

Annual Report 2004-05

Office of the University Ombudsman

This is the fifth Annual Report of the Office of the University Ombudsman and covers the period from June 26th, 2004 to June 17th, 2005. During this period, Dr. C. G. Rose fulfilled the duties of the University Ombudsman.

I. General

There were no changes made to the mandate for the University Ombudsman during the 2004-05 year. The Ombudsman continued to serve as the faculty representative on the Committee to Review the Code of Student Conduct, an ad hoc committee of the Corporation, until it completed its mandate in February, 2005.

II. Status of Recommendations from the Fourth Annual Report

On June 23rd, 2004, four recommendations were sent to the Principal as part of the Fourth Annual Report. The following is the current status of these recommendations:

Recommendation #1 (Review of Procedures for the evaluation of all course work)

Specifically, it was recommended that Senate undertake a review of the procedures for re-evaluation of course components which are worth less than one-third of the final grade. As of this date no formal review has been undertaken. However, I am assured by some of the Deans that this item will be considered soon by the Admissions and Academic Standing Committee.

Recommendation #2 (Comprehensive Student Contract for all University Policies)

Specifically, the Registrar/Secretary General was asked to amalgamate a new Student Handbook and implement a new one-page contract to be signed by all new students and placed in the student's permanent file.

There has been no progress to date on this recommendation.

Recommendation #3 (Appointment of Harassment Officer and review of Harassment Policy to include psychological harassment)

Sadly, there has been no progress to date on either part of this recommendation.

Recommendation #4 (Revision of the bit/Campus system)

The problematic sections of the bit/Campus system were discontinued as of July 1st, 2004.

III. Caseload

During the period from June 24th, 2004 to June 17th, 2005 there were fifty-seven students, one faculty member and one staff member who contacted the Ombudsman for assistance. A majority of the non-academic cases were referred to the Dean of Student Affairs, and the faculty member was referred to the President of the APBU. The staff member's case was handled directly by the Ombudsman since, in this instance, the staff member had no other recourse for appeal in the existing University structure.

The data given in the tables below concern the fifty-seven cases that went beyond a simple telephone call or e-mail exchange:

Table 1, # Cases

<u>Gender</u>	<u>Male</u>	<u>Female</u>
	35 (61.4%)	22 (38.5%)

The distribution is similar to that of last year (59.6% male, 38.7% female) and continues to suggest that while females constitute about 60% of the overall student population, they are under represented in the work load of the Ombudsman whereas exactly the opposite is true for males.

Table 2

<u>Discipline</u>	<u>Caseload</u>	<u>University Fraction</u>
Business Division	7 (12.2%)	26.9%
Division of Natural Sciences	4 (7.0%)	13.2%
Division of Social Sciences	20 (35.0%)	20.6%
Division of Humanities	20 (35.0%)	28.2%
Education Department	<u>6 (10.5%)</u>	<u>11.0%</u>
	57 100.0%	100.0%

There were a few changes in the distribution of cases throughout the University when compared to last year: the proportion of cases in the Division of Social Sciences and Humanities increased (by 9% and 6% respectively), the proportion of cases in the Science Division remained about the same and there were proportionately fewer cases in the Business Division and in the Education Department.

Table 3

<u>2004-05</u>	<u>2003-04</u>	<u>2002-03</u>	<u>2001-02</u>	<u>2000-01</u>
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Case Type

1. Probation and “must withdraw status”	14 (33.3%)	(32.3%)	(25.7%)	(25.7%)	(34.3%)
2. Course and grade evaluation	12 (28.5%)	(25.8%)	(16.6%)	(36.3%)	(20.8%)
3. Academic Dishonesty	1 (2.3%)	(4.8%)	(3.0%)	(4.5%)	(17.9%)
4. Dept. and Programme problems	4 (9.5%)	(24.1%)	(19.6%)	(7.5%)	(16.4%)
5. Scholarships	3 (9.1%)	(0.0%)	(0.0%)	(6.0%)	(1.5%)
6. Appeals (formal)	1 (2.3%)	(1.6%)	(1.5%)	(1.5%)	(1.5%)
7. Faculty Problems	3 (7.1%)	(4.8%)	(16.6%)	(12.1%)	(3.0%)
8. Administrative problems	4 (9.5%)	(6.4%)	(4.5%)	(4.5%)	(4.7%)
	<u>42</u>	<u>100%</u>			
9. Non-academic cases	<u>15</u>				
	57				

Observation:

The major change in the distribution of case types was the increase in non-academic cases during this year. In previous years, the Office of the Ombudsman dealt with only a few such cases, however, for a variety of reasons, students sought the help of the Ombudsman in a significant number of new types of complaints including: suspensions from the University, alleged thefts, termination of employment, assaults and relations with civil authorities. Many of these cases were subsequently handled by the Office of the Dean of Students but a few cases were handled directly by the Ombudsman.

IV. Problem Areas

(i) Academic Re-evaluation

Again this year, the University has taken no steps to address a continuing problem in the area of re-evaluation of certain grade components, specifically those worth less than one-third of the final mark in any given course. I continue to see student frustration levels on the rise when some instructors simply give insufficient reasons for the grades assigned in papers, exams, case

studies, oral assignments, reports and projects typically when these course components are worth only 10% to 30% of the final mark, i.e. they do not qualify for external re-evaluation. A simple suggestion (made in last year's report) was that, in such cases, both the student and the instructor could meet with the Department Chair as a first step to review the mark(s) in question. If this procedure does not provide some measure of satisfaction for students who believe that they are being unfairly graded, then the formal review procedure (see p. 32-33 of the Calendar) should be extended to include all course components, not just those worth at least one-third of the final grade. In addition, the Senate should decide which type of course components are to be externally reviewed, e.g. papers, exams, reports and other written submissions, and which course components would have to be internally reviewed, e.g. oral presentations, artistic, dramatic and musical performances.

(ii) Harassment Policy

As mentioned in last year's report, the current policy on harassment needs to be revised to take into account new sections introduced in 2004 to the Labour Standards Act; these sections deal specifically with psychological harassment. To date, the University has been delinquent in this regard and entirely delinquent in the matter of hiring a Harassment Officer. The individual who fulfilled some of the functions of the Harassment Officer has now retired from the University and in the interim, cases of alleged harassment (of all kinds) are now being referred to the Director of Health Services. It is the opinion of the Ombudsman that this is not a workable long-term solution and that an individual from the University Community be named as soon as possible as the permanent Harassment Officer.

(iii) Student Conduct

The increase in students consulting the Ombudsman for a variety of conduct-related problems was perhaps the most significant development during this past academic year. The Ombudsman worked closely with the Dean of Student Affairs to resolve most of these cases using a combination of existing procedures and a few ad hoc procedures. In some areas, particularly where there exists employment contracts between the University and students, there are some remaining problems. However, with the adoption of the new Code of Student Conduct (which takes effect on July 1st, 2005), there is every reason to believe that many of these student conduct problems will be subsumed under the new set of procedures and that this will put cases of this type back into their proper realm.

In the remaining problem areas, more attention is needed on the question of terminating student employment contracts. Several hundred of these part-time contracts are in existence throughout the University (Residence Assistants, Tutors, IT Help desk, Library, etc.) and total wages paid can amount to sums of \$10,000 CDN or more per annum per student. In response to several cases where student employees were abruptly dismissed from the position of Resident Assistant's, a small committee consisting of the Dean of Student Affairs, the Director of Residences, the Director of Human Resources, the VP Academic of the SRC and the

Ombudsman met to begin work on a set of appeal procedures to be used in all cases where employment contracts were broken. This is an important initiative and probably should be enlarged to include all student employees where there is the expectation that the employment contract will last three months or more. An appeals procedure modelled after those in use for employee terminations could probably serve as a starting point.

(iv) Terms of Reference, Office of the Ombudsman

The terms of Reference for the Office of the Ombudsman were first adopted in September, 2000 and then updated with a minor revision in February 2001. For the most part, the terms of reference have worked reasonably well, however, the outcome of one case handled directly by the Ombudsman this year now necessitates a further examination of one section of the terms of reference. At issue is the question of whether, in all instances, the Ombudsman should continue to report directly to the Principal (see section 3, D (i) of the terms of reference).

In the case in question, a complaint was lodged by a member of the staff and the respondent was the Principal himself. Mindful of the directive in the terms of reference indicating that the Ombudsman is not to:

“continue to investigate any complaint when such an inquiry would place the Ombudsman in a clear conflict of interest”
(Terms of Reference, section 2(E)(iii),

the Ombudsman attempted to resolve this complaint by suggesting a procedure for a mediated solution directly to the President of Corporation. This request was refused by the President of Corporation, and the case was referred to the Visitor (see section 2.2 of the ROR's) as a tribunal of last resort. In the end, the Visitor found against the staff member and her appeal was dismissed. Throughout the course of this particular case, it was the opinion of the Ombudsman that there existed no established procedure to deal with cases of this type, particularly given the fact that the Principal himself was the respondent. For the Ombudsman to investigate the Principal's role in this case would have placed him in a position of clear conflict of interest or at least given rise to the charge of a reasonable apprehension of bias. For this reason, it may now be prudent to adopt a different type of reporting structure for the Ombudsman, one which is in use on both the federal and provincial levels, namely that, in the future, the Ombudsman should report directly to the appropriate University bodies (at least annually) and not to the Principal. One suggestion would be that for all recommendations affecting the academic operation of the University, the Ombudsman should report directly to the Senate and for all non-academic matters he/she should report to the Executive Committee of Corporation.

V. Recommendations

(i) It is recommended that Senate immediately undertake a review of the procedures for re-evaluation of all course work, particularly those components of courses worth less than one-third of the final course grade. Opinions on this matter should be sought from the Deans, the Vice-

Principal and all members of faculty and a new procedure should be adopted no later than December 31st, 2005.

- (ii) It is recommended that the Registrar/Secretary General, in consultation with the Deans, the Vice-Principal and the Dean of Student Affairs prepare a one-page contract which refers to all of the important sections of University policies; and that this contract be signed by all new students and deposited in the student's permanent file in the Records Office.
- (iii) It is recommended that, as per previous agreement, that the University policy on Harassment be reviewed by the Executive Committee with particular regard to the modifications necessary to cover instances of psychological harassment.
- (iv) It is recommended that, as per previous agreement, the University Harassment Officer be selected as soon as possible.
- (v) It is recommended that the University adopt an appeal procedure to be used in the case of the termination of student employment contracts. The Dean of Student Affairs could perhaps be tasked with this initiative.
- (vi) It is recommended that the terms of reference for the Office of the University Ombudsman be changed so that the Ombudsman reports directly to the Senate on academic matters and directly to the Executive Committee of Corporation in non-academic matters.

Respectfully submitted, June 17th, 2005

Dr. C. G. Rose
University Ombudsman