



Office of the
Ombudsperson

Building a culture of fairness

**NINTH
ANNUAL REPORT**

JUNE 1, 2018 TO MAY 31, 2019

Independent • Confidential • Impartial



TO THE UNIVERSITY COMMUNITY:

I am pleased to submit the ninth annual report of the Office of the Ombudsperson at the University of Ottawa, in accordance with section 8 of the ombudsperson's Terms of Reference. As in previous years, this report includes information on the services of the Office of the Ombudsperson, tools to promote fairness in decision-making, statistics about case files, case examples, a summary of the main issues we have encountered and recommendations. The University has also provided us with answers and updates on current and past recommendations.

Our work is not possible without the participation of the members of the University community. We thank all those who called on the ombudsperson over the last year and all those who answered our questions. We have learned a great deal about the problem-solving and complaint mechanisms in place within the University and student associations. We have also met with many students, employees and managers who worked with us to find solutions.

Please contact us if you have any questions about our services or comments about this report. You can reach us at ombuds@uottawa.ca or 613-562-5342.

MARTINE CONWAY



Left to right: Evelyne Poisson (Assistant Ombudsperson), Martine Conway (Ombudsperson)

TABLE OF CONTENTS

1. Building a culture of fairness	4
What is the role of the Office of the Ombudsperson?	4
What happens when someone contacts the ombudsperson?	5
Fairness tools	6
The Fairness Triangle	7
2. Highlights of 2018-2019	8
Our services by the numbers	8
Other activities	14
3. Examples of cases	16
4. Issues observed in 2018-2019 and recommendations	18
4.A. International students: identifying and solving problems proactively	18
4.B. Graduate students: supervision and accommodations	20
4.C. Policy 67b – Prevention of Sexual Violence: communication of rights and options, coordination of services	23
4.D. Normalization of grades: clarification of “definitions of student performance”	25
4.E. Workplace: mental health and conflict resolution tools	26
4.F. Decisions of the Senate Appeals Committee and faculties: communication of reasons	28
5. Follow-up on issues raised in previous reports	29
Work in progress	
5.A. Development of a protocol to respond to situations where a student’s behaviour poses a danger to the student or others	29
5.B. Master’s major research paper	30
5.C. Review of human rights regulations and procedures	31
Work completed	
5.D. Accessibility: academic accommodation procedure	31
5.E. Appeal and review processes for admission decisions	31
5.F. Review of Regulation 14 on academic fraud	32
5.G. Clarification of Regulation 10.3 on the revision of grades	32
Appendix A: Other statistics on our services	33



1. BUILDING A CULTURE OF FAIRNESS

What is the role of the Office of the Ombudsperson?

The work of the Office of the Ombudsperson is based on three fundamental principles. We provide an **independent**, **confidential** and **impartial** service to all members of the University community (students, support staff, instructors, researchers, administrators, etc.) to help them find fair and equitable solutions.



Office of the
Ombudsperson

The three pieces of the puzzle that make up our logo reflect these three principles. They also correspond to the three types of services we offer depending on the individual's needs and how the situation has progressed.

Our services include the provision of **information** from an independent perspective (about procedures and regulations, rights and responsibilities, or help in navigating the system); confidential **advice or coaching** (identification of issues, development of communication or conflict resolution tools); and **interventions** using an impartial approach (shuttle communication, problem-solving, file review or investigation).

The mandate of the Office of the Ombudsperson is to help the University community build a culture of fairness. The circle in our logo represents both the University community and the concepts of respectful listening and inclusion. It also speaks to the systemic and holistic lens that the ombudsperson can bring to help improve regulations and processes affecting members of the University community.

The diagram on the next page provides a summary of the services we provide. It also helps to illustrate how our role is adapted to the situation at hand, to the needs of the person who contacts us, and to the steps already taken.

An individual may require general information before contacting a University representative regarding a problem or dispute. Another will seek confidential advice just once or perhaps several times during the course of a situation. Someone else will request an intervention to help clarify the steps in a process or the issues to be resolved, or to facilitate the search for a solution.

Those who consult the ombudsperson usually need to be heard. They are also grateful for information that helps them understand the context in which they will take action and the different perspectives that may apply to the situation. They often seek advice or communication tools before raising their complaints or concerns with the University.

An impartial approach that emphasizes a fair process allows for respectful and effective identification of issues. As a result, the work of the ombudsperson impacts the individuals who consult us for information or tools, and those who work with us to resolve cases. Finally, our work affects the entire University community through the recommendations made by the ombudsperson.

"I want to thank you for your tremendous support. While functioning within your mandate, you gave me very good advice on the most important aspects of my request. Your availability to listen to me provided me with great psychological support, which I needed immensely."



What happens when someone contacts the ombudsperson?

IF THE PERSON HAS NOT YET FOLLOWED AVAILABLE MECHANISMS...

INFORMATION AND REFERRAL

- We identify options and available resources
- We clarify rights and responsibilities
- We explain policies, regulations and procedures
- We refer the person as needed

IF THE PERSON NEEDS ASSISTANCE TO USE AVAILABLE MECHANISMS...

ADVICE AND COACHING

- We help identify what is at stake, priorities and objectives
- We clarify grounds and steps and we refer the person as needed
- We suggest constructive and effective approaches to raise issues
- We offer communication and conflict resolution tools

IF THE PERSON IS NOT SUCCESSFUL IN USING MECHANISMS OR NEEDS HELP...

INTERVENTIONS

Once we have the person's consent

- We may contact administrators to facilitate communication
- We may use informal problem-solving tools
- We may review the file and discuss it with relevant offices
- We may investigate if all recourses have been exhausted

We listen and we check whether the person's concerns or complaint are within the mandate of the ombudsperson.

If not, we refer the person to relevant recourses, for example to their union if a collective agreement applies, or to external resources if the issue is not University-related.



Fairness tools

An institution like the University of Ottawa is a complex environment where thousands of decisions are made every day at many levels. Whether you are administrative or teaching staff, or in charge of an academic unit, a support service, or even a service of the student association, it is important to exercise fairness in your decision-making. But what are the principles?

When people refer to fairness in making decisions, they generally think about the fundamental principles of procedural fairness applied by administrative tribunals: the right to be heard by an impartial decision maker. This right also includes the right to be properly notified of requirements, issues and processes.

However, when someone says, "it's not fair!", what are they referring to? They are thinking about how they were treated (relational fairness), the process used to make the decision (procedural fairness) and the decision itself (substantive fairness). Fairness in decision-making consists of these three dimensions, all of which are critical to building a culture of fairness and inclusion.

The Fairness Triangle (see diagram on page 7) is a dynamic system that integrates these three dimensions – relational (R), procedural (P) and substantive (S) – in all decision-making at all levels of the institution.

We organize interactive discussions and workshops on the Fairness Triangle on request. If you would like to explore its application to your daily activities, please do not hesitate to contact us.

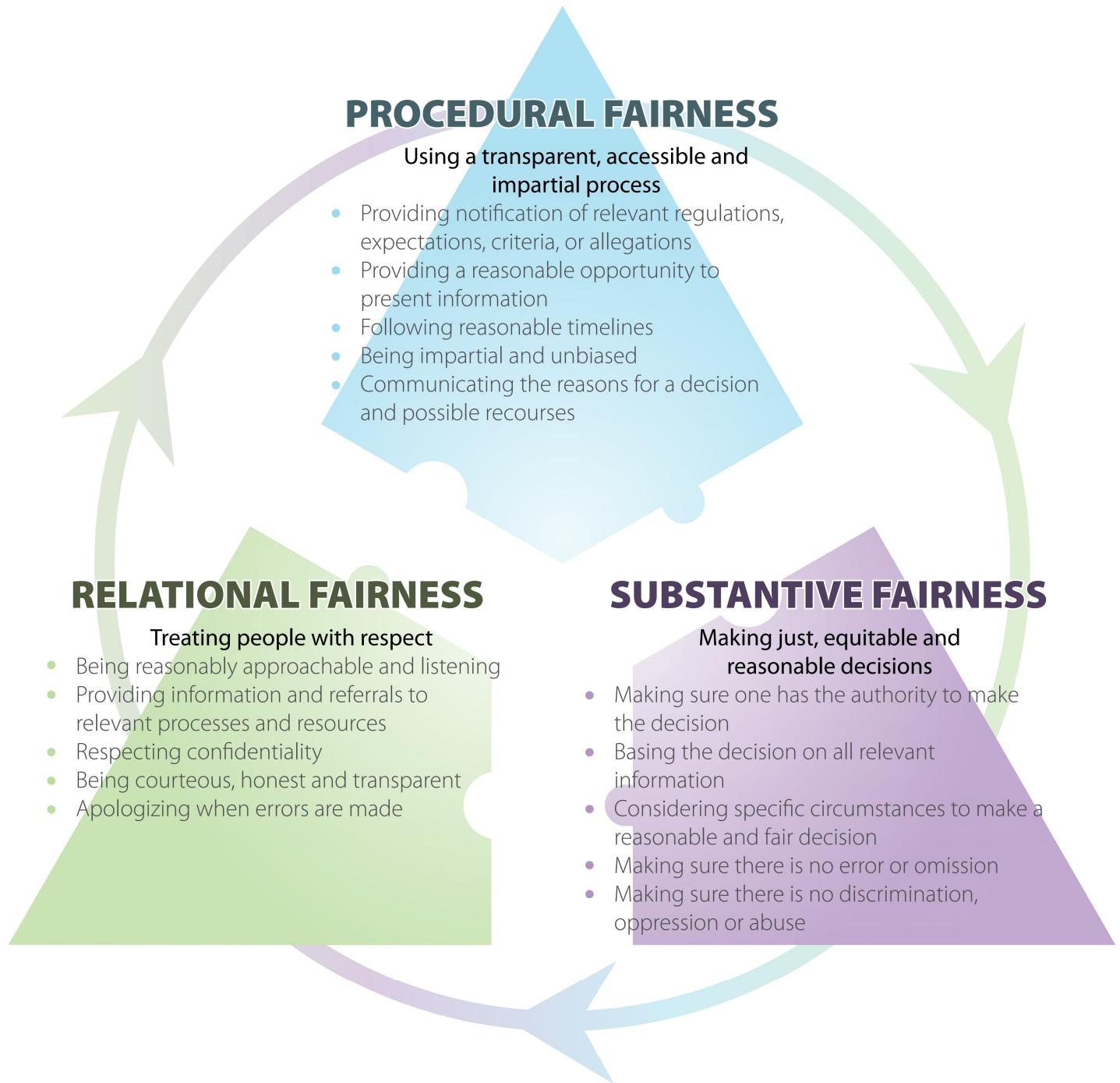
These dimensions, of course, apply differently depending on the level of decision-making and the complexity or severity of the issues, but they provide the necessary tools and they adapt to particular circumstances. For example:

- Professors will have informed students of their expectations in the course syllabus (P) and provided them with contact information in the event of exceptional circumstances (R). They will then be able to make fair decisions in relation to delays or absences (S).
- Administrators responding to a complaint about their unit's services will propose an appropriate means of communicating with the complainant in writing or in person (R), ensure that they understand the reasons for the complaint and respond appropriately within a reasonable time frame (P), consider relevant and reasonable criteria (S), and offer a solution (S) or apology (R), if appropriate.
- An appeal board will take steps to ensure clear and respectful communication regarding the procedure (R). It will provide an impartial process for the individual to receive relevant information and be heard (P). It will apply the appropriate criteria and consider extenuating circumstances (S). It will give the reasons for its decision (P).

Whether in a classroom, at an information counter or during a formal investigation, respectful treatment (relational fairness) and a transparent and impartial process (procedural fairness) make it possible to identify fair solutions (substantive fairness). This is the foundation for the development of trusting relationships within an organization. It makes it possible to improve systems and to build a healthy and inclusive environment.

The Fairness Triangle¹

Building a culture of fairness means building a healthy and inclusive environment.



¹Adapted from Ombudsman-Saskatchewan and Ombudsman de Montréal.



2. HIGHLIGHTS OF 2018-2019

Our services by the numbers

2018-2019 was the first year of service for the new ombudsperson and saw the arrival of the new assistant ombudsperson in August 2018. This report presents statistics for the period from June 1, 2018 to May 31, 2019, during which we processed service requests from 650 individuals (see Table 1), including 335 students and 36 employees (support staff and faculty) (see Table 2).

For several years, the previous ombudsperson had noticed an increase in service requests from other persons. So this year we broke down the “other” category to show the number of requests from applicants for admission (241) and from other individuals (38). The latter category includes members of the University community other than students or employees (such as researchers or residents), as well as parents, job applicants and members of the public.

1. Service Requests per Year

Year	Files Opened	Files Closed
2018-2019	656	650
2017-2018	585	575
2016-2017	674	677
2015-2016	554	540
2014-2015	436	449
2013-2014	396	413
2012-2013	420	405
2011-2012	381	375
2011-2010	194	174



2. Highlights of 2018-2019

The majority of applicants for admission who contact us are international applicants and most are seeking information. We tell them where to find the information on the University's website and direct them to InfoAdmission (undergraduate) or to the academic unit (graduate). A smaller number of applicants for admission come to us if they have a problem with the process or are not satisfied with the decision. We then talk to them to determine if they should be referred to an appeal process or if our office needs to intervene to resolve an issue.

This year, we saw an increase in inquiries from international applicants in January, when a fraudulent announcement was circulating on the Internet promising free tuition at several universities. We contacted the administrator in Admissions, who was already aware of the problem. See also Section 5.E of this report regarding clarifications made by Undergraduate Admissions on appeal processes.

2. Type of Person

Year	Students	Personnel	Admission Applicants	Other
2018-2019	335	36	241	38
2017-2018	318	20	-	237
2016-2017	402	26	-	249
2015-2016	316	28	-	196
2014-2015	309	37	-	103
2013-2014	337	30	-	46
2012-2013	340	33	-	32
2011-2012	295	48	-	32
2011-2010	152	22	-	0



2. Highlights of 2018-2019

Table 3 identifies the topics on which people consult our office. Students generally raise academic issues (detailed in Table 4), as well as issues related to registration fees, requests for refunds and the funding of their studies.

This year, the Student Federation of the University of Ottawa (SFUO)—representing undergraduate students—was dissolved and replaced in May by the University of Ottawa Students' Union (UOSU). We therefore received questions about the transition process and requests for assistance to facilitate access to services such as updating lists of students covered by health insurance.

3. Issues by Type of Person

Type of Problem	Student	Personnel	Other	Total
Academic	153	1	0	154
Admission & Registration	36	0	241	277
Student Association	17	0	0	17
Relational Conflict	0	2	0	2
Human Rights	30	4	2	36
Academic support	3	0	0	3
Finance	60	2	15	77
Harassment	3	6	1	10
Work Relations	1	18	0	19
Residence	11	0	1	12
Security	8	1	1	10
Services by Student Assoc.	11	0	0	11
Supervisor/Student	1	0	1	2
Student Conduct	3	0	0	3
Professor Conduct	13	0	2	15
Other	42	8	25	75
Total	392	42	289	723



2. Highlights of 2018-2019

Members of the University community can contact us about any situation related to the University of Ottawa (but our mandate does not extend to issues covered by a collective agreement).

Issues raised by employees are addressed in Section 4.E of this report. These are generally workplace, evaluation and supervisory issues. They include interpersonal problems and allegations of harassment.

The “Other” category of issues on Table 3 includes various administrative matters as well as communication issues. It also includes questions about the protection of information, the U-Pass exemption process, and questions outside of our jurisdiction, such as tenant-landlord issues, where we refer people to other services.

4. Students – Academic Issues

	Academic Fraud	Evaluation	Withdrawal from Program	Concession Requests	Experiential Learning	Other	Total
Under-graduate	3	43	6	17	9	33	111
Graduate	0	7	6	0	1	5	19
Unregistered/ Former/ Special	0	3	6	1	1	5	16
Unknown	0	1	1	1	0	54	7
Total	3	54	16	19	11	47	153

Among the academic issues (Table 4) raised by students, the “Evaluation” category includes questions related to courses, but also to internships and to graduate progress reports. In the “Concession Requests” category, students consulted us about requests for extensions, deferred examinations or course withdrawals related to health issues, including questions about accommodating a physical or mental disability. (See Tables 4 and 5.)

In the “Experiential Learning” category, the questions were about access to the CO-OP program or difficulties obtaining an internship. The “Other” category included questions on quality of learning (6), scheduling conflicts (6), and major research papers (2) – see also Section 5.B on the latter topic.



5. Human Rights Issues (total 36)

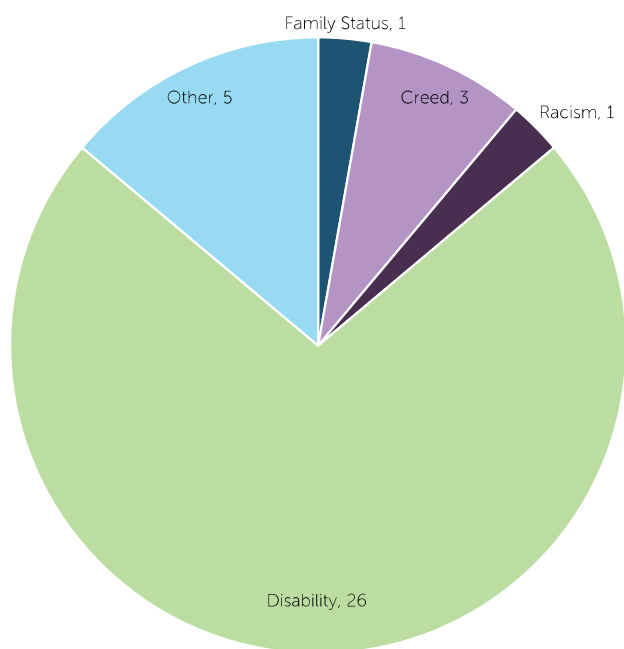


Table 5 identifies the categories of human rights complaints. If the person has not exhausted all recourses, we refer them to the Human Rights Office for any issues of discrimination or harassment. We dealt in particular with accommodation issues, such as identifying resources, understanding processes, and resolving communication or substantive issues.

Most people who contact us need information and referrals to find and understand the mechanisms available to solve their problems (see Table 6). In addition, we provided confidential advice or coaching to 82 people before or while they raised issues with an administrative or academic unit, and we intervened on 64 files to facilitate communication or problem-solve.

6. Services Offered by Type of Person*

Service	Students				Personnel	Other***	Total
	Under-graduate	Master	PhD	Other Students**			
Information & Referral	167	22	8	46	28	271	542
Advice & Coaching	50	10	7	5	4	5	81
Shuttle Communication & Problem Solving	23	8	3	14	4	12	64
Formal Complaint Review	2	1	2	0	0	1	6
Total	242	41	20	65	36	289	693

*More than one service can be offered to a person.

**Unregistered/Former/Special/Unknown

*** Includes admission applicants



Finally, our office conducted six formal complaint reviews after recourses had been exhausted, two of which resulted in recommendations (Table 7). The first of these two files concerned the withdrawal of a student, and the former ombudsperson had recommended that the faculty reconsider one aspect of its decision. The faculty did not accept this recommendation, but has since clarified the reasons for its decision.

The other recommendation, made in September 2018, was implemented by Admissions. The objective was to improve communication in the case of withdrawals of offers of admission (i.e., when candidates did not meet the conditions stipulated for their admission). In particular, the recommendation led to better coordination of communication of processes regarding cancellation of registration, withdrawal from university residence and requests for refunds.

7. Formal Complaint Reviews and Results (total 6)

Type of Person	Without Recommendations	With Recommendations	Accepted in Total or in Part
Students	4	1	0
Personnel	0	0	0
Others	0	1	1



Other activities

During this first year of service, we adopted our new logo and developed key messages to help us disseminate information about our office's role. We also offered a conflict resolution workshop in February 2019 as part of the Altitude program of the Career Development Centre.

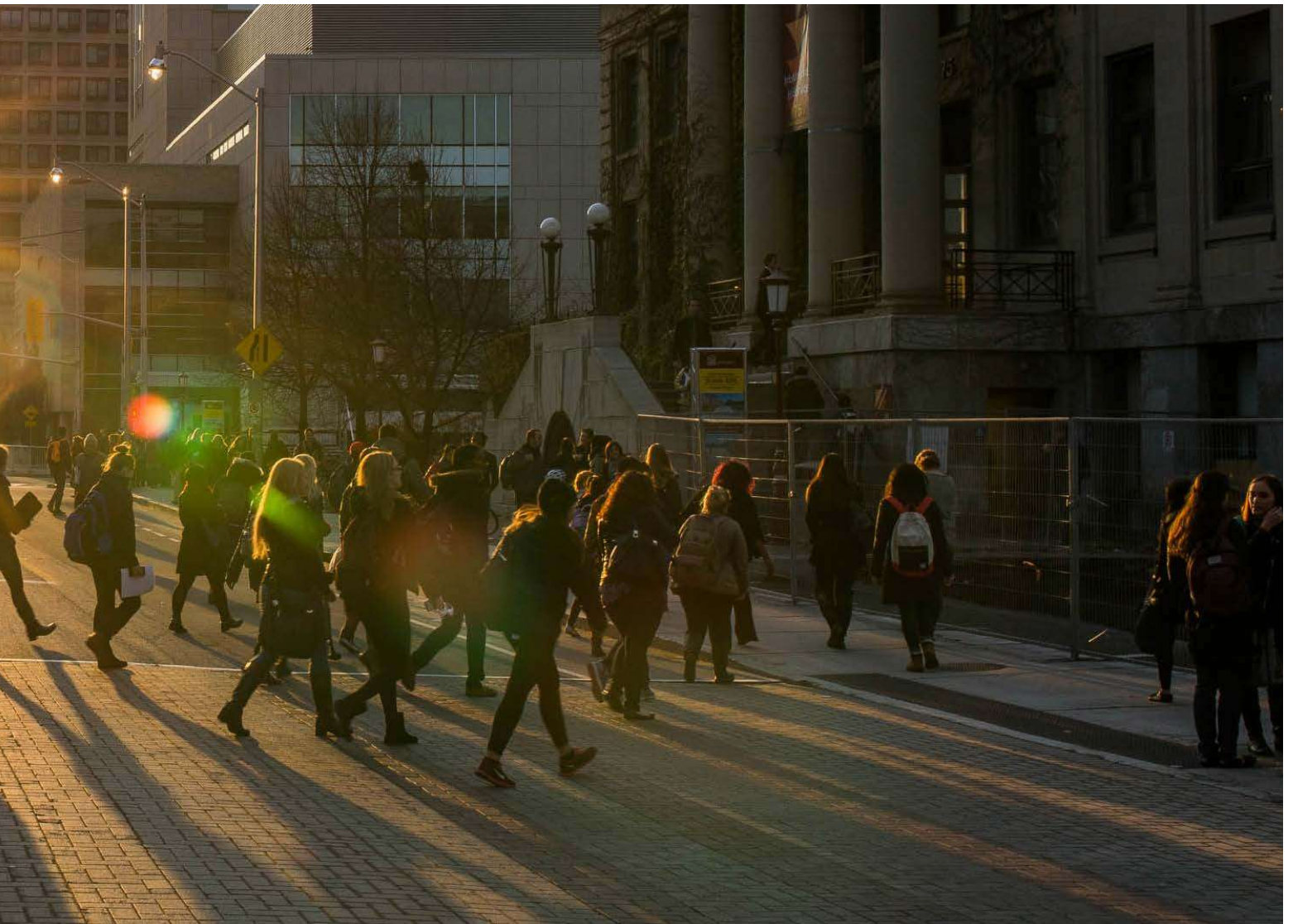
We networked with many offices and administrators, such as the Office of the Registrar; the Office of the Vice Provost, Academic Affairs; the vice-deans of undergraduate studies; the Office of the Vice Provost, Graduate and Postdoctoral Studies; the Office of the Associate Vice-President, Student Life; the Human Rights Office; the Student Academic Success Service (SASS); the head of the Student Satisfaction Action Group (uoSatisfACTION); the student associations (SFUO, UOSU and GSAÉD); and the Student Rights Centre.



2. Highlights of 2018-2019

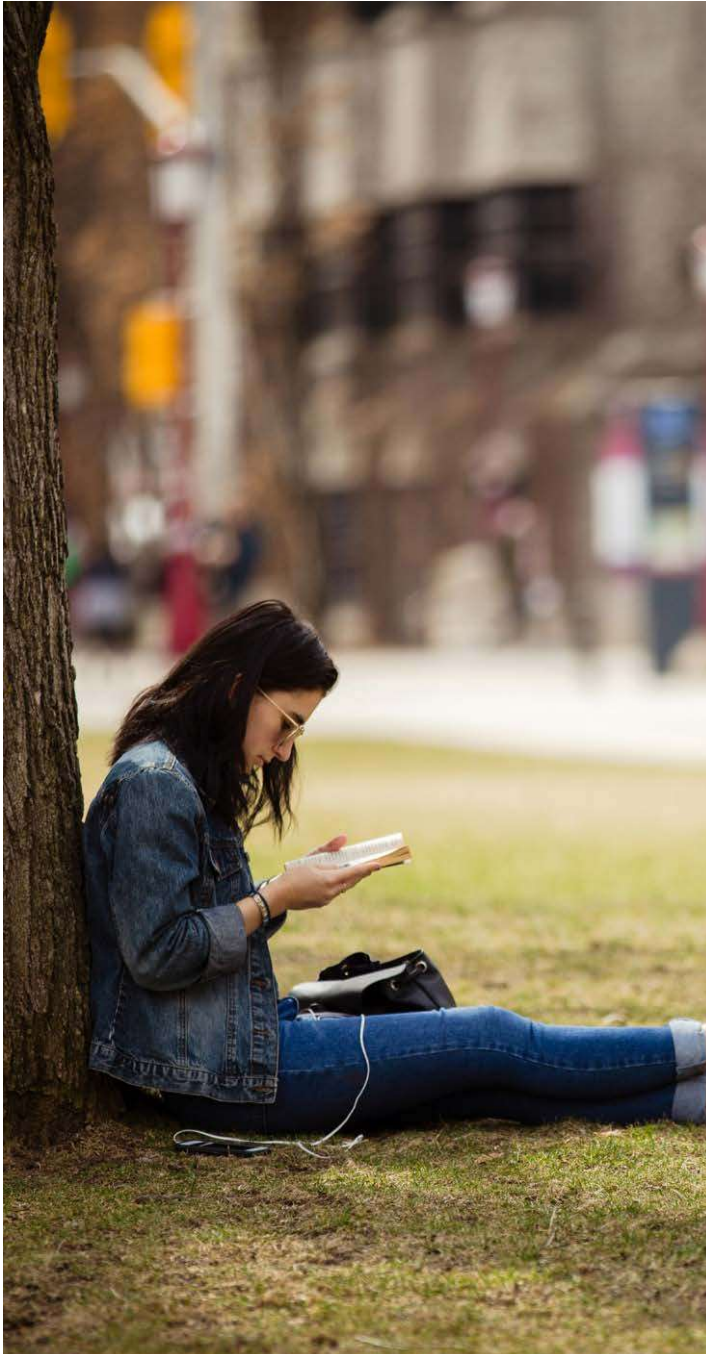
The assistant ombudsperson participated in 101 Week promotion activities in September 2018 and organized information tables in winter 2019. She also updated the information available on our website. In addition to becoming familiar with the processes for handling our files and providing administrative management of the office, she attended workshops on mental health and accommodation processes.

In October 2018, the ombudsperson was invited to the meeting of the Mexican association of university ombudspersons (REDDU) in Xalapa. Her presentation was on mental health and human rights in a university environment. In April 2019, she was co-chair of the joint conference of the Forum of Canadian Ombudsman (FCO) and the Association of Canadian College and University Ombudspersons (ACCUO) in Toronto. She was also consulted by two universities and by federal administrators on best practices for creating and structuring ombudsperson offices.



3. EXAMPLES OF CASES

The Office of the Ombudsperson can humanize processes by providing active listening (relational fairness) and clear information about the processes and criteria that apply (procedural fairness). This allows the individual to better understand their options and provide the University with relevant information and documentation to support an appeal or request. The University can then make a fair decision (substantial fairness).



ADVICE

Undergraduate student—course withdrawal

A student was denied a request to retroactively drop his courses. He had suffered the effects of a concussion after an accident and missed many classes. He wrote his mid-term exams but not the final exams. We clarified the reasons for the refusal, specifically, that the medical certificate accompanying his claim dated back to the time of the accident at the beginning of the session. After he submitted a certificate attesting to his medical status during the semester and at the time of the exams, his request was granted.

COACHING

Graduate student—fee refund request

As a result of a significant interpersonal problem, a student withdrew from his courses and from the university residence. Health problems affected the student and his ability to identify and use the resources and options available to him. He needed someone who would listen, explain and follow-up with him before he understood the processes and how to document his requests for refunds. He then submitted his requests, which were granted.

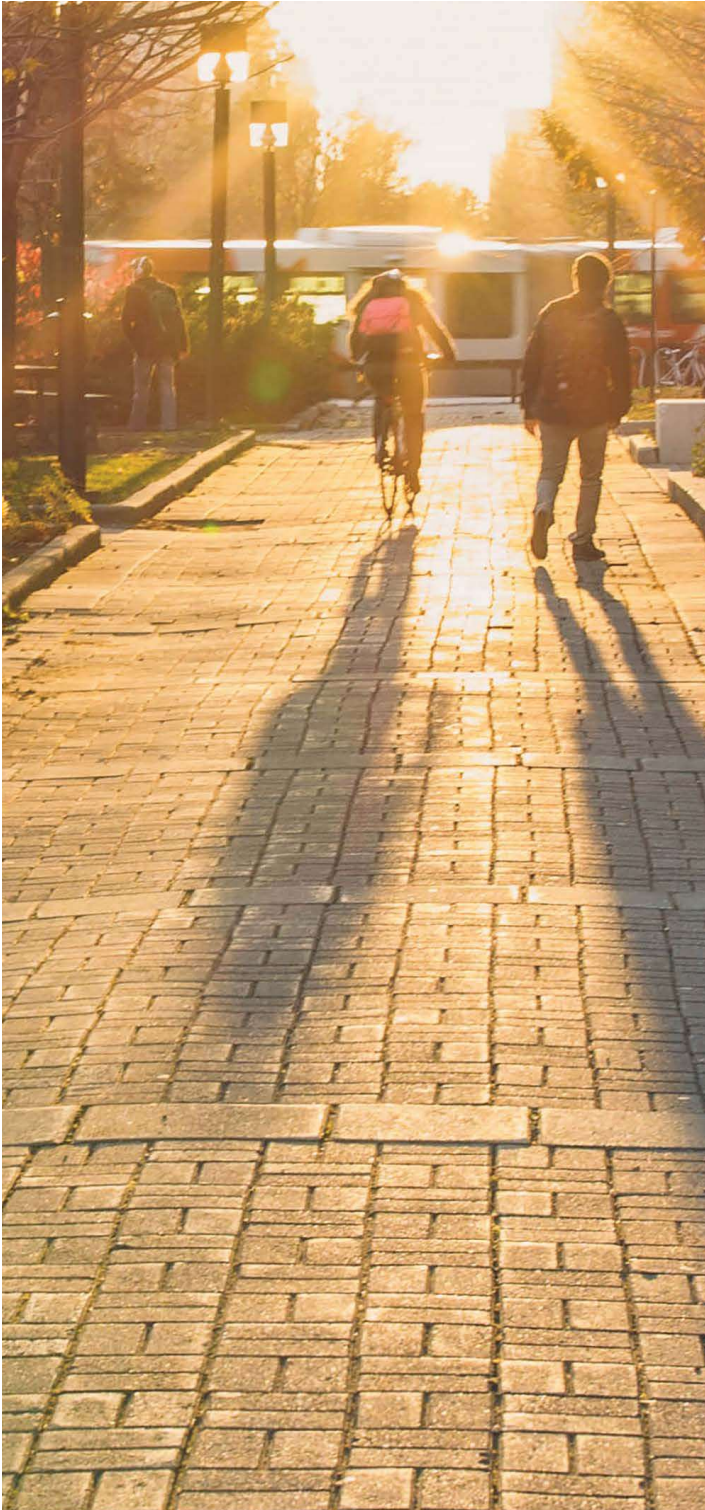
COACHING

Undergraduate student—relationship with an instructor

After a conflict with a teaching assistant, a student did not know how to talk to the professor about her fears. The assistant allegedly made remarks to her that suggested a bias about the student's academic ability. We made suggestions on how to explain the situation to the professor factually and objectively. The student later told us that the situation had been resolved by a change of section.

3. Examples of cases

The Office of the Ombudsperson may also intervene to facilitate communication and try to resolve a problem, or to review a complaint after the individual has exhausted available recourses.



SHUTTLE COMMUNICATION

Undergraduate student—dental insurance

A student was in urgent need of dental care but his name did not appear on the list of students covered by dental insurance. This student had paid his registration fees and had tried to contact his student association. We spoke to the insurance program coordinator who verified that the fees had been paid and shared the information with the insurance company.

PROBLEM SOLVING

Graduate student—registration fees

A new student withdrew from her classes and was absent from Canada for personal reasons. She told us that she had withdrawn before the deadline to receive credit for her registration fees. However, she was not granted the credit. She had followed up with the Faculty when she returned. She then appealed to the Faculty but was unsuccessful because the withdrawal was made after the student's return, one month after the deadline for the credit. An inquiry by the ombudsperson with administrators clarified that the student had mistakenly received two different student numbers and that she had withdrawn before the deadline. She was reimbursed for her registration fees.

FORMAL COMPLAINT REVIEW

Undergraduate student—program withdrawal

A student requested a review of his file after appealing his academic results to the Senate Appeals Committee (SAC). We listened to the student and reviewed the appeal file without finding any procedural errors at the Faculty or Senate levels. We redirected the student to academic resources to explore his options for transfer or upgrading.



4. ISSUES OBSERVED IN 2018-2019 AND RECOMMENDATIONS

4.A. International students: identifying and solving problems proactively

During 2018-2019, several international undergraduate and graduate students contacted us at the end of their programs. They told us about sometimes serious problems that they had not reported to the University during their academic careers. The two most problematic situations included an allegation about racism and another about psychological harassment over the course of the students' studies. We also received a question from a faculty administrator about the existence of guidelines for proactively identifying and solving problems in graduate studies.

I discuss the matters related to graduate studies in more detail in Section 4.B. I would like to point out here that the two examples of serious allegations that had not been reported to the University had the following consequences: lack of opportunities to resolve the situation, to clarify any misunderstandings between the student and the supervisor, or to correct any breach of University regulations; difficulties in dealing with the situation later because of a lack of reliable data; and deterioration of the student's mental health over several months. Lost opportunities can impact students as well as their professor or even others with whom they work.

It is therefore important to identify some of the reasons why international students may not proactively identify problems. They include a lack of knowledge of available resources, a lack of understanding of the processes to follow, cultural differences related to the relevance of discussing a student-professor relationship with a third party, fear of asking administrators (academic advisors, program directors, academic offices) about options without assurance of confidentiality; for graduate students in particular, fear of losing their supervisor and their funding, not being able to complete their program or not being able to renew their visa.

The International Office has also identified specific orientation and prevention needs to prepare international students to better understand the Canadian university community. The Office of the Ombudsperson will participate in an orientation workshop on the rights and responsibilities of students and the resources available to them at the start of the 2019 academic year. To be effective, orientation must also be ongoing and integrated into the messages that students receive from their faculty and academic unit throughout their academic career.

In particular, to foster the identification and constructive resolution of problems, it is important that faculties, academic units, support services and student associations have clear information available to them on the various options and resources for problem solving within the University and that they proactively distribute it to students in various forms (website, brochure, poster, cyclical email...).



RECOMMENDATION:

Needless to say, international students are not alone in not fully understanding the mechanisms and resources available. A university is a complex environment, and it is important that administration, academic units and student associations develop certain messages in common to facilitate the communication of options and services. Given the abundance of information already available on the University's and student association's websites, it is not a matter of adding to the amount of information but rather of making it easier to navigate.

To this end, I recommend the creation of a generic and succinct roadmap for all students on the theme of "I have a problem, whom do I contact?", which would identify the main offices for administrative and academic matters affecting all students, as well as academic support services, and the offices to contact within and outside their faculty to resolve conflicts and address complaints.

UNIVERSITY'S RESPONSE

"Roadmap for international students: Under the leadership of the Vice-Provost, Academic Affairs, a working group will be established this fall to address this recommendation. Its mandate will be to assess the information for international students already available in the various sectors, determine what other information should be included, and consolidate it into an electronic format that is easy for students to navigate. The working group will be composed of representatives from my sector, including the International Office and the Registrar, as well as four faculty undergraduate and graduate administrators, and one representative from the Communications Branch. The Office of the Vice-Provost, Academic Affairs will coordinate the work of the group and commits to keeping you informed of developments."



4.B. Graduate students: supervision and accommodations

In 2018-2019, we noted a number of issues related to the supervision of master's and doctoral students, particularly when preparing a thesis. The supervisory issues raised by students are not highlighted by our statistics because these students generally inquired about other parallel issues, but an analysis of the themes raised in some files leads us to identify a few key points.

We discussed in Section 4.A the (separate) cases of two international graduate students who wished to file a harassment complaint after graduation, and the mental health problems that the situation apparently caused them during their academic careers. At the time of writing this report, we are also working on a file that falls within the issues we are raising here about support and accommodations for students affected by mental health conditions during the completion of their research work.

We also met students who found themselves very isolated during the writing of their thesis, and others who experienced difficulties or delays after a change in thesis supervisor. Finally, we received inquiries from staff in two faculties seeking guidelines and tools to assist with the early resolution of conflicts between professor and student.

First, we noted that there are no University-wide regulation or guidelines specifying the responsibilities of students and thesis supervisors in the supervisory relationship. This is due in part to differences in practice among academic disciplines. For example, in science, students often work in teams or labs; some meet with their supervisor weekly. In other disciplines, meetings (face-to-face or online) do not necessarily occur as frequently.

However, when problems arise, there is no clear university-wide guide for students to know what the responsibilities of the supervisor and committee members are in the supervisory relationship and what resources are available to resolve disputes before they become more serious. (See 4.B.1)

We also noted that students with disabilities, particularly chronic mental or physical health issues, are more likely to encounter obstacles during their academic career. Section 5.A of this report discusses the importance of completing and publishing the protocol to support students with at-risk behaviour. This protocol can complement the tools available to academic units to manage situations in which serious health problems jeopardize a student's performance or chances of completing the program successfully.

Staff or faculty in the academic unit will sometimes notice significant change in a student's behaviour or they may be approached by a student disclosing mental health difficulties affecting performance. This can lead to a situation where the University has a "duty to inquire", which means a duty to consider the situation more in depth and identify its responsibilities in terms of accommodation. It is therefore important for academic units to know how to recognize this type of situation and when to direct students to relevant support persons and services. (See 4.B.2)

Finally, it is also important that regulatory structures not disadvantage these students economically or academically. We have met students who told us that mental health issues had affected the quality of their work or the length of their program (total number of registered sessions and therefore total cost of their program). It therefore seems important to consider aspects of Regulation II.3 on graduate enrollment, especially about medical leaves and deadlines.

4. Issues observed in 2018-2019 and recommendations

The academic regulation on graduate enrolment specifically states:

"Unless otherwise specified in a program's own regulations, students must enrol in each term until they complete their program." (II.3.1.1.b)

"Students may apply for temporary leave from their program only on medical, compassionate or parental grounds." (II.3.2.1)

"Students who are granted medical or compassionate leave will be granted a corresponding extension, not exceeding one year, within which to complete their program." (II.3.2.2)

(emphasis added)

The regulation does not seem to allow for an extension or a deferral of the deadline to complete a program of more than one year if a student has taken a one-year medical leave. However, requests for accommodations of a disability must be considered on a case-by-case basis. I therefore think it would be useful to consider the wording of the regulation on this point, as well as the tools available to apply it (e.g. forms to request an extension or deferral) and employee training. (See 4.B.3)



RECOMMENDATIONS:

4.B.1 I recommend that a regulation or guideline be developed to clarify the responsibilities of the parties in a supervisory relationship. In particular, it is important to clarify the minimum expectations for the role of thesis supervisor regarding the frequency of interactions and feedback; the resources available to students and thesis supervisors when problems arise between them; the role of other parties, such as other committee members and program directors, in resolving problems; and the responsibilities when either party requests that a relationship cease.

4.B.2 In conjunction with my remarks in Section 5B, I also stress the importance of developing constructive and proactive intervention tools to enable academic units to better identify situations in which a student with a disability is experiencing difficulties affecting their academic success. In particular, it involves recognizing situations where the University has a “duty to inquire” and to direct students to appropriate options and resources, thus ensuring the fair treatment of accommodation needs.

4.B.3 I recommend reviewing Regulation II.3 – Graduate enrolment and its application. In particular, I suggest applying a human rights and accommodation lens in reviewing questions about registration (including leaves of absence, tuitions fees, etc.) to ensure that current practices do not present a discriminatory barrier for students with certain disabilities.

UNIVERSITY’S RESPONSE

“4.B.1 Clarify the responsibilities of the parties in a supervisory relationship

Some information already exists about the roles of students and supervisors with respect to writing a thesis (see our webpage). However, the Office of the Vice-Provost, Graduate and Postdoctoral Studies is committed to reviewing this content. We will also work to clearly identify the resources that can help resolve disputes and the formal steps to take if the student wishes to submit an informal or formal complaint.

4.B.2 Development of intervention tools for students with disabilities that affect their academic success

Students requiring academic accommodation are strongly encouraged to contact the Student Academic Success Service (SASS) as soon as possible. SASS is able to reliably and respectfully assess, establish and implement appropriate academic accommodations for students with disabilities. That said, the Office of the Vice-Provost, Graduate and Postdoctoral Studies tells me that Faculty staff will be contacted to ensure that they are familiar with the processes in place and that they are able to communicate them to students.

4.B.3: Review of Regulation II.3 – Graduate enrolment

I am told that the academic regulations on graduate studies are being reviewed by the Office of the Vice-Provost, Graduate and Postdoctoral Studies. This regulation will be reviewed as part of this broader project during the 2019-2020 school year.”

4.C. Policy 67b – Prevention of Sexual Violence: communication of rights and options, coordination of services

In 2018-2019, we met with four students in relation to Policy 67b on the Prevention of Sexual Violence, including students who had filed a complaint and students who were the subject of a complaint. We noted some of the difficulties they encountered.

An international student who filed a complaint did not know that she could be accompanied by someone during her meeting with the investigator. This caused her anxiety, especially since a follow-up appointment with counselling services had not been scheduled in coordination with this step of the process. The student had not anticipated her own reaction, but also told us that no one suggested she use these resources until a step further along in the process.

A student who was the subject of a complaint did not know that he could access certain services or accommodations if the stress related to the process affected his academic work. This student was also looking for someone to explain what was going to happen during the process. He told us that he had not been referred to the Student Rights Centre or the ombudsperson; he did not understand how to respond to the allegations and did not know what consequences might apply to his situation.

I am providing these seemingly anecdotal examples because these students were young and confused by a process they did not understand and by feelings they had not previously had to manage. They may have been given the necessary information but may not have retained it. It is often necessary to repeat information at a timely moment or to explain it so that it can be understood. However, it is also possible that the system may not yet be sufficiently coordinated to ensure that students understand their options. This is not about the work of a single office or service, but rather about a need to clarify how the various elements of the process and services can complement each other.

Some universities have established “case manager” roles within their student services (generally outside human rights and counselling services). These individuals are assigned students who are experiencing a difficult episode affecting their functioning, such as students who have made a complaint of sexual violence or who are the subject of a complaint, or students with at-risk behaviours (see also Sections 4.B and 5.A). Case managers can provide temporary support to these students to help them better understand their needs and options, and to coordinate relevant administrative or academic processes, services and accommodations.



RECOMMENDATION:

I do not recommend a specific approach in this report as I believe that the system to be adopted must be suited to the University of Ottawa environment and structures, and thus designed in collaboration with the various stakeholders. Rather, I want to emphasize the importance of addressing this issue and improving communication to the parties (i.e., persons making a complaint or who are the subject of a complaint) and coordination of processes and services. In particular:

- Clearer communication of the rights of the parties (persons making a complaint or who are the subject of a complaint) including the right to be accompanied
- Clearer communication to these parties about the process and the support services available to obtain administrative or academic accommodations
- Access to a contact person (or “case manager”) who can help these students understand, manage and coordinate processes, options, requests for psychological support, and requests for accommodation.

UNIVERSITY’S RESPONSE

“Regarding the first two points, to make the communication of important information clearer, explicit and accessible, we will work on a brochure informing the parties of their rights, including the right to be accompanied, as well as about the process, accommodations and resources that can help them (administrative and/or academic), such as the Student Rights Centre, the SASS, the unions, etc. This brochure could be provided when a formal complaint is filed and received. A section could also be added on the website so that the information is accessible to everyone.

On the last point, in addition to referring parties to services that can directly offer support, such as the Student Rights Centre and the unions, we will consider the steps/procedures we follow within the Human Rights Office to ensure access to a contact person to coordinate processes, as well as various requests for support and accommodation. These observations will also be taken into consideration in the current review of Policy 67b.”

4.D. Normalization of grades: clarification of “definitions of student performance”

Regulation 9.1 – Normalization of grades states:

“The use of a predetermined distribution (statistical or otherwise) in order to determine the assignment of marks is contrary to the principles of evaluation endorsed by Senate.

Faculties must take appropriate measures to ensure that members of the teaching staff assign marks which accurately reflect the definitions of student performance established in the official grading system. (emphasis added)

When a faculty deems that the assignment of marks in one or several courses is not in accordance with the official grading system or with the faculty guidelines for its implementation, the faculty can take any corrective action required, provided however that no such measure results in a mark lower to that previously communicated to a student.” (I.9.1)

Most faculties indicate that they rarely make use of the corrective measure allowed in the third paragraph. They use it to adjust marks up or down in cases where a professor has applied the grading system incorrectly. Students generally understand that professors are not permitted to arbitrarily distribute marks on a predetermined “curve.” However, they understand less well the process used to correct the distribution of end-of-term marks.

This is an important issue because the “official grading system” (referred to in the second paragraph of Regulation 9.1) is contained in Regulation 10 – Grading system, but this regulation does not include the “definitions of student performance” that faculties and professors must follow in applying Regulation 9.1. This issue is particularly important in the Faculty of Law—Common Law Section, which has adopted a systematic process for applying the corrective measure to end-of-term marks.

In 2018-2019, the ombudsperson raised the issue of these “definitions of student performance established in the official grading system” with the University and with the Faculty of Law—Common Law Section.

- The Faculty provided us with the following definitions (which are not available on the website): “A+ Exceptional; A and A- Excellent; B+ and B Very good; C+ and C Good; D+ and D Fair.”
- The University has indicated that there is currently no wording of the definitions that applies to all faculties.

RECOMMENDATIONS

4.D.1 I recommend that the Faculty of Law—Common Law Section post the definitions it uses on its website.

4.D.2 I recommend that the University clarify and publish the “definitions of student performance established in the official grading system” [see Regulation 9.1] applicable to all faculties.

UNIVERSITY’S RESPONSE

“4.D.1 The Vice-Provost of Academic Affairs brought this issue to the attention of the Vice-Dean of Academic Affairs of the English Common Law program. She will contact the two vice-deans of Academic Affairs of the Common Law section again this fall to follow up on this matter.

4.D.2 This issue was discussed at the March 7, 2019 meeting of the Vice-Deans of Undergraduate Studies and subsequently a number of discussions were held with a smaller group of vice-deans and the Registrar. The question will be discussed this fall at the Council on Undergraduate Studies.”



4.E. Workplace: mental health and conflict resolution tools

The ombudsperson's mandate extends to employees, including teaching staff, except in matters related to the collective agreements. We therefore generally meet with non-unionized or excluded employees, or with unionized or non-unionized employees who are seeking advice to deal with interpersonal conflict, or who have exhausted the recourses available at the University.

In 2018-2019, we met with 36 staff members. The people who came to see us were mostly support staff, both unionized and non-unionized. Some were looking for general information. For example, some people were unaware that they were unionized or that they could speak to their union about their concerns; one person thought that questions about their relationship with their supervisor were outside the union's mandate.

In such cases, we provide information. If necessary, we can also offer advice to help clarify issues and identify resources, or to help develop communication tools that defuse conflict.

We also met with people who were experiencing particularly difficult situations. In 2018-2019, people from three different units came to see us after filing a harassment complaint against their manager or against a co-worker. These situations are difficult to manage – for employees and the institution – for several reasons.

If the complaint is non-admissible or unfounded, it is difficult for an employee experiencing conflict to feel supported by the institution and to trust its processes. If the complaint is valid and action is taken to intervene with the manager, it does not mean that the employee's situation improves completely from one day to the next. For example, there may still be performance issues to be addressed when another manager takes over.

These employees told us about mental health issues that they attribute to their workplace. This is not unique to the University. A study published in 2018 by the Mental Health Commission of Canada reported that about 70% of participants in the study identified workplace stressors as having affected their mental health, and mental health problems affecting or risking to affect their work or career.²

Formal recourse is based on specific definitions that are not always consistent with how the individual feels in a given situation. Employees who find themselves isolated in their work unit are the ones who have the most difficulty managing these difficult steps, even if they are supported by their union and family members. They may feel lost in a process that may not actually address all the barriers to their full participation. Their mental health can be significantly affected, and the situation can also affect the people they work with.

²Mental Health Commission of Canada, Morneau Shepell (June 2018), Understanding mental health, mental illness, and their impacts in the workplace, <https://www.morneaushepell.com/permafiles/91412/understanding-mental-health-mental-illness-and-their-impacts-workplace.pdf>

OMBUDSPERSON'S COMMENTS

We noted that the people who could best manage these difficult steps were those who felt supported by co-workers or managers aware of their work and their potential. They expressed optimism that they could rebuild a successful experience and a trusting relationship in their workplace.

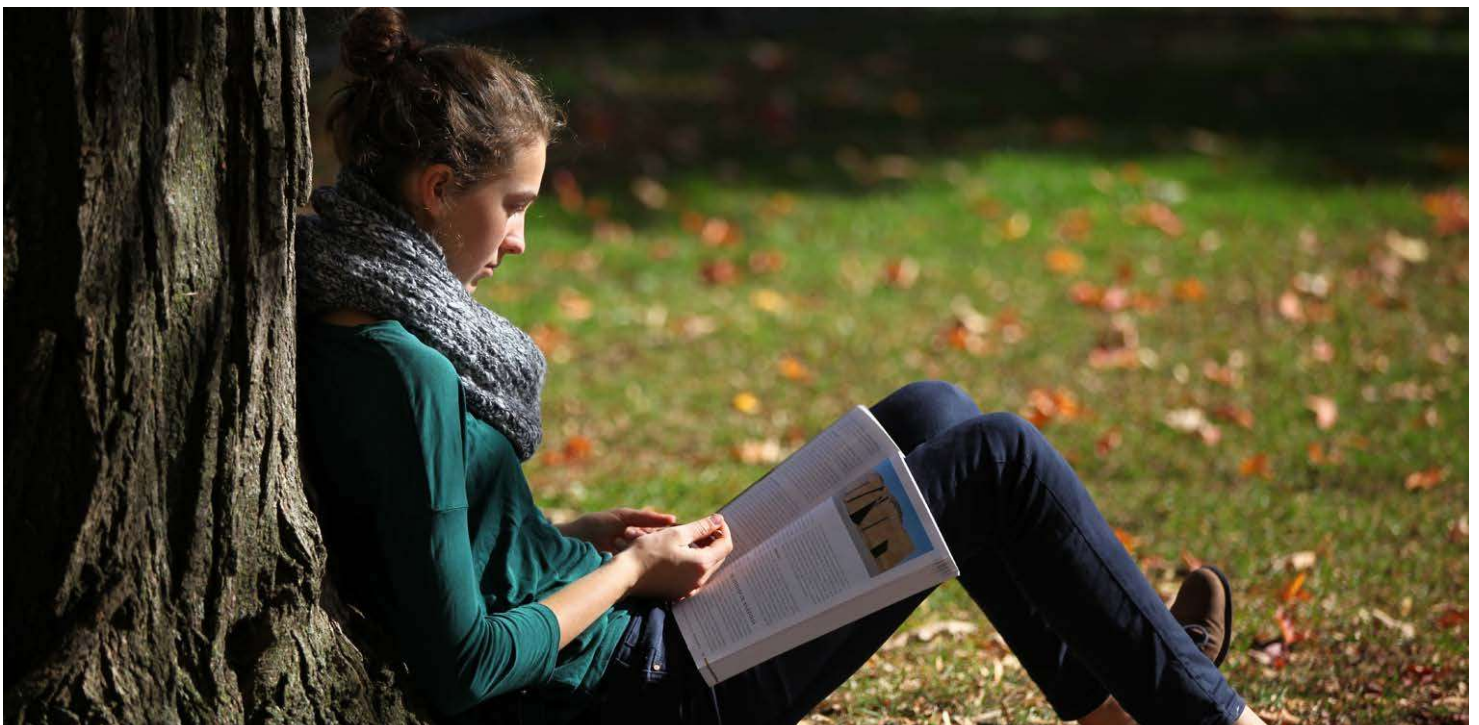
Having only a limited understanding at this time of the dynamics of labour relations at the University, I am not making a specific recommendation, but I want to emphasize the importance of two preventive approaches, which I think exist at the University, but which are important to make accessible in times of conflict:

- Developing mentoring relationships for employees, supervisors and managers
- Making available to staff, supervisors and managers training and communication tools that can be used to defuse conflict.

UNIVERSITY'S RESPONSE

"A breach of trust affects people's level of commitment to their work and their engagement with others in their environment. We believe that using the coaching program managed by Human Resources would be an appropriate means of professional guidance to encourage the development of new skills or the improvement of existing ones. (<https://www.uottawa.ca/human-resources/learning/coaching>)"

In addition, we recommend encouraging staff and managers to participate in training workshop topics such as communication and change. Examples of workshops to be offered in the 2019-2020 training program are tactical communication (verbal judo), creativity to solve problems, introduction to change management (<https://web47.uottawa.ca/en/lrs/>)."



4.F. Decisions of the Senate Appeals Committee and faculties: communication of reasons

One of the principles of procedural fairness is to provide reasons for a decision, especially if that decision is a refusal. It is sometimes difficult to give a specific reason, for example, if a person makes an application that does not meet any appeal or accommodation criteria, then one might state that there was no ground to grant the application. In general, however, it is possible and necessary to communicate the specific or main reason for the decision.

For example, if a student requests a course withdrawal and submits general medical documents, it is not sufficient or accurate to say that there was no ground to grant the request. It may be that the medical documentation does not correspond to the course period or exam dates. In this case, the reason is that the documentation provided is not sufficient to support the application for the semester in question.

Communication of the reasons for a decision is essential at the Senate Appeals Committee (SAC) level since this committee makes final decisions on behalf of the University. However, I met with students who had received a decision from the SAC that did not specify a reason. When a multi-page appeal is written with supporting documents, it is disconcerting to receive a decision simply stating that the appeal was without cause.

This communication of reasons is also important at the level of faculties and departments because they make decisions affecting students' careers, their transcripts and their registration fees. Many faculty decisions already give the reason for the decision, but I have met with students who only received reasons from their faculty in response to their Senate appeal.

The communication of reasons is essential for the institution to make fair decisions. When you understand the reasons for a decision, you can accept it, or you can provide relevant information if you decide to appeal. I also noted that some of these students did not have sufficient or relevant grounds to be granted an appeal. It would have been preferable for them, for

their faculty and for the SAC to have this clarified at an earlier stage by clearly stating the reason for the decision.

RECOMMENDATION:

During 2018-2019, I asked the University to ensure that SAC members include the main reason(s) in their decisions when an appeal is not granted. I also encourage faculties to continue to include the main reason(s) when communicating their decisions.

UNIVERSITY'S RESPONSE

"SAC members are sensitive to the fact that students and faculties need to understand the reasons behind the Committee's decisions. In recent years, efforts have been made in this area and members want to continue to improve the process. Thank you for this recommendation.

Where circumstances permit, the SAC's decision specifies the primary reason for allowing or dismissing the appeal. That said, it is important to note that when the SAC confirms a faculty decision and that decision is detailed, reasoned and free of procedural defects, the lack of grounds to overturn the decision is the main reason for the SAC's decision. We also note that students always have the opportunity to be heard before the SAC. At meetings, SAC members interact with students and their representatives. This exchange allows students to have answers to their questions, see members' concerns and understand their decision later.

Finally, we will continue to educate faculties on the importance of explaining and providing reasons for their decisions."

5. FOLLOW-UP ON ISSUES RAISED IN PREVIOUS REPORTS

WORK IN PROGRESS

5.A. *Development of a protocol to respond to situations where a student's behaviour poses a danger to the student or others*

In a previous report, the ombudsperson raised the issue of support for students demonstrating at risk behaviours. In particular, she raised questions of procedural fairness in situations where the student's behaviour may lead to interventions affecting their academic career.

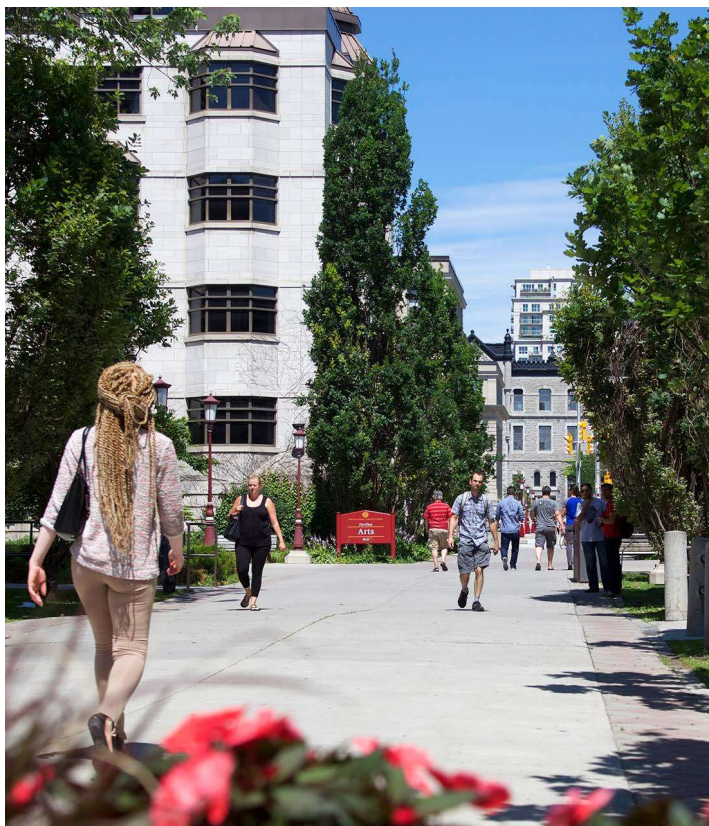
In January 2019, the ombudsperson had the opportunity to comment on a draft protocol to address these situations. The document presents a progressive, non-disciplinary intervention process to guide professors, department heads and deans' offices in providing support to the student, including the possibility of voluntary or involuntary withdrawal from the courses in which the student is enrolled.

OMBUDSPERSON'S COMMENTS ON THE DRAFT (JANUARY 2019):

- Clearly separate these guidelines, which deal with a non-disciplinary process, from any regulations to take disciplinary action
- Ensure that, at each step in the progression of a situation, students are informed of support and accommodation options and the possibility of a voluntary leave of absence (temporary absence or withdrawal from classes)
- Establish appeal and review processes for decisions involving the imposition of a leave of absence or involuntary withdrawal
- Identify a unit responsible for maintaining statistics on these interventions and reporting them to the Senate.

UNIVERSITY'S UPDATE (SUMMER 2019):

"Student Life will be hiring a case manager this fall to support services and faculties in managing at-risk student files. This person will have as a priority the creation of the protocol for students demonstrating behaviour that poses a danger to themselves or others. A draft of the protocol will be submitted to you for comment by the end of this semester."



5.B. Master's major research paper

Following a question raised by the former ombudsperson in 2016-17 on master's major research papers, the University established a working group to more fully review issues related to the supervision of major research papers (as different from theses) in all faculties.

The ombudsperson's question focused on financial credits — applicable in certain situations to students who complete a thesis at the beginning of the term — because those credits do not apply to students who complete a major research paper.

UNIVERSITY'S UPDATE (MARCH 2019)

"An analysis of the processes followed by each academic unit was completed to better understand the discrepancies between them. A working group was then formed to evaluate all the data and made recommendations to the Council on Graduate Studies (CGS).

The CGS assessed the recommendations submitted by the working group. After discussion, it was agreed to:

- *Make changes to the webpage on important dates to eliminate the wording 'final version of the major research paper' [which was confusing]*
- *This spring, develop an academic regulation that will guide practices in writing and evaluating a major research paper."*

ADDITIONAL QUESTIONS RAISED BY THE OMBUDSPERSON (FALL 2018):

Students who do not hand in their major research paper by the end of the previous term (and who have permission to continue) re-register in the course in the new term and pay the registration fee for the full term.

Students who approached us raised two questions:

- Clarifying the responsibilities of students and supervisors with respect to the master research paper
- Costs incurred in a delayed submission due to circumstances beyond their control, such as health or other extenuating circumstances, or a problem in communicating with the supervisor.

I ASKED THE UNIVERSITY:

- **For an update on the progress of the work of the working group on supervision of master research papers**
- **To consider situations where a period of illness (short or longer) delays the submission of the end-of-term work: in what circumstances could submission of the master research paper be differed without re-registration and additional fees?**

UNIVERSITY'S UPDATE (SUMMER 2019):

"I have been advised that a new academic regulation on supervision of master research papers has been drafted and will be submitted to the Council on Graduate Studies and the Senate for approval in 2019-2020. You also asked us to consider situations where a period of illness delays the delivery of end-of-term assignments. The Office of the Vice-Provost, Graduate and Postdoctoral Studies tells me that the reasons for differing the submission of the master research paper without re-registration and without additional fees due to illness are the same as for the submission of end-of-term assignments in a regular course. Therefore, requests for deferred grades as part of the submission of the master research paper are subject to Academic Regulation II-5: Examinations and grading for graduate studies, 5.3: Deferred evaluation."



5.C. Review of human rights regulations and procedures

When the ombudsperson's last report was released, the University had begun a process to review Policy 67a on the Prevention of Harassment and Discrimination and Procedures 36-1 (complaints initiated by students) and 36-2 (complaints initiated by employees). The goal is to align them with recent decisions of the Human Rights Tribunal of Ontario and the new Policy 67b on the Prevention of Sexual Violence. The ombudsperson offered to comment on proposed changes.

UNIVERSITY'S UPDATE (SUMMER 2019):

"In its March 19, 2019 announcement, the Ontario government required universities to review their sexual violence policy. In accordance with this directive, the Human Rights Office (HRO) began the process of reviewing Policy 67b on the Prevention of Sexual Violence. The HRO first consulted with the Standing Committee on the Prevention of Sexual Violence to update certain titles and resources; these changes were minor. Now that students are back, the HRO is committed to consulting with the broader community to make more substantive changes to Policy 67b. Policy 67a will also need to be reviewed and the HRO will ensure that these two policies and the related procedures are aligned. The HRO will also propose an amalgamation of Procedures 36-1 and 36-2 to streamline the processes for initiating a complaint under Policy 67a."

WORK COMPLETED

5.D. Accessibility: academic accommodation procedure

In February 2018, the University of Ottawa's Board of Governors adopted Policy 119 on accessibility. In the fall of 2018, the ombudsperson provided comments on a draft of the accommodation procedure and, in particular, emphasized the importance of considering requests for retroactive accommodations in situations where mental health problems had an impact on the submission of assignments or the student's ability to take action by the deadlines set by the University. In June 2019, the Senate adopted Regulation I-16 on academic accommodations. I am pleased to have had the opportunity to provide comments prior to the adoption of this document and thank all the units and individuals who worked on this important regulation.

5.E. Appeal and review processes for admission decisions

In fall 2018, Admissions implemented a self-identification process for Canadians seeking admission to certain faculties and whose academic performance has been affected by circumstances beyond their control, such as an illness or a death. This process allows these factors to be considered at the time of application for admission rather than at the time of a decision review. Admissions also clarified on their website the process and criteria to request a review of an admission decision or to file an appeal. I thank Admissions for their work on these issues.



5.F. Review of Regulation 14 on academic fraud

The regulation on academic fraud is being revised to include a pedagogical approach in the case of an initial allegation of a lack of academic integrity against a first-year student. I am pleased with this measure, especially since a number of students have difficulty understanding the use of citation styles.

OMBUDSPERSON'S COMMENTS

Prior to their arrival at the University of Ottawa, students may not have had the opportunity to write assignments that require an understanding of citation styles, even if they arrive in second or third year, or if they are students starting graduate studies. A disciplinary approach sometimes creates a reaction of anxiety, shame or loss of confidence that some students struggle to overcome.

For this reason, I would also like to emphasize the importance of continuing to identify citation styles early in the semester at all levels of study and encouraging proactive access to support services, such as the Academic Writing Help Centre (AWHC), by students at all levels.

In addition, I requested an update about the implementation of training for inquiry committee members and deans' representatives to ensure consistent application of the regulation and its interpretation by the different faculties.

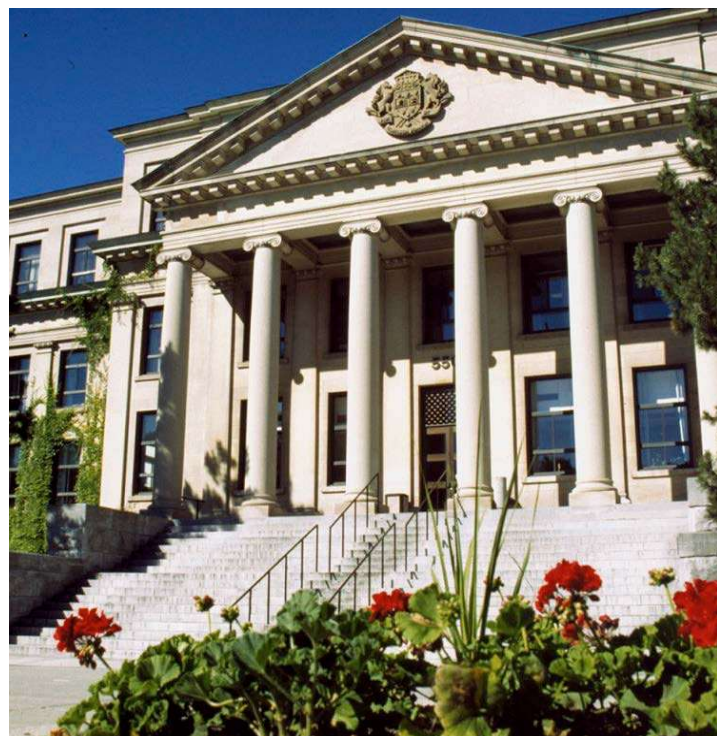
UNIVERSITY'S UPDATE (SUMMER 2019):

"Amendments to the regulation on academic fraud to include the pedagogical approach are currently being approved by Senate decision-making bodies. Final Senate approval is expected in October 2019. I am informed that a mandatory module on academic fraud for all first-year students is currently being developed by the Student Academic Success Service (SASS) and the Academic Writing Help Centre (AWHC), in collaboration with members of the working group on academic fraud chaired by the Vice-Provost, Academic Affairs. This module is expected to

be launched as a pilot in the fall of 2020. Once this module is launched, the working group will look at developing training for inquiry committee members and deans' representatives to ensure consistent application of the regulation by the different faculties."

5.G. Clarification of Regulation 10.3 on the revision of grades

In May 2019, the Senate adopted clarifications to the grade review process with respect to deadlines, the procedure to follow when the professor is not available at the first stage, and the revision of grades in the case of group work. I thank the University for the work done on these issues, as well as the Student Rights Centre, which also provided comments on this regulation.



APPENDIX A: OTHER STATISTICS ON OUR SERVICES

8. Official Language Used

Official Language Used	French	English
All persons who consulted us	39.72%	60.28%
Students who consulted us	27.05%	72.95%
Students enrolled in University of Ottawa (Fall 2018)*	30%	70 %

* <http://www.uottawa.ca/institutional-research-planning/resources/facts-figures/quick-facts>

9. Students – Faculty Distribution (total 335)

Faculty	Students who consulted us	Students registered in University of Ottawa (Fall 2018)*
Arts	11%	11.9%
Common Law	3.3%	2.9%
Civil Law	0.6%	2.1%
Telfer School of Management	5.1%	11%
Education	4.5%	5.2%
Engineering	10.4%	14.4%
Medecine	4.8%	5.5%
Sciences	4.5%	12.4%
Health Sciences	7.2%	10.8%
Social Sciences	20%	23.7%
Unknown	28.6%	--

* <http://www.uottawa.ca/institutional-research-planning/resources/facts-figures/quick-facts>



10. Students – Level of Study (total 335)

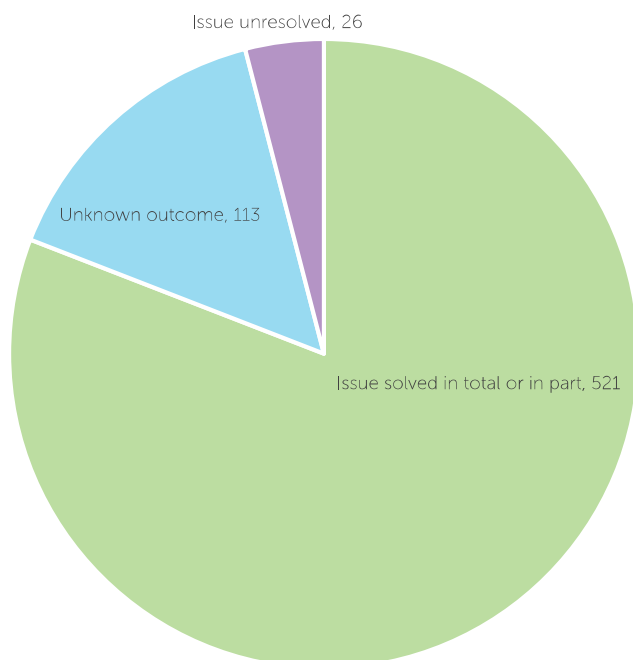
Level of study	Students who consulted us	Students registered in University of Ottawa (Fall 2018)*
Undergraduate	74.3%	84.1%
Master	10.4%	10.7%
PhD	6.3%	4.6%
Unknown	9%	--
Other	--	0.6%

* <http://www.uottawa.ca/institutional-research-planning/resources/facts-figures/quick-facts>

11. Students – Categories (total 335)

	Full Time	Part Time	Un-registered	Former	Special	Unknown	Total
Total of students	261	9	15	21	7	22	335

12. Achieved Results - Closed Files (total 650)



36 files withdrawn
23 files refused (no jurisdiction)

The total of unknown outcomes also includes one-time requests for information or advice.

13. Feedback on Our Services

	Yes	No
Was it easy to find the Office of the Ombudsperson?	19	5
Did you receive a quick reply to your email, telephone message or letter?	21	3
Was the role of the Office of the Ombudsperson explained to you clearly?	20	4
If you asked that your name not be released, was your concern handled in a confidential manner by the Office of the Ombudsperson?	18	0
Did the ombudsperson demonstrate impartiality (objectivity) in reviewing your concerns?	19	4
Did the ombudsperson handle your concern fairly?	18	4
Were you treated with respect?	21	2
Would you contact the Office of the Ombudsperson again?	19	2

14. Feedback on Our Services

Why did you contact the Office of the Ombudsperson?	
To acquire information	10
To get advice	14
To facilitate communication with others	8
To determine if I had been treated fairly	6
To discuss options or alternatives so that I could handle the problem myself	11
For the ombudsperson to intervene and to assist with the resolution of the problem	13





Office of the
Ombudsperson
Building a Culture of Fairness

