

Report of the Review of the UBC Office of the Ombudsperson for Students

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Introduction

This report results from the first review of the UBC Office of the Ombudsperson for Students (the Office), which opened in September 2009. The Office serves both the Okanagan and Vancouver campuses as well as UBC students at other sites and the Ombudsperson reports to the President. The review provided an opportunity to assess the Office's structure, governance, activities and outcomes and to identify any potential ways they could be enhanced.

For the review, input was sought from students, staff, and faculty through the initial University-wide announcement, emails to all students, and individual email and telephone solicitations to other selected stakeholders. Over 60 individual or group submissions were recorded, either by email or from face-to-face meetings or telephone conversations. They include feedback from students who have consulted the Office; student ombudspersons and advocates; academic student-service staff in the faculties on both campuses; administrative staff in Enrolment Services, Student Development & Services (VP Students) and the AVP Students' portfolio; Associate Deans who refer students to the Office; and members of the Ombuds Advisory Committee, the First Nations House of Learning, the Senates, the Senate Office, Office of University Counsel, Equity & Inclusion, the Independent Investigations Office and the Office of the Ombudsperson itself. Several ombudspersons at other Canadian universities and in government were also consulted.

Overall Assessment

The Office is valued highly by students, staff, and faculty at UBC. It has proven to be "an effective influencer for positive change"¹. One respondent called it "a gem". Further, the Office that has been built by the first (and current) Ombudsperson is well respected in the ombuds community across Canada. The independence, impartiality, and confidentiality of the Office operations are not questioned; staff and faculty are comfortable referring students to the Office and receiving guidance from the Office.

Individual students who consult the Office almost unanimously report being respected, supported and guided toward solutions of their concerns and feeling that their wellbeing is enhanced through the interactions. The Office supports student ombuds (in the AMS, GSS, and some faculties) through both individual mentoring and regular group meetings and those students express great appreciation for the guidance, knowledge, and support.

The Ombudsperson participates frequently on policy review and development committees and consults regularly with staff and faculty both in groups and individually. In terms of guiding UBC toward systemic changes to increase fairness, the Office works mainly through collegial interactions and few formal investigations have been reported. The Office is supported on the Vancouver campus by an Advisory Committee.

The Okanagan office is recovering from a period of dormancy followed by a one-year tenancy of the Ombuds Officer position, which has just been refilled after a gap of a few months. That office will need extra oversight from the Ombudsperson while a new Officer gets established.

¹ [Terms of Reference](#) of the UBC Office of the Ombudsperson for Students (2018)

The review showed that some aspects of the authority and mandate of the Office, its terms of reference, investigatory role, the way it communicates with the UBC community and the ways that UBC supports, promotes, and incorporates into practice the recommendations of the Office all bear consideration. Details are discussed in the following sections which answer the four high-level questions posed to guide the review.

Q1. How effective is the Office of the Ombudsperson for Students in fulfilling its current mandate?

The overall functions are described in the [Terms of Reference](#) of the Office as follows:

“The role of the Ombudsperson is to provide guidance to students on existing resources, provide advice to students and to faculty members and staff members who deal with students, to carry out investigations in response to complaints from students, to report on findings resulting from such investigations, to make recommendations where appropriate based on such findings, and, through such recommendations, to serve as an effective influencer for positive change.”

Overall Observations:

- As noted in the Overall Assessment above, the Office has been “an effective influencer for positive change”. Members of the Office strive to be well known to and make their mandate understood by those staff and faculty who encounter students (and student concerns) through a variety of means such as visits to units to meet the members and share knowledge and experience, representation at student events (e.g., lunches at the First Nations House of Learning and at orientations), one-on-one consultations, and participation on committees reviewing or drafting new policies. The Ombudsperson and the Vancouver Ombuds Officer are well respected for their collegiality, knowledge, and effectiveness in carrying out the mandate of the Office.
- The Okanagan Office has also been active in responding to student complaints but it has a shorter and interrupted history: it opened in August 2013, closed in February 2016 for lack of student funding, and reopened in late 2017, but the Officer moved to a new position after one year. A new Officer will begin work shortly. There is a keen desire across the Okanagan campus to work with the Ombuds Officer.

With the understanding that the Office is a highly effective unit, a few aspects of its Terms of Reference and activities deserve a review and possible adjustment. The [Terms of Reference](#) define four specific functions:

Function 1. “*To investigate, in an impartial fashion, any complaints brought forward by any student....*”.

Observation: The Ombudsperson should not investigate “any complaints”, but only those that appear to arise from a lack of fairness. The Office of the Ombudsperson works well with other units that are responsible for investigating certain kinds of complaints or systemic issues, such as the Independent Investigations Office and the Equity & Inclusion Office, but the Terms of Reference should clarify the kinds

of complaints that are appropriate for the Office to investigate and the Office should evaluate its allocation of resources accordingly. In this context, the Office has taken on responsibility for supporting respondents in cases under Policy 131 (Sexual Assault and other Sexual Misconduct) until such time as another mechanism might be developed. While this work supports fair treatment of students, it does stretch the resources of the office.

Function 2. *“To serve as a general information centre for students about university resources, procedures, policies, practices and rules. The Ombudsperson will advise students of their rights and responsibilities in university situations. The Ombudsperson is expected to search actively for the answers to any pertinent questions with reasonable promptness.”*

Observations:

- Overall, the Office is effective in helping students understand administrative processes, prepare to put forth their best case, and overcome perceived obstacles. In the 2017 Annual Report (p.3), the work of the Office in this area was described as “...we promote fairness with the overarching goal of building students’ competencies and confidence to move forward through the challenges they might face”. Students respond overwhelmingly positively to the support, both in the annual survey conducted by the Office, in the follow-up contacts by the Ombuds Officer and in the responses received to the call for input to the review.
- Not all students who have to appear at a Senate appeal hearing (on discipline or academic standing), one of the President’s Non-academic Misconduct Committees, or the President’s Advisory Committee on Student Discipline (PACSD) consult the Office. There may be a need for more effective advertising of the role the Office can play in preparing students to present their cases and also for more feedback to the Office from the various units that manage the discipline and appeals processes to ensure that the Office can fully assist students.
- A few student respondents stated that they had hoped for more advocacy from the Office, but the mandate and publications of the Office clearly state that it does not have an advocacy role. Perhaps some students aren’t ready to self-advocate even after consulting the Office, but the Ombuds Officer meets some students many times to help them prepare. As long as the student is advised, informed and sometimes coached before being directed to the most appropriate person or unit, identified by the Office through experience or direct contact, then the Office can simplify the student’s journey through a confusing system and so fulfill its mandate.

Function 3. *“To make written recommendations to those in authority with a view to remedying unfairness in the situation of an individual student, as appropriate. The Ombudsperson will ensure that, prior to issuing written recommendations, all persons*

or University units will have had an opportunity to respond to any allegations made against them.”

Observation: The Office favours a collaborative, informal approach to seeking resolutions of complaints from individual students and has worked diligently to cultivate good relationships with other units. The approach has usually been one of a “fairness audit” rather than a formal investigation. Active interventions occur rarely. General practice among Canadian ombudspersons does not include dispute resolution, which is a more common function among their counterparts in the USA (although practice there appears to be shifting). The Office works to inform, advise and empower students to pursue resolution of their own complaints. That the approach taken has been successful is demonstrated by the numerous supportive comments from across both campuses from staff and faculty as well as students.

Function 4. *“To recommend to those in authority changes or procedures that would have the effect of making UBC fairer to students in its operations and to address or investigate systemic problems within UBC.”*

Observations:

- The Office devotes considerable effort in this area, working with individuals, units, and committees, and also informs the community through the annual report. Successive annual reports include comments and recommendations on a number of issues but of course the many dimensions of “fairness” recur regularly. Are recommendations in the annual report a sufficient means of spreading knowledge about best practices? The UBC Office does not have the authority to force actions but at some other universities, recommendations of the ombudsperson are addressed to specific members of the senior executive with the expectation that they will act within their portfolios and provide updates the next year. The Ombudsperson should explore such a strategy with the President. With several groups now working on plans for implementing the Strategic Plan, there may be opportunities to embed fairness in policies and practices to a much greater extent than has hitherto been possible.
- In the 2013 Annual Report (p.3) was this statement: “The Ombuds Office has no authority to overturn decisions or to direct actions. Informal resolution is the dominant modus operandi, although the Office can conduct formal investigations as a last resort and make recommendations regarding an academic or administrative unit’s processes or decisions.” Although the stated modus operandi contributes to positive relationships between the Ombuds Office and members of the UBC community, consideration should be given to conducting more formal investigations, continuing, if possible, the practice of working in collaboration with other units. Both leaders and members of units should be involved, to address the fairness issues that they identify as important for the unit’s functioning and future achievements. The Ombudsperson is well placed to ensure that such investigations would safeguard confidentiality and be conducted with sensitivity to the complexities of the issues. Members of the university community should be willing to learn from the analysis of issues and exploration of remedies conducted by their colleagues in other units. The

results, if distributed strategically, could provide clear guidance to units seeking solutions to similar challenges.

- There is one area where the authority of the Office prevents it from pursuing possible systemic examples of unfairness: in the workings of the President's committees on misconduct and the Senate Appeals Committees (on Academic Standing and on Discipline). The Office does not have the power (nor does it seek) to impose its assessment of individual cases but without information on the procedures followed by those committees, it is difficult to fulfil its Terms of Reference, which state that:

“The Ombudsperson may consider whether or not the overall structure of processes used by the various internal tribunals is fair, equitable, and appropriate.”

The UBC Office is not provided with copies of decisions by those tribunals and is only made aware of potential issues germane to its mandate when individual students bring their cases to its attention and that happens rarely. Not all university ombudspersons have such limitations; some have the ability to review tribunal decisions and, if there is evidence of possible unfairness in the process followed, recommend a reconsideration. I suggest that the Ombudsperson discuss with the Office of University Counsel and the Associate Registrar for Academic Governance the most effective ways in which the Ombudsperson can help to promote fair process in the workings of the tribunals.

- Investigations as suggested above need to be taken in close collaboration with the units involved and with other UBC initiatives in order to ensure that any recommendations consider the realities of the unit's constraints. The Office tackles complex issues and what may appear to be logical and timely recommendations might actually be difficult to implement because other steps have to be accomplished first to establish the ground on which to build toward the goal of fairness.

Advisory Committee

The Okanagan Advisory Committee has not been active (it is not currently populated) because of the intermittent status of the office there until recently. Comments will, therefore, be restricted to the Vancouver Committee.

Observations:

- The Terms of Reference of the Vancouver Advisory Committee are in line with those at other Canadian universities, and the current members are committed and knowledgeable representatives of the community, providing advice to the Ombudsperson on systemic issues that could be investigated and on the operations of the Office.
- Recently, the Committee together with the Ombudsperson took part in an investigation of possible ways to enhance due process in the operations of the President's Advisory Committee on Student Discipline, and the Senate Appeals

Committees (on Academic Standing and on Discipline). The Advisory Committee authored a report with recommendations directed at those other bodies for adjustments to procedures. While the concerns, insights, and ideas of the members are valued, such an investigation is not within their terms of reference. The Advisory Committee needs to be independent of the work of the Ombudsperson so that, should it be needed, it can fulfil one of its key functions, i.e., to investigate complaints brought against the Ombudsperson.

- The Committee is below complement, missing one of the UBC-designated members. Another member should be recruited as soon as possible.
- The Terms of Reference stipulate that “Members are appointed to the Committee for two-year terms, which may be renewed” and “Appointments to the Ombuds Advisory Committee will be staggered such that half of the members will remain each year so as to maintain continuity and institutional memory”. The implication is that some renewal of membership is favoured, but no limit to the number of reappointments is stipulated. During the review of the full Terms of Reference of the Office recommended elsewhere in this document, this issue should be considered.

Q2. Does the Office effectively communicate its services to members of the University community on both campuses?

Observations:

- Many students commented that they did not know of the existence of the Office until they encountered a challenge and a staff or faculty member referred them. That is not necessarily a negative observation because most UBC students will never need the assistance of the Office. As long as staff and faculty know of the Office and how to refer students to it, most students in need should not fall through the cracks. However, students should be able to find information about the Office on their own when they feel they have been treated unfairly and don't know where else to consult.
- The Office collaborates with the AMS Ombuds and Advocate on joint advertising such as posters. Although it is time-consuming for the Office, putting up posters may still be a valuable tool. Some student respondents to the review mentioned seeing a poster on campus. They were not all, however, able to understand what services were being offered.
- Students are adept at using the web and social media to find information, but if they do not know even the name of the unit they need, the gap contributes to the commonly expressed frustration with being bounced around at UBC when seeking help. Ensuring that the website is both informative and intuitive to use is only part of the challenge; ensuring that students can find it easily is equally important. The website was recently revised independently by a student employee and most comments on it (although there were not many) during the

review were favourable. However, consultation with Student Communications Services might result in suggestions for further improvements. Further, consultation with the VP Students office might reveal a way that the Office of the Ombudsperson could be included on the web where a variety of support services are identified without breaching the key element of independence from the UBC administrative structure.

- Not all students served by the Office are physically present on one of the main campuses but for those who are, the Office participates in a variety of student information events and there is an appetite in the community for more such involvement in support of other units with related mandates (e.g., in the areas of equity and wellbeing). The Office staff also meet frequently with student service units, academic advising offices, and associate deans which, because of turnover of personnel in those areas, means that periodic repeat visits are required. And some units may need extra attention; the disproportionate number of student cases each year involving graduate and international students suggest that certain academic and administrative support units would be good “targets”. Already much targeted work has occurred; for example, in collaboration with the Faculty of Graduate and Postdoctoral Studies. Resources in the Office must be used efficiently so it may be time for an assessment of the effectiveness of the many outreach and educational activities.
- The Annual Report is a useful compendium of activities, data and suggestions for change. Among Canadian universities, UBC appears to be unusual in the availability of demographic data not only in the report of the Ombudsperson but also from the Planning and Institutional Research unit. It is, therefore, easier at UBC than at some of its peers to determine basic characteristics of the students (e.g., year-level, citizenship, type of program) who make disproportionate use of the Office and so help guide the work plan of the Ombudsperson.
- The presentation of the Annual Report to the President, the Senates and the student societies and its availability on the website may not be sufficient to further the kinds of systemic changes needed. Some respondents (not senators) mentioned that they were not aware of the types of information and recommendations presented each year in the reports. Perhaps if more resources were made available to the Office, additional means of communicating with the community could take place, such as campus-wide forums and workshops.
- Physical location: In 2012 the Vancouver Office moved from Brock Hall where many student services are located to the C. K. Choi building on the northwestern edge of the main campus. Data in the annual reports suggest that the move did not reduce student visits. There is a perception that the move did provide a more “anonymous” location, one not physically associated with other services or academic units. Such a location has been found at some other universities to make students more likely to visit. However, at still other universities, the ombudsperson is in a location close to student service offices, facilitating frequent contact between staff in the Office and those other units. The Okanagan Office currently follows the second model; it is co-located with

student service offices in the University Centre building. Time will tell whether the working collaborations between the Okanagan Ombuds Officer and other UBC staff and the facility for “walk-over” referrals outweighs any negative perception among students that the Office is “just another part of the administration”.

Q3. Is the Office suitably structured, governed, and resourced?

Observations:

- Universities have different organizational and governance structures and university ombudspersons report to a variety of senior positions. Within the UBC administrative structure, having the Ombudsperson report to the President has been and remains appropriate as a signal to the community that the Office is independent of “the structures and processes that connect and might be perceived to exert control over the office” (Annual Report 2014, p. 2). However, that independence creates a challenge; to be effective, the work of the Office needs to be integrated into many aspects of UBC’s activities. In the current time of active implementation of the strategic plan, the President and the senior executive are encouraged to ensure that all of those who report to them include consultation with the Office in their planning processes.
- The focus of the Office on students remains appropriate although some of the work of the Office is counselling faculty and staff on personal issues unrelated to their work with students. The Office cannot investigate their complaints but does provide them a neutral sounding board and refers them when possible to appropriate sources of guidance. The Office does not actively invite such inquiries, but they occur. Students approaching the Office might perceive a lack of impartiality if they see faculty or staff with whom they interact also using the service. Those at UBC responsible for the wellbeing of faculty and staff should consider possible means of meeting the need for an impartial and confidential resource separate from their regulatory obligations to investigate complaints.
- Resources appear to be adequate given the student case load, which has leveled off in the mid-400’s in the last four years. With the Okanagan office being re-staffed early in 2019 any increase in cases there should be well managed. It is the complexity of cases, some of which require more than 15 consultations each, and the disproportionate numbers of graduate and international students seeking help, that indicates a potential that resources could soon be stretched too far to sustain the current level of service. More support for administrative tasks could help to free time of the Officers to work with individual students and of the Ombudsperson to pursue systemic improvements. The Ombudsperson is encouraged to keep the Advisory Committee(s) and the President informed of any challenges that arise in this context.

- The Terms of Reference need to be reviewed:
 - a) Ensure that the terms reflect the current UBC and provincial regulatory environments (e.g., Policy #95 - Investigations, FIPPA, confidentiality, privacy);
 - b) Clarify the kinds of student complaints that are and are not within the mandate;
 - c) To protect an incumbent, consider clarifying the grounds for recommending the termination of an Ombudsperson;
 - d) Consider whether the statement “faculty, staff and students are *expected* to cooperate with the Ombudsperson” (emphasis added) gives sufficient power to the Office and consider including a recourse for the Ombudsperson should cooperation not be received;
 - e) Consider granting (or clarifying) the power of the Office to conduct investigations that do not arise from an individual student case;
 - f) Consider whether the current provisions for renewal of membership on the Advisory Committees are optimal.
 - g) Consider changes to the current procedure for modifying the Terms of Reference, requiring periodic review (perhaps ever five years) and the involvement of the Office of University Counsel. To enhance transparency, updated Terms of Reference could be presented to the Senates for information.

Q4. Are there new directions or priorities that should be considered for the Office?

Summary of Issues and Recommendations

1. The new Okanagan Ombuds Officer, with guidance from the Ombudsperson, needs to cultivate close working relationships with all student-facing administrative units, academic leaders and student leaders on that campus. The Ombudsperson needs to establish the Okanagan Advisory Committee.
2. The Office should limit its activities to issues not appropriate for other UBC units so as to conserve resources for the core responsibilities of responding to individual student concerns about fair treatment and raising awareness of, and seeking solutions to, systemic fairness issues affecting students.
3. The Office should limit the resources devoted to faculty and staff who bring non-student-related issues to the Office. In light of the goal in the strategic plan to “Lead globally and locally in sustainability and wellbeing across our campuses and communities”, the President should consider how to meet the need for an independent, impartial, confidential, and informal resource for staff and faculty.
4. The President should consider mechanisms to hold UBC accountable on recommendations by the Office, for example by giving senior administrators responsibility to follow through, and by facilitating the integration of the work of the Office with initiatives arising from goals in the strategic plan, “Shaping UBC’s Next Century”.

5. The Ombudsperson should consider conducting more formal “fairness audits” in collaboration with academic and administrative units in order to establish examples of the processes that may achieve systemic change which can then be adopted and adapted by other units.
6. The Office should assess the allocation of resources to the dissemination of information through various activities with the aim of maximizing impact.
7. The Office should look for ways to enhance communication tools so that students can easily find information about the Office when they think, “I’ve been treated unfairly and don’t know where to go” and further that they understand the role the Office can play in preparing them to present their case while not acting as an advocate. Look for ways to collaborate with the VP Students and Student Communications Services in this regard and seek student input on effective marketing.
8. The Office should consider mechanisms to give feedback to academic and administrative partners who refer students to the Office on the services provided to those students (respecting confidentiality), so that the partners can better guide students in the future.
9. The Ombudsperson and the Vancouver Advisory Committee should ensure that the Committee has a full complement of members and works within its Terms of Reference.
10. The Advisory Committee(s) in collaboration with the Office of University Counsel should review the full Terms of Reference. Detailed suggestions were provided in section “Q3”.
11. The Ombudsperson should develop a close working relationship with the Senate Office of Enrolment Services and with the Office of University Counsel to ensure that tribunal processes can benefit from input from the Office.