hugely important.”

***Michelle LeBaron,
Watchdogs and Wise
Ones in Winter Lands:
The Practice Spectrum of
Canadian Ombudsman***

Facts

A student received a failing mark on his practicum and felt that he had been unfairly singled out and bullied by the supervising faculty member. When he came to the Ombuds Office, he was resigned to accepting the mark and re-doing a full practicum. After exploring options and reviewing the information with the student, he decided to appeal and request an opportunity to complete a short practicum. He was successful.

In many situations, students need help in articulating the facts, sorting what is relevant from what might be emotionally driven, and weighing the pros and cons of different decisions they could make. The goal of our Office is to support students to do that exploration, not to do it for them or to make decisions for them. In this case, the student was also given advice on how to write a clear, concise and persuasive appeal letter.


Facts

A fourth year student was concerned that after providing a professor with some feedback on the program on behalf of a number of other students, he was being targeted by this and another professor and was the subject of unfair grading practices. He felt that he had had a reasonably positive relationship with the first professor, who was the head of the program, but initially felt that his only recourse was to drop the course, which was mandatory, and to try to find an alternative that would be accepted as fulfilling the program requirements.

After meeting with the student and helping him articulate his motives and intent, the student was able to focus on his desire to rebuild the relationship with the professor and seek his perspective on how they might be able to re-establish the trust to move forward. He decided to construct a letter to the professor emphasizing his goodwill and his sincere desire to do what he needed to do in order to foster a constructive and positive environment for them both.

Misinterpretation and miscommunication occur, even when our intentions are sincere and we act in good faith. The Ombuds Office, where appropriate, will re-focus students on the relationship and encourage them to work to build or re-build relationships that have for various reasons, gone awry. Most people are reasonable and seek a harmonious and positive environment in which to work and learn. In this case, the student needed help in identifying his goals so he could move away from a solution that would have been difficult to achieve and stressful to pursue, to one that went to the heart of the issue.

The fear of retribution for providing negative feedback to faculty in formal or informal evaluation processes is real among students, regardless of whether that fear is founded in reality. Where students are reliant on reference letters, financial support or supervision for their graduate program from one individual, they are cognizant of the power differential which exists and the possible consequences of “rocking the boat”.



I couldn't have done it without your support and follow-up. I feel a huge weight lifted from my shoulders.”

A Student

Facts

A graduate student agreed to request an extension to complete her thesis, on the suggestion of her supervisor. Following the approval of this request, she received a low mark on a required course and a letter from the head of the department expressing concern about her progress and asking her to carefully consider her future goals. The student stated she had never been advised of any concerns about her progress to date and was taken aback by the letter and its tone. She felt that the letter was one-sided and included a number of references that on its face were prejudicial to her.

The student met with her graduate advisor, on the recommendation of the Ombuds Office and explored some options, including a change to her thesis topic and to her supervisor. She admitted that she had lost faith in the program and did not feel secure as she moved forward. By helping to identify her key concerns, she decided to write a letter of response to the department head to put her side of the story on record, while confirming her intent and desire to successfully complete the program.

The nature of the issues and concerns brought to the attention of the Ombuds Office by graduate students is often complex and multi-layered and includes some communication breakdown or interpersonal conflict. The Ombuds Office is working with the Faculty of Graduate Studies to support graduate supervisors and advisors to hone their skills in recognizing and avoiding pitfalls in their interactions with students and in fostering the best possible environment to ensure student success.

Working with the university community

The Ombuds Office supports faculties and units in establishing best practices and in providing feedback and advice on their policies and procedures to improve fairness for students. The Office works with faculties and units to identify possible gaps and areas for improvement, and makes recommendations at a systemic level for their review and consideration. Below are summaries of two such collaborative endeavours.

CASE 1

A student who recently graduated from his program contacted the Ombuds Office about some challenges he encountered regarding his final exam for a Distance Education course. He had secured employment abroad and was about to depart Canada when he received an email advising him that he had about one week to submit his application to schedule his exam. The application required details regarding the invigilation of the exam, including the name of the person and their contact information.

Some of the difficulties he encountered included the fact that he was moving to a country whose language he did not speak, he had only a few days to find an invigilator willing to take on the task and the scheduled exam date fell upon a national holiday and the Canadian Embassy, which was the acceptable location for sitting the exam, would be closed that day.

Enrolment Services and the Office of Learning Technology work together to provide learning support for Distance Education courses. OLT is responsible for overall planning, development, delivery and administration of the

courses, in collaboration with the academic departments. Enrolment Services manages the administrative side, including registration for courses and examinations. Inquires with these units revealed that there were some anomalies that had occurred in this case: in the previous year, students received almost 30 days notice about exam application deadlines and were given at least two reminders. In this particular year, the email had been sent out later than usual and the deadline was earlier than usual. In addition, the OLT website information about exams was different than Enrolment Services procedures.

The Ombuds Office recommended that the units synchronize the information about exam applications and that OLT include some advance notification of the process to students upon registration. Systems to ensure consistent and timely delivery of messages to students, optimally two months in advance of the deadline with reminders as needed could prevent the type of situation faced by this student. This early notification is especially important for the October exam as email notices are sent in the summer months when many people are away on holidays.

Enrolment Services and OLT responded quickly and positively to the Ombuds Office recommendations with a spirit to improve their services to students. They have committed to updating their websites, to ensuring that students receive at least 12 weeks' notice in advance of the exam date and to providing more information in a variety of venues about exams for Distance Education courses.

CASE 2

A draft policy on student travel abroad was circulated to the university community for feedback and comment. This policy outlined the processes relating to authorization of student international travel for university activities as well as the revocation of the same and the consequences of unauthorized travel.

The Ombuds Office submitted several recommendations for changes, in particular, as they related to the procedure surrounding revocation of authorization and the possible actions the university could take against a student who was deemed to be on unauthorized travel. While some of the recommendations were incorporated into the final policy (approved by the Board of Governors and the Senate), those relating to the processes to take adverse actions against the student were not. The Ombuds Office is concerned about how the university will fulfill its obligation to notify the student that an adverse decision might be taken against them, before such a decision is made. The university must also ensure that the student has a meaningful opportunity to respond and provide their side of the story that should be considered and should inform the decision-making process.

The Ombuds Office will work with the appropriate university units to further discussions about establishing procedural steps that will ensure a fair and transparent process for students.

Ombuds Activities

The Ombuds Office participated in a variety of orientation events and sessions for students, faculty and staff. At some, we hosted an informational booth and at others we made presentations and/or were involved in workshops. They included:

- New faculty and staff orientation
- Imagine UBC
- Faculty of Education Orientation
- Graduate Students Orientation Fair
- First Nations House of Learning Orientation
- GALA International Students Orientation

In addition, throughout the year, we made presentations about the Office to various faculties, units and student groups to provide information about the new Ombuds service on campus and to explore ways in which the Office could support their work with students. We also delivered workshops on Ombuds services and other related topics. They included:

- Associate Deans
- Graduate Council
- Committee of Deans
- Faculty of Education Teacher Education Office
- Vice-President Students Executive Team
- AMS Speakeasy
- Graduate Supervisors
- Graduate Advisors
- Faculty of Science Undergraduate Advising Office
- Registrar's Executive Team
- Counselling Services
- Arts Advising

To achieve the Office's mandate to be an effective agent of change at the systems-wide and strategic initiative level, the Office has served on the following committees and worked with the following units:

- Academic Misconduct Working Group
- GSS and AMS
- Senate and Curriculum Services
- Respectful Environment Working Group
- Respectful Environment – Student Communications Working Group

Engaging in a professional network is especially important for ombudspersons as we find ourselves holding a unique position within organizations. Rare are cases where there is an Ombuds office of more than one or two staff so professional support and development, networking and problem-solving must be pursued outside the institution.



**How to think
more globally,
thinking
about others,**

**provides an outlook
within which the
individual may no
longer get caught up
in the petty issues and
problems that often
become stumbling
blocks.”**

***The Dalai Lama,
Emotional Awareness***

A BC Academic Ombuds Network has been informally established and my colleagues from Camosun College, the University of Victoria, Simon Fraser University, and Douglas College meet regularly throughout the year to discuss trends, problem-solve and share best practices.

I have also volunteered as a member of the Steering Committee for the Northwest Ombuds Group, an association of ombudspersons in the Pacific Northwest from a diverse range of disciplines. The goal of the Steering Committee is to initiate a process of renewal and to articulate the role of the Group as it relates to the needs of its membership.

I am also a member of the Association of Canadian Colleges and University Ombudspersons, the Forum of Canadian Ombudsman and the International Ombudsman Association.

Strategic Plan

The strategic goals of the Ombuds Office dovetail with UBC's strategic plan, Place and Promise. The Ombuds Office will strive to be a practical resource and support for students, faculty and staff to help the university achieve its goals to provide an exceptional learning environment for all students, one which is characterized by an ethos of fairness, respect, diversity and engagement.

The short-term goals have been focussed on setting up the Office and building the relationships that will help us become part of the fabric of this community. The Office has commenced and will continue a campaign to raise awareness about Ombuds services on campus and further develop resources and tools to foster fair processes and outcomes. We have also begun our work to encourage the building of a cohesive support network for students that is based on collaboration and cooperation across campus.

Over the next five years, the Office will continue to develop and hone its services to best ensure that students have an enriching experience on campus. Inter-unit collaboration and simpler and more transparent processes for students will be overarching goals that inform our day-to-day work. One exciting initiative that has begun in this reporting year is the Conference on Enhancing Student Support Services at UBC, an event that is sponsored by the Ombuds Office, the Vice-President Students and the Provost. The conference is scheduled for June 2010 and its goal is to strengthen the network of services for students by creating connections and promoting awareness among and between people and units to ensure that the university provides the most effective support net for students.

We will continue to work to build capacity and skill sets in students to address conflict and challenges effectively, here and after they leave this campus. At the same time, our work will also be on ensuring that decision-makers feel supported in their interactions with students and that we maximize our collective capacity to promote student success. At the systems-wide level, the Office will work to advance and facilitate simpler, more accessible and consistent procedures that impact students and to support the cultivation of intercultural acuity to create for students a sense of engagement and positive affiliation with UBC.

Ombuds Office Statistical Information 2009

The formal database system was implemented in September 2009, coinciding closely with the official opening of the Office in its current location in Brock Hall. In our first year of operation, the Ombuds Office had 53 visitors, including a small number of whom were outside the jurisdiction of the Office. A few of the consultations consisted of single meetings; others required multiple interactions, some of which continue into the next reporting year.

Study level

Graduate	21
Undergraduate	23
Unknown	9

Student Citizenship

Canadian	33
International	11
Unknown	9

Referred by

Academic Unit	2
AMS	7
Equity Office	1
GSS	1
Human Resources	1
Instructor	1
Internet.....	5
President's Office.....	1
Student Services	2
Ombuds Website.....	5
Other.....	10
Unknown	17

Faculty

(The home Faculty of the student visitor)

Applied Science	8
Arts.....	17
College for Interdisciplinary Studies.....	1
Commerce.....	4
Dentistry.....	3
Education	3
Forestry.....	1
Human Kinetics.....	1
Land and Food Systems	2
Medicine	2
Science.....	4

Initial Mode of Contact

Email	28
In-Person	9
Phone.....	14
Other.....	2

Nature of Concern (Overall)

Some visitors to the Ombuds Office had multiple concerns. These statistics present what was identified to be their main issue.

Academic	26
Appeals	6
Financial	5
Interpersonal Conflict	11
Misconduct	3
Residence.....	4

Academic Concerns

Academic Standing.....	4
Admission	1
Advising	1
Course/Program.....	4
Faculty/School	1
Practicum/Field Work	2
Probation/Withdrawal.....	6
Other Academic Concerns	7

Action Taken

The lines between the categories of action taken are difficult to demarcate. Many of our communications and interactions with students cross between the categories and usually result in a combination of information, advice, coaching and referral, in varying degrees depending on the case presented.

Advice and Information	24
Advice and Referral	24
Intervention	5
Investigation	0