



a place of mind

THE UNIVERSITY OF BRITISH COLUMBIA



Office of the  
**Ombudsperson for Students**

Annual Report 2011

# *Fairness: Upfront and Personal*

## **1. Introduction**

The annual report of the Ombuds Office has two purposes: to report on the Office's activities and work in 2011 and to present observations and make commentary on those issues that fall within the Office's jurisdiction. It is my hope that through this report we will be able to promote to the broader University community an understanding of the mandate of this Office and how we work to achieve our goals.

Beyond the numbers and the summaries of the cases we dealt with in 2011, it is also my hope that this report might elucidate the realities faced by individual students, staff and faculty when things don't go the way they expect them to go, when challenges and obstacles arise and when resilience wears thin. The costs, in time, energy and emotion for everyone involved in a difficult situation can be significant and can accumulate to the point of irreversible harm.

Our work continues to be focused on individual support and institutional change. These two facets are related of course; it is when a student raises a concern that we can dig deeper to sometimes identify and address a gap in procedure or recommend an improvement in practice. And, when at UBC we can work on systemic improvements collaboratively, we achieve much not only in terms of creating something better, but also in building relationships and fostering healthy exchanges of knowledge and perspectives across campus.

We have seen an almost 40 percent increase in our caseload from 2010. This increase shows growing awareness about our services and I anticipate that our caseload will continue to grow in the coming year. Communications to students and UBC community members about our services will continue to be a priority for our Office.

The lion's share of the work of the Ombuds Office is carried by Joy Coben, Ombuds Officer, who provides students with a kind and understanding ear and opportunities to see their situation from a different angle so that they can move forward positively. She expresses the spirit of the Ombuds Office in all that she does and for that I express my deep appreciation.

I would also like to thank the Ombuds Advisory Committee, which has steadfastly supported and guided the Office with a genuine concern and interest in the well-being of students. I also gratefully acknowledge Professor Toope and members of the President's Office and Executive Committee for their unequivocal support of and commitment to the Ombuds Office.

And finally, to the students – those who hold office or positions in student societies, clubs and associations and all others – thank you. It is through your sharing of your experiences, insights and perspectives that we learn about how we can do better.

Respectfully submitted,

Shirley R. Nakata  
*Ombudsperson for Students*

## 2. Quick Facts about the Ombuds Office

On average, we spend about 50 minutes with a new student visitor

We promote cross-campus collaboration to build a learning environment that is fair and respectful

Our services are shaped and delivered to support Place & Promise

The Ombudsperson reports directly to the President and focuses on strategic planning and systemic improvements that have a campus-wide impact

We develop initiatives and projects with other units that will enhance a transformative learning experience

The office has a staff of two. The Ombuds Officer is the first point of contact for all student inquiries

We do not advocate for a student or the University. We support students and build their capacity and confidence to move forward constructively and effectively

The Ombuds Office was established in 2009 with a mandate to ensure students are treated fairly in every aspect of their university life

### 3. Fairness: Upfront and Personal

Perceptions of unfairness are a very personal experience on both sides of the table. Though sometimes unavoidable no matter what we do, we have more control than we think in preventing such perceptions.

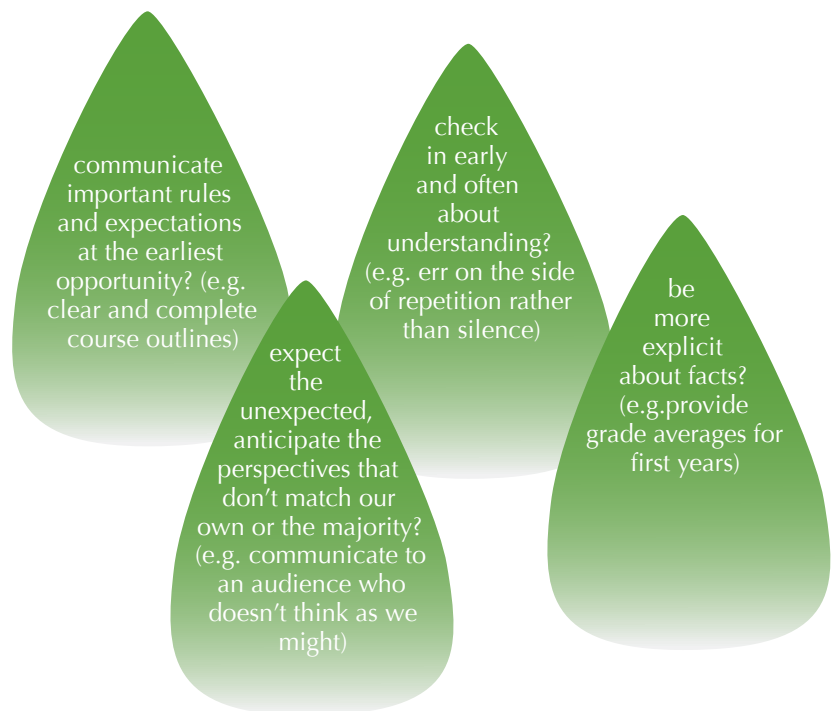
#### Upfront: Managing Expectations

Making assumptions is a common human fallibility. Managing expectations is one antidote.

We see many cases where there has been a disconnect between expectations and reality that leads to frustration, disappointment and allegations of unfair treatment. Whether arising from a misunderstanding or a “mis-assumption”, the damage that results and the time and energy needed to resolve such situations largely outweigh the effort it would have taken to check assumptions early and often, expressly state what we might think to be the obvious, and anticipate that every individual sees and experiences the world differently.

We know that many new undergraduate students have an unrealistic expectation of how they will do academically. We know that University policies, procedures and rules are not always easy to find or understand. We know that stress levels are high and that stressors differ for undergraduate and graduate students. We have a pretty good idea who our students are and we understand the internal and external demands for academic success. Can we use this knowledge and experience to prevent faulty assumptions from creating difficult and unfair situations?

could we...





**The Ombuds Officer was helpful, patient, and took the time to listen to me. The visit was very pleasant and helpful and we clearly outlined several methods to deal with the issues."**

***Student***

All of us make assumptions based on different levels and sources of understanding of the world around us. There are reasons why we don't challenge some of those assumptions: lack of time, ignorance, fear, honest belief, experience, etc. Sometimes our assumptions are valid. But we can confirm the validity of our assumptions by asking questions ("Do you know how you'll be marked for participation?"), stating the obvious ("Not everyone passes their practicum on the first try"), and checking in early and often ("What's been the most challenging thing for you since you arrived in Vancouver?"). We can often be surprised by the responses we receive in a way that confirms that transformative learning at UBC is a reciprocal process between and among students, staff and faculty.

### **Personal: Investing in the Relationship**

Good intent and a genuine desire to do one's best is the norm at UBC. But it can never hurt to be more expressive and more explicit. Perhaps we can think of our relationships as bank accounts into which we want to build a sufficient buffer to weather an unanticipated withdrawal down the road.

We should aim to build a landscape robust enough so that when difficult messages and communications have to be delivered, there is enough resilience and good faith to allow everyone to move forward constructively and effectively. We may not have control over the "what" – you are required to withdraw from the program, you have failed your practicum, your bursary application has been denied, you are being evicted – but we do have control over the "how": the context in which such messages are delivered and the manner in which they are communicated.

Our Office sees email exchanges between students and staff or faculty that have begun as or quickly escalate into a virtual verbal brawl. A student tells the faculty member that he has been unhelpful, unsympathetic and mean-spirited about her situation. The faculty member shoots back a reply saying that it is unfortunate that the student cannot think clearly, has consistently been aggressive and rude to his office staff and nothing further can be done.

We don't always have the opportunity to build resilient relationships. Many of our interactions are one-offs or the first (and sometimes only) interaction is a high-stress one. But even in those cases, there are ways to maximize social capital to increase the likelihood that the message is received with the good faith that is intended.

could we...



Together, managing expectations and focusing on how we communicate more than the decision itself, can help everyone in a difficult situation move forward effectively. These important steps can and should incorporate the basic constructs of the principle of fairness – notice of rules, criteria and processes, unbiased decision-making based on relevant factors with adequate reasons and opportunities to have those decisions reviewed by an independent body or individual.

## 4. Deconstructing Fairness: Connecting the Dots

At UBC, we have a tendency to specialize, compartmentalize and decentralize. There are good reasons for this – efficiency, expertise, time and resources. And we are a big institution: coordination sometimes takes longer than finishing the job ourselves and we can't, nor should we, do everything together. But to meaningfully achieve some of the overarching strategic goals the University has identified, the quality and depth of the outcome relies much on how we get there.

Fairness is not the exclusive property of the Ombuds Office. Deconstructing the concept of fairness, its constituent elements could also be attributed to UBC's strategic goals of Equity and Diversity, Intercultural Understanding and the Respectful Environment:

- Well-defined and accessible standards and rules that are applied equitably
- Responsibility and accountability to self and others
- Being treated with respect and dignity
- The absence of irrelevant factors/bias in judgment
- Appreciation and consideration of relevant facts in decision-making
- Valuing and respecting difference


In studies conducted in Spain, Japan and the U.S., case scenarios that were identified as unfair were also described as raising concerns about equality, equity, respect, honour and dignity<sup>1</sup>. Across these different cultures and across age groups and genders, there was a consistency about the impact of unfairness and how it was connected to other core values<sup>2</sup>. In a 2000 survey of 763 undergraduate students from 48 states in the U.S., the most important values consistently identified were honesty, respect, responsibility, equity, fairness and compassion<sup>3</sup>.

Fairness overlaps with and reinforces the concepts of equity and diversity, intercultural understanding and respect because at the most fundamental level we are dealing with the way in which we wish to treat and be treated

<sup>1</sup> Norman J Finkel, Not Fair! The Typology of Commonsense Unfairness (Washington DC: American Psychological Association, 2001) p282

<sup>2</sup> Ibid. It is important to note that there were also differences among the categories: college students being one group of participants who were particularly sensitive to certain types of unfairness; college students and adults were more likely to identify "innocence punished" types of unfairness; Spanish participants connected unfair situations more with personal honour and dignity rather than their American and Japanese counterparts who linked unfairness with equity and discrimination.

<sup>3</sup> Rushworth M. Kidder, Moral Courage (New York: HarperCollins, 2005) p55



**Although disappointed, I don't have any hard feelings on the matter. I have decided to leave the issue behind me and focus on my studies. Thank you for taking the time to help me, I really appreciated it."**

***Student***





**Thank you  
so much for  
the chance  
to talk with you on  
Monday. It really  
left me feeling more  
confident with the  
process and what I was  
going to need to do.”**

***Student***

as citizens of this University community and beyond. In addition to the cumulative inventory of knowledge, perspectives and skill sets, there is significant common ground between our individual units and portfolios that warrants the effort (and sometimes pain) of better connecting, coordinating and integrating our mandates, work and resources.

There is a constant energy around thinking of new and different ways to engage students with the University. But equally important, and I might say more important sometimes, is identifying and addressing barriers to engagement and academic success. As long as persistent and systemic barriers exist, students can't or won't access the opportunities that are offered. It is in this area that a more integrated approach might be more effective: working across units on removing barriers might provide our own units with more time and resources to deliver more accessible opportunities for engagement for UBC students.

This is not a call for establishing more committees for consultation and seeking input. It's about having conversations that seek to deconstruct for simplicity and for synchronicity across all lines in response to institutional complexity and density. We know that while many of us feel there is good cooperation within our units, there is a marked decrease in the satisfaction level about getting cooperation outside of our units and the opportunities to collaborate across the university<sup>4</sup>.

We should ensure that accountability and responsibility for a transformative learning experience belong not to one unit or the student's particular faculty, but to each of us and that systemic alliances both short and long term are developed to make the most sense for students and how they experience UBC. Geographic integration, like the Ponderosa and Brock Hall Hubs, is a start and a necessary support for functional integration. There might be some significant economies that could be gained by proceeding intentionally and systematically to fully exploit existing connections and create new ones.

## **5. The Work of the Ombuds Office**

### **Case Summaries**

Students are encouraged to meet with the Ombuds Officer to discuss in person their concerns and explore options to move forward. Much of the work involves careful and empathic listening, which alone has a significant impact on students. Some students require explanation of policies and procedures or advice on how to respectfully and constructively seek resolution. In almost all cases, students are also given referrals to other student services and resources, including advocacy services, counseling and academic advising. Where students have provided the Ombuds Office authorization to discuss their case with the units involved, the Ombuds Office has intervened and/or provided feedback as appropriate.

Some facts in the case summaries below have been changed to ensure anonymity.

<sup>4</sup> UBC Workplace Experiences Survey 2011  
[www.focusonpeople.ubc.ca/workplace-experiences-survey](http://www.focusonpeople.ubc.ca/workplace-experiences-survey)

## Case 1

A Master's student consulted the Ombuds Office about an allegation of plagiarism that had been made against him. He had submitted his thesis, following the receipt of comments and suggested changes from his supervisor. A few weeks after submitting his thesis, he received an email from the Department Head asking him to attend a meeting the following morning. He was told his supervisor would be present but there was no other information provided about the purpose of the meeting.

The student replied immediately and confirmed that he would attend. He was nervous about the meeting, but did not seek advice or help.

When he arrived at the meeting, the Department Head, his supervisor and the Grad Advisor were waiting for him. The Department Head stated that they had come to the conclusion that the student had plagiarized significant portions of his thesis and the matter would be referred to the President's Advisory Committee on Student Discipline (PACSD).

The student was shocked and reported being incapable of making any coherent response at the time. He simply listened and left the meeting without telling his story or asking any questions about the process. When he attended the Ombuds Office, he was given referrals to the Graduate Student Society Advocate, information about the discipline process and advice about the steps for a possible appeal should he not be satisfied with the outcome of the discipline process. He was also told that should there be another meeting called, he should confirm the purpose of the meeting, who will be in attendance and what information and documentation will be discussed. He should also consider taking a friend or advocate to accompany him. The student accepted the decision of the PACSD.

## Case 2

An international student was experiencing difficulty with her practicum. She was already a licensed professional in her home country and her hopes were to obtain licensure in BC to continue that career. During her practicum, conflicts arose between her and her practicum advisor and the student felt that the advisor was unable to fairly evaluate her. When she received her final practicum report, the advisor had noted several areas of weakness which had not been discussed previously and which the student felt were either inaccurate or exaggerated.

During lengthy consultations with the Ombuds Office, the student was encouraged to reflect on her own actions and her role in the relationship with the advisor. She was given information about how to pursue an appeal within the Faculty as well as the options available if she was still unsatisfied with the result. The student was coached on ways she might be able to improve her communications with the Faculty and also on broadening her scope of the possible routes she could take, including an open-minded review of her career choices. To date, the student is pursuing a final decision within her Faculty.



**Thank you  
so much  
for all your  
help! I had been trying  
to reach them for  
weeks, and it was only  
until your involvement  
that they actually paid  
attention to me and my  
situation."**

***Student***





**I would still  
be stuck had  
I not found  
the Ombuds  
Office.”**

***Student***

### **Case 3**

A fourth year undergraduate student was completing a Minor in a different Faculty from which she was receiving her degree. Although the student had proactively met with academic advisors to ensure that there would be no conflicts in her schedule, as a result of course changes, a conflict arose between two mandatory courses. The option to take a substitute course in her Minor in which registration was exclusive to students registered in that Faculty was denied. The option to work out the conflict with each individual professor was also denied as was the request to take one of the required courses elsewhere. The result would be a delay in graduation and consequently, a delay in entering her chosen graduate program.

The Ombuds Office communicated with both Faculties and facilitated communication between the Faculties. In the end, the course closed to non-Faculty students was opened to this student and the student's Faculty agreed that the course would meet the graduation requirements for her degree.

### **Case 4**

A PhD student in his first year came to the Ombuds Office upset about his relationship with his supervisor. He felt that the supervisor was unresponsive of his research topic, continuously moved the boundaries of their relationship and appeared to be competing against him rather than mentoring him. The student also reported that his supervisor stated on different occasions that she was the one who would be writing the letters of reference.

In addition to referrals to the Graduate Student Society Advocate and the Faculty of Graduate Studies, the Ombuds Office helped the student explore and reflect upon his own expectations about the relationship and coached him on how he might respectfully clarify roles and responsibilities. Options available were also discussed, including changing supervisors, enhancing involvement of his committee members, living with the status quo and seeking more active intervention from other resources on campus.

The student decided to take a fresh approach in building some trust and developing a strong, professional relationship with the supervisor.

### **Case 5**

An undergraduate student consulted with the Ombuds Office following receipt of the outcome of her Review of Assigned Standing request. This student, who was averaging about 80% until the final exam, received a failing grade on her final exam. She disputed not only the evaluation of her work on the exam, but also the calculation of the percentage.

She met with the Faculty member who conducted the review and pointed out the simple mathematical error. The Faculty member stated that he would not be changing the mark but that he would discuss the situation with her instructor. On appeal the Dean's Office later confirmed that the exam had been reviewed by a senior professor in the presence of the original marker and while the percentage calculation was corrected, the original mark was upheld.

The Faculty also pointed out that the University does not specify, either through the Calendar or Senate resolutions, how the Review of Assigned Standing process is to be conducted. The Faculty acknowledged that the

review should be conducted by someone other than the original marker, but anonymity was not required as the reviewer had tenure and would not be subject to any pressure from a junior professor.

The Ombuds Office supported the student through the process over a number of meetings and affirmed her professional and respectful attitude. Process issues as well as potential avenues to pursue following the Senate appeal were also canvassed. The student's appeal to the Senate Committee on Academic Standing was allowed and her exam grade and final grade increased.

## Recommendations of the Ombuds Office

### Review of Assigned Standing

In 2011, 22 students consulted the Ombuds Office about or were referred to the Review of Assigned Standing ("RAS") process. Students report variation in how their RAS request is processed by their faculty, have questions about the fairness of steps taken and express confusion about when and how to use it.

The UBC Vancouver Calendar information on the RAS is different than that in the UBC Okanagan Calendar. The latter has more of an explanatory introduction and more direction on how the process should be conducted. The Ombuds Office has recommended to the Registrar's Office changes to the UBC Vancouver Calendar to provide more clarity on:

- the criteria to be used in conducting the review;
- timelines for certain steps in the process;
- safeguards to procedural fairness (ensuring anonymity of student, unbiased and independent review, reasons if grade is not changed); and
- the fee for the RAS and when a student can expect a refund and when a student will not receive a refund.

We understand that these recommendations are currently under review.

### Graduate Scholarship Selection Processes

The Ombuds Office sought to better understand the selection process for the Trudeau Scholarship, and specifically the roles played by the faculties and the Faculty of Graduate Studies (FoGS) in that process. While some amount of flexibility and discretion must be afforded to each faculty's selection committee and its process, the Ombuds Office recommended to FoGS that:

- they complete their ongoing project to produce a manual for graduate programs relating to adjudicative procedures and best practices;
- new selection committee chairs be asked to attend a workshop on selection procedures and general procedural fairness principles; and
- they support graduate programs to provide clear and accessible information about their specific selection processes on their respective websites.

### Policy 14 – Response to At Risk Behaviour

The University community was invited to provide feedback on proposed amendments to Policy 14. The Ombuds Office's recommended that the Policy:

- reinforce procedural fairness by providing clear and early notice of any proceedings against a student who may be subject to restricted access to the University premises; establishing clear timelines to prevent any delay that could adversely impact the student; constructing an accessible appeal process;



A 2011 poster campaign to increase the profile of the Ombuds Office on campus

- ensure that the threshold for the University to impose interim restrictions on a student's access to the University is sufficiently high; and
- clarify what appears to be a contradiction between describing restrictions as interim measures only and not disciplinary, and describing restrictions that could be in place permanently.

The amended Policy 14 was approved in June 2011 with some recommendations accepted.

## 6. Working with the University Community

"It takes a village" comes to mind when considering how to effect systems level improvements at an institution of this size and complexity. Not only are outcomes more effective and meaningful, the process, when it is collaborative and integrated, is a nourishing and enriching experience in itself. We count as some of our achievements in 2011 these events and initiatives in which we played a part:

### The UBC Conference on Service Excellence

The second annual university-wide conference was attended by more than 160 front-line student service and advising staff from over 70 academic departments and administrative units. The conference was focused on building skills, making connections and fostering an accessible, integrated network of services for students and reinforced the idea that we all support and contribute to student learning by providing excellent student service.

### Vice-President Students Advising Initiative

A cross-functional team led by VP Students was formed to explore and discuss the philosophy, standards and training needed to achieve excellence in advising at UBC. The Ombuds Office was one of nine administrative and academic units represented on this group.

### Integrated Conflict Management Systems Working Group

With the support of the Vice-President External, Legal and Community Relations, the Ombuds Office convened a working group consisting of representatives from seven academic and administrative units with a goal to explore whether UBC as an institution can think about, prepare for and respond to conflict in a more integrated and coordinated way. Following an environmental scan of existing conflict management processes and practices on campus, this working group will be reviewing potential next steps within the framework of the Respectful Environment Statement.

### Student Representatives Orientation Workshop

The Ombuds Office coordinated its second annual workshop for students who hold positions or offices on campus that support or advise students. Presenters from key resources and service units including the Equity Office, Counselling Services, International House, Senate Appeals and Access & Diversity were invited to provide an overview of their offices and an opportunity to meet the student representatives.

# Ombuds Activities

The Ombuds Office delivered presentations and workshops to the following units on campus about the role and mandate of the Office and related topics:

- Division of Midwifery
- Residence Life
- Centre for Teaching and Learning Technology
- Teacher Education Office
- Science Undergraduate Society Clubs Orientation
- Centre for Feminist Legal Studies
- Graduate Student Society Council

The Ombuds Office participated in the following orientation events:

- New Staff and Faculty Orientation
- Engineering Wellness Fair
- Jumpstart
- Graduate Students Orientation
- Imagine
- GALA
- International Student Parents Reception

The Ombuds Office continued its active involvement in various professional ombuds associations and events:

- Association of Canadian College and University Ombudspersons
  - Regional meetings – Calgary and Vancouver
  - Annual Conference Planning Committee – Vancouver
- NorthWest Ombuds Group – Steering Committee
- California Caucus of Colleges and University Ombuds
- BC Academic Ombuds Group
- International Ombuds Association

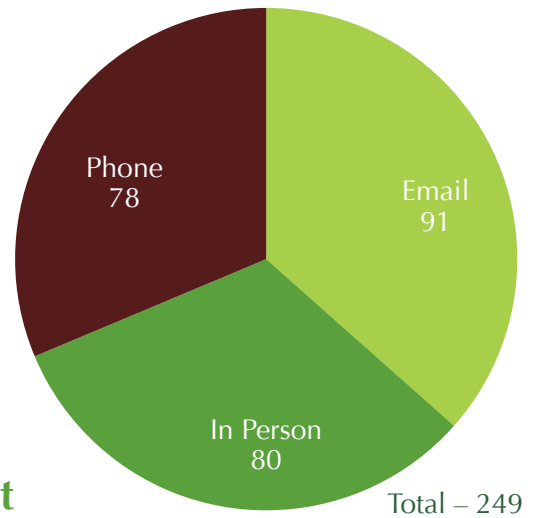


A panel from the Ombuds Office 2011 brochure

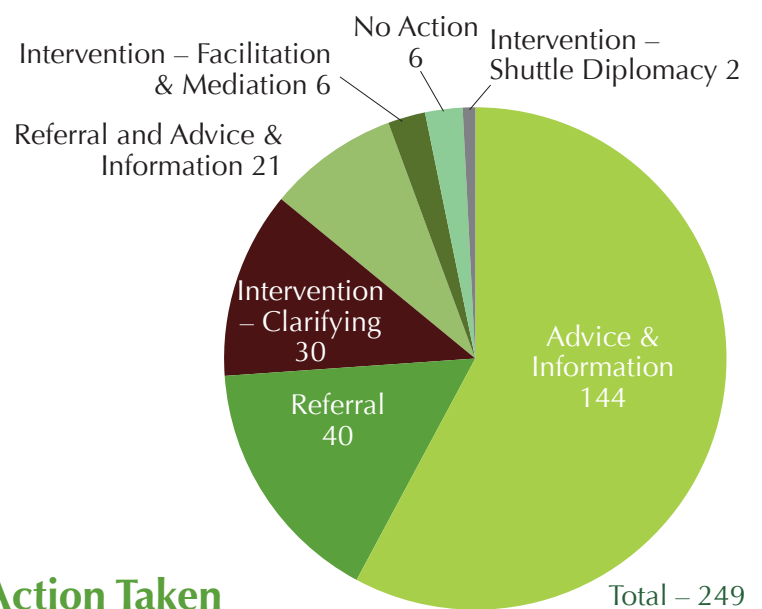
Click [here](#) to download a pdf file of Ombuds Office brochure.

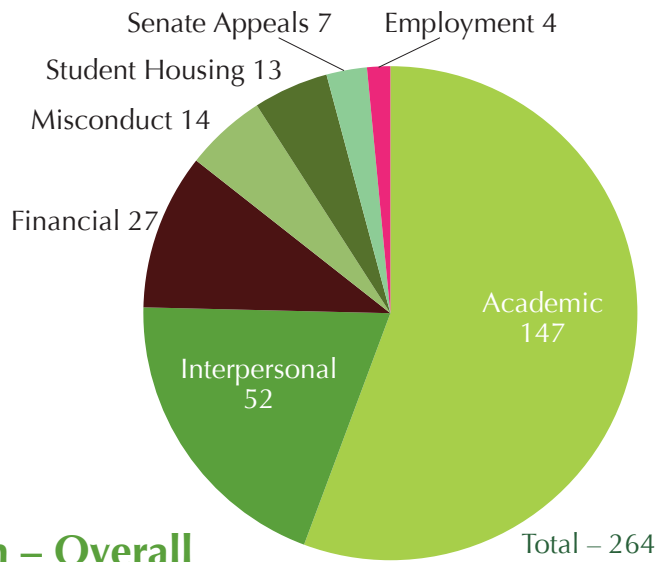
# Ombuds Office Statistical Information 2011

**Initial Mode of Contact**

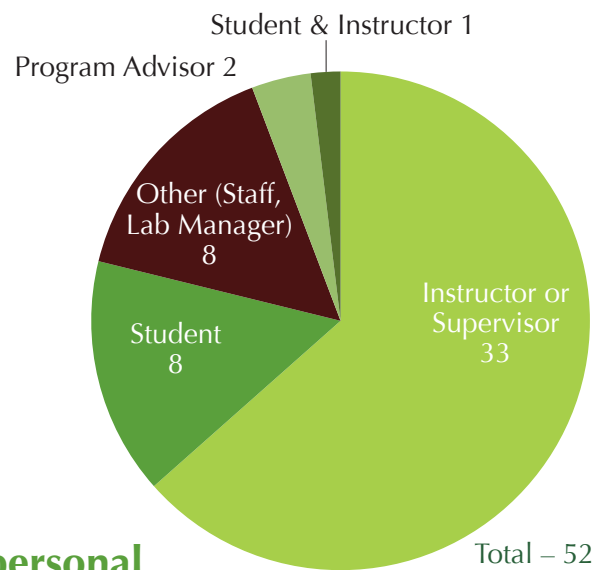


**Action Taken**

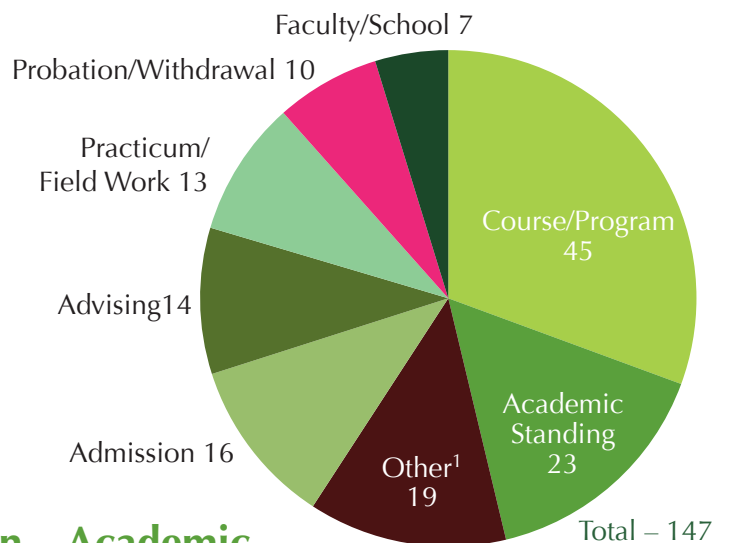




**Nature of Concern – Overall**



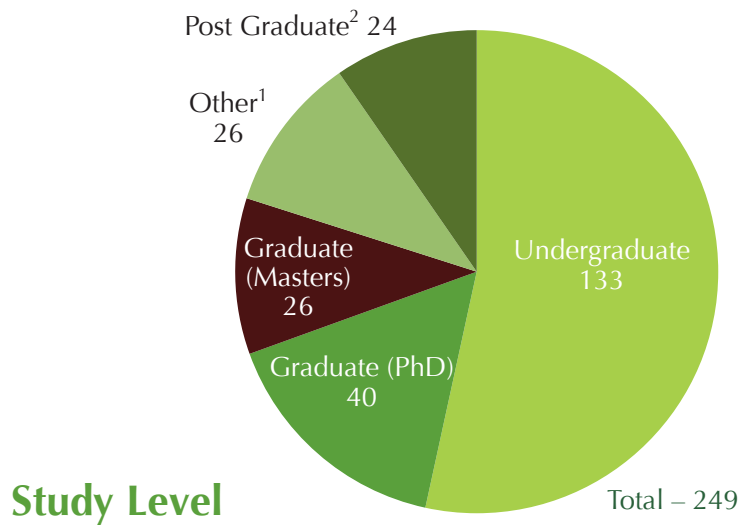
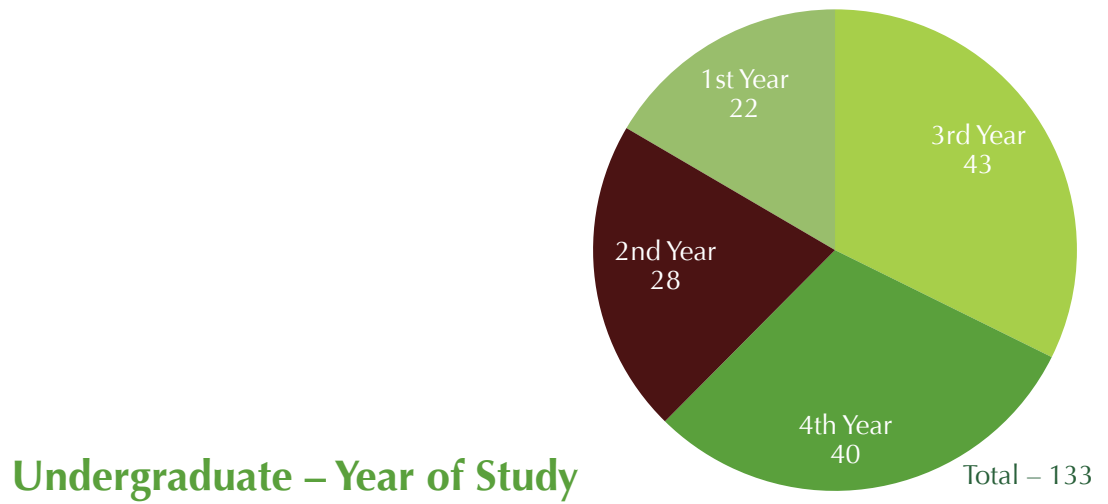
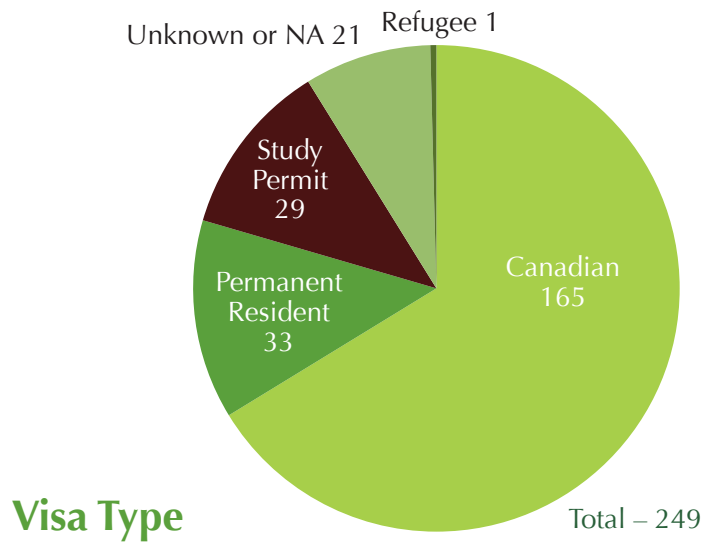
**Nature of Concern – Interpersonal**



**Nature of Concern – Academic**

<sup>1</sup> Exam schedule, transcript fees, room changes, noise, space, human rights

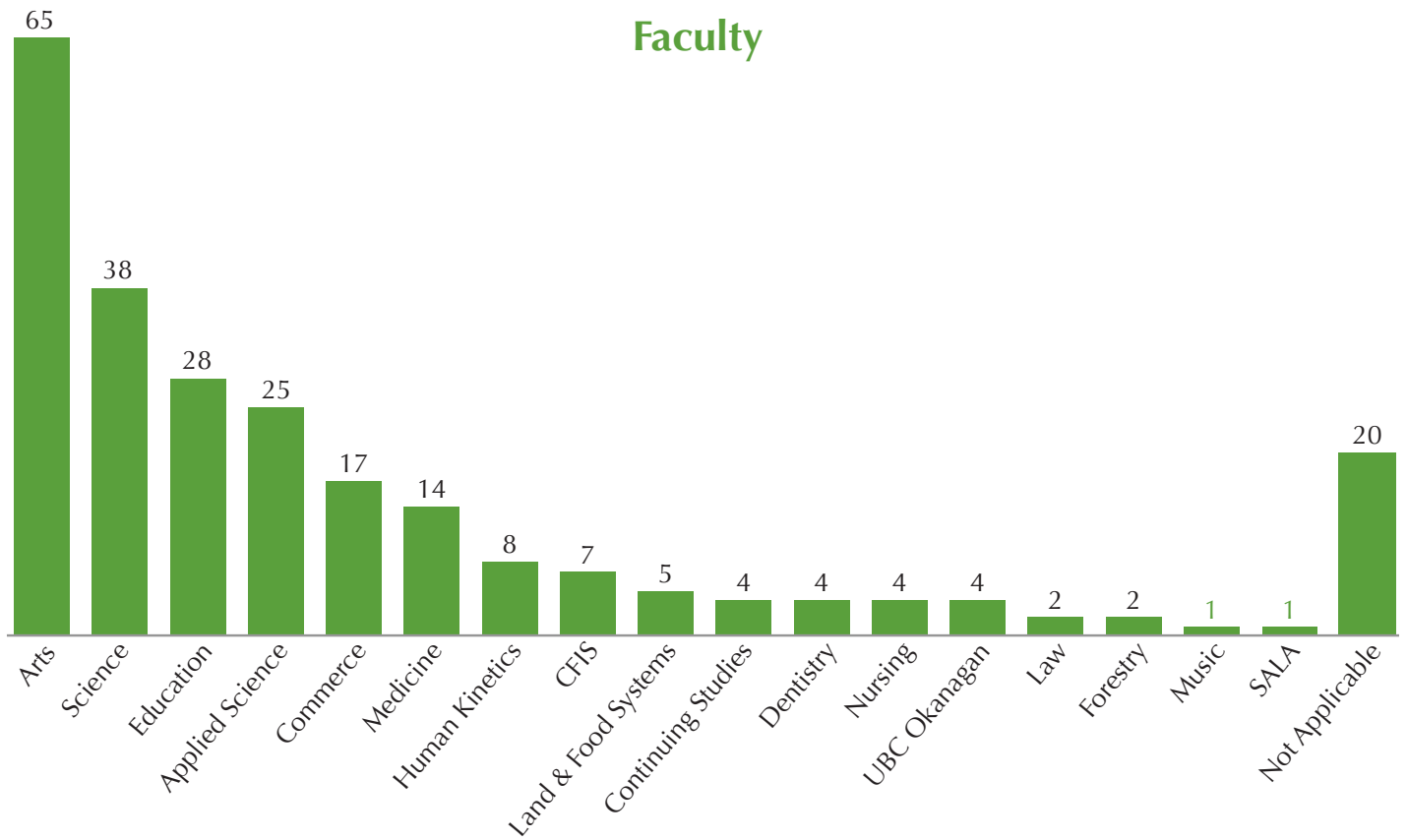




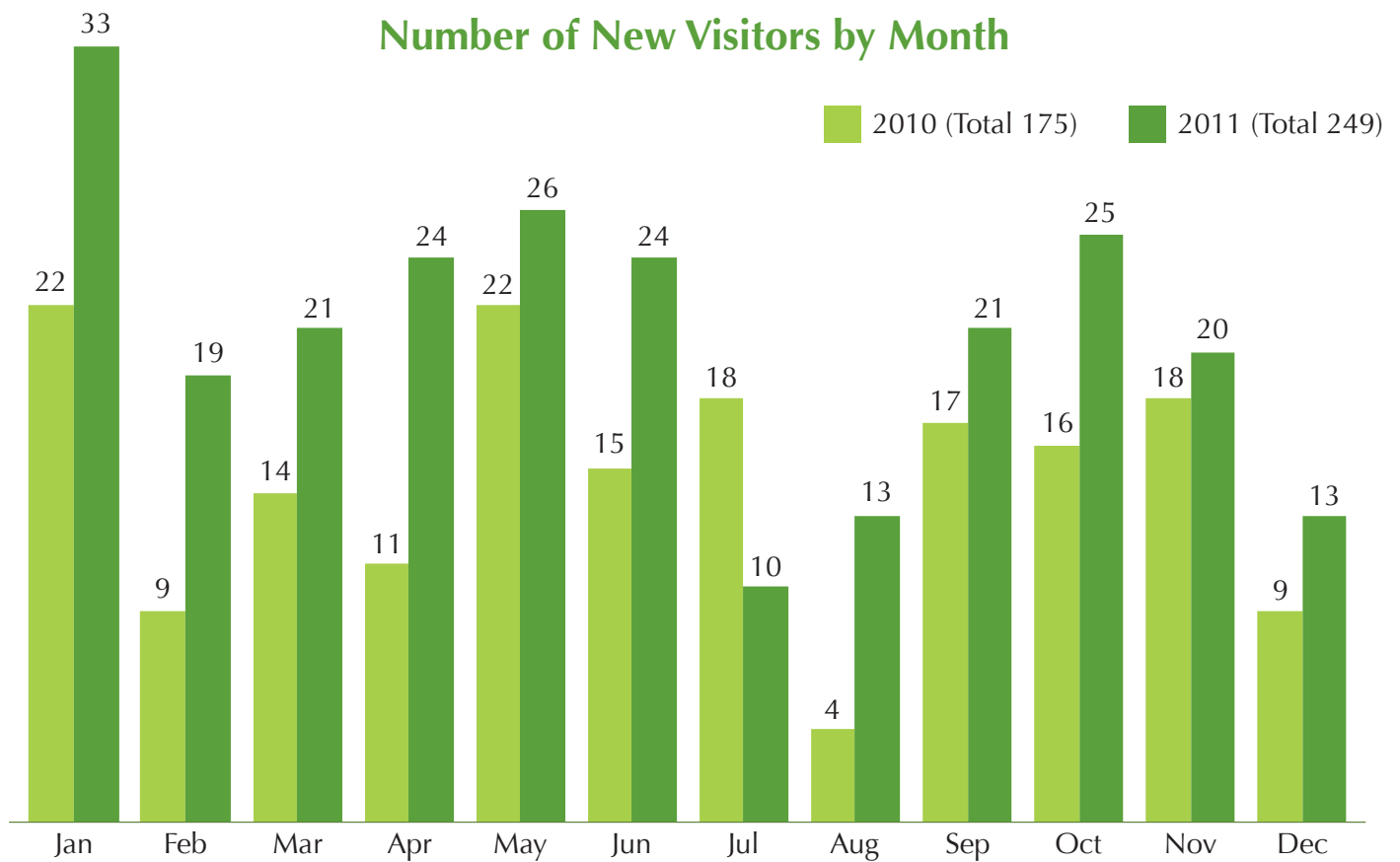
<sup>1</sup> Access, Continuing Ed., Visiting, Staff, Faculty, Prospective, Unclassified

<sup>2</sup> Post-Graduate is the designation for B.ED, BHK, JD and Certificate students

## Faculty



## Number of New Visitors by Month



## 2011 Satisfaction Survey Results (%)

This report contains a detailed statistical analysis of the results to the survey titled *Office of the Ombudsperson for Students: Satisfaction Survey*. 51 completed responses were received.

Questions	N/A	Strongly Agree	Agree	Don't Know	Disagree	Strongly Disagree
Information about the Ombuds Office was easy to find.	5.9	23.5	54.9	2.0	9.8	3.9
The office is conveniently located.	7.8	29.4	53.0	3.9	5.9	0.0
My initial contact with the Ombuds Office was promptly acknowledged.	0.0	88.2	9.8	2.0	0.0	0.0
I was able to meet with an Ombuds Office representative quickly.	7.8	78.4	9.8	2.0	2.0	0.0
I was treated with respect and courtesy.	0.0	98.0	2.0	0.0	0.0	0.0
The information I received or the actions of the Ombuds Office helped me to move forward.	2.0	74.0	20.0	4.0	0.0	0.0
I was given different options and/or suggestions on how I could proceed.	0.0	62.7	35.3	0.0	2.0	0.0
I felt that my issues were treated with sensitivity and concern.	2.0	84.3	13.7	0.0	0.0	0.0
I was satisfied with the outcome achieved.	7.8	56.9	23.5	7.8	2.0	2.0
The Ombuds Office website is easy to navigate and has helpful information.	13.7	25.5	39.2	17.6	4.0	0.0
I feel better prepared to effectively deal with similar situations in the future.	0.0	52.0	32.0	12.0	4.0	0.0
I would recommend the Ombuds Office to a friend.	0.0	82.4	17.6	0.0	0.0	0.0