In 1965, SFU became the first university in North America to introduce the concept of the ombudsperson to post-secondary education. The concept of the “ombudsman” dates back to the court of the Swedish King Charles XII. While in self-exile in Turkey, after the Battle of Poltava in Russia, he learned about the second Muslim Caliph, Umar (634-644) and the concept of Qazi’ul’Quzat (“judge of judges”), developed in the Islamic law of the Ottoman Turks.

When King Charles returned to Sweden in 1713, he created the Office of Supreme Ombudsman to make government administrators more accountable. There then followed fifty years of dispute between the King and Parliament, about whom the Chancellor of Justice would report to. The outcome was that, in 1809, an ombudsman was established in the Swedish Constitution—linked to Parliament, not the executive. It was designed to be a supervisory agency, independent of the executive branch of government, charged with the responsibility of protecting the rights of the people. It was not until a century and a half later that the Swedish model began to attract the attention of the English-speaking world.

Next year, the office will celebrate the 50th year that this service has been offered to students at SFU. To mark this anniversary, ombudspersons from across North America—representing universities, colleges, the private sector, provincial and municipal offices—will host a conference at The Wosk Centre for Dialogue in the spring of 2015.

While the office at SFU has operated under different models of service over the years, it has remained committed to ensuring fairness and providing impartial advice, information, mediation and referrals to students and the university community. The jointly-funded model created in 2008 with SFU, the Simon Fraser Student Society (SFSS) and the Graduate Student Society (GSS) continues to demonstrate a commitment by all parties to the fair and equitable treatment of students.

As we look forward to 2015 the office will continue to build bridges to the community, in our effort to promote our services and resources to the University. The mission of the Office is greatly enhanced by the support and cooperation of many individuals in the SFSS, GSS and the University who contribute to positive organizational changes at our campuses. In particular we would like to thank Dr. Pat Hibbitts, Vice President of Finance and Administration; Dr. Wade Parkhouse, Dean of Graduate Studies; Dr. Mary Ellen Kelm, Associate Dean of Graduate Studies; Jo Hinchliffe, Assistant Registrar; Dr. Tim Rahilly, Associate Vice President of Students; Dr. Mitchell Stoddard, Centre for Students with Disabilities; Martin Morz, Director of Health and Counselling; Brenda Taylor, Director of the Office of Human Rights and Equity; Julia Lane and Christina Bantone from the GSS; and Moe Kapahi and Humza Khan of the SFSS. Their willingness to collaborate on many issues to bring about fair and equitable outcomes is deeply appreciated.
The focus of this year’s report is academic integrity and the large number of students being reported for academic integrity infractions for failing to cite properly. The office believes that this relates to a poor understanding of what constitutes academic integrity and that there are a large number of students both international and domestic who may meet the English language entry requirements but may not be able to apply their English language skills to writing and research at the university level. Without the proper supports we are not adequately supporting these students for success. The current structure of support through optional workshops does not appear to reach those who are unaware of their deficiencies.

Executive Summary

From January 3, 2012 to December 20, 2013, a total of 353 students have sought the services of the Ombudsperson.

The Year in Review

The Office of the Ombudsperson is jointly funded by:
Many issues that present themselves to the Office do not fit neatly into one category. Some issues are examples of students struggling to navigate the complex and often confusing bureaucracy. In many cases, students just need support or a safe and confidential space to work through their challenges. Some students are dealing with mental health issues and often need referral to counselling services. Examples of other concerns include: UPASS; tuition refunds, graduate student leave requirements; transfer of credits; privacy concerns; disability issues; student visa issues; questions related to the “Back On Track” program; non-payment of tuition/student loans; loss of scholarship; denial of graduate diploma; missed final; parking permit changes/parking tickets; course qualification; readmission; and housing.

It should be noted that we continue to be encouraged by the number of staff, chairs and instructors contacting the office for advice and guidance on managing student issues, and the interpretation of policies and procedures.

**Graduate Students**

The office receives a number of complaints from graduate students relating to conflict with supervisors or committee members, withdrawal from program due to academic performance, plagiarism, program administration, and the overall quality of some graduate courses or programs. As the majority of these cases involve conflict related to supervision, a high degree of coaching is involved together with general support over a longer period of time. With some graduate students the office simply provides a safe and supportive space to work through concerns and gain insight into resolving challenges.

The nuanced and sometimes challenging dynamics between instructors and graduate students will never completely disappear. Personality, culture, communication style and history will always inform interaction and conflict. However, the office will continue to provide assistance to graduate students so that the impact of conflict can be mitigated and constructively resolved.

To this end the Ombudsperson, the Associate Dean of Graduate Students and the GSS Advocate have developed a series of workshops for graduate students on “Managing Up”. This workshop has become extremely popular and it is hoped we will be able to develop a version for new faculty in the upcoming year. We have also participated in a “Brown Bag, Lunch and Learn” session for faculty on supervision issues. We will continue to offer these workshops several times per semester throughout the upcoming year.
The office is fundamentally committed to the notion of students developing the skills to resolve issues themselves. In this, the office is committed to teaching students how to speak for themselves, how to have difficult conversations, set boundaries or be assertive. Self-advocacy is a powerful skill that will serve them throughout their life. As an impartial service the office seldom intervenes directly in a conflict between two parties, but has been asked to facilitate discussions in cases where all agree to mediation.

Method of Initial Contact

- Phone: 19%
- Email: 41%
- Drop-In: 27%
- Referral: 13%

TERMS OF REFERENCE

While the role of the ombudsperson has some deep roots, the profession is still evolving and defining itself. In recent years there has been a growing push to certify ombuds practitioners, and to develop training and professional standards. Provincial and federal ombudspersons have their authority clearly outlined in legislation. University offices do not have the luxury of legislation. The university ombudsperson has no real power or legislative framework to refer to, it is a concept and a role based in a set of principles. It only works if the concept is embraced by the campus community. Typically this framework is set out through the development of terms of reference. These outline the authority, vision, mission, goals and structure of the ombudsperson’s role. In 2008, when the jointly-funded model was adopted, terms of references were not developed. Over the past 5 years we have worked hard to establish the office-based best practices and standards of practice outlined by the International Ombudsman Association (IOA) and The Association of College and University Ombudspersons (ACCUO). However, one of the biggest challenges for the office is managing the perception of what the office does. Without clearly defined terms of reference there is no document that clearly defines the mandate of the office. In consultation with colleagues at other institutions we believe that a clear set of terms of reference must be developed and implemented. In 2013 the office started this process.

Average number of visits to resolve an issue = 4
ACADEMIC INTEGRITY AND ENGLISH LANGUAGE COMPETENCY

Each year the office highlights a theme or trend that raises concern about the fair treatment of students. Over the past few years a significant number of English as an Additional Language (EAL) and international students whose home language is not English have sought assistance from the Ombudsperson for issues relating to academic misconduct. Over the past three years the office has averaged approximately 50 cases per year related to academic integrity. Of that 58% were international students whose home language was not English, and 17% were EAL students. According to data collected by the Registrar’s Office through the Academic Integrity Reports filed are for international students, yet they only make up approximately 15% of the university’s total population. The majority of these cases involve instances where the student failed to cite properly. It appears that a large number of these students do not fully understand what constitutes academic integrity and that many appear to have inadequate English language skills for success at the university level.

Drawing from cases that have been reviewed by the office over the past three years it appears that there are two issues underlying this trend. First, and this likely applies to many of our students regardless of English proficiency, many students have a poor understanding of what constitutes academic integrity. Second, SFU has a growing population of students; both EAL and International students who meet the English language requirements for admission but lack the practical and technical language skills needed for research and writing at the university level. Finally, the current supports being offered for these students may be inadequate.

In the case of international students who fall in the EAL category admissions filters such as (IELTS) may be a good general indicator of academic success, but the link to the practical application of language competency is needed for success in university. There has been plenty of work done by many scholars showing that the IELTS only partially measures English fluency. However, stricter English competency entrance requirements may not address the issue. In the opinion of the office, the real issue is not whether the student can write correctly in English (which can be resolved with remedial education or even just a good translation), but rather whether or not the student can effectively search for information, correctly articulate ideas, and build a coherent argument. If a large number of students are being reported for failure to cite properly are also struggling with the necessary language skills for success it is not surprising that many fail to understand the issues related to proper citation.

It is clear that students from both English-speaking and other backgrounds need to be assisted in moving through stages of fluency in their academic writing. Students unfamiliar with academic writing may simply have a lack of understanding of how to write so as to avoid plagiarism.

In recent years Australian universities have seen a large increase in the number of international and EAL students seeking admission. These institutions have also witnessed similar challenges to SFU, with many students struggling to meet the demands of their courses. As a response many are starting to institute post-enrolment language assessments. The purpose of such assessment is to provide early identification of those who are most at-risk due to weak language skills and to ensure they are directed to the appropriate supports. SFU is unique in that we offer the FAL course, but it is unclear if these courses are addressing the aforementioned issues.

In discussions with a number of departments, faculty and staff, it has been suggested that the university needs to do more to challenge attitudes and foster a better understanding of academic integrity. Many studies have found that a majority of students have a poor understanding of what constitutes plagiarism. For international students who struggle with English this combination can have a disastrous impact on their academic future. There is clearly the sense that provided the copying is indirect or of elements that are not visible, it is less serious than direct copying of phrases. This suggests that workshops or support mechanisms need to decode the more formal definitions of plagiarism into specific examples that illustrate the range of activities that are not permitted and how misconduct can be avoided.

A recent report by the CBC suggests the provision of rules and punishments is apparent to students, but is not as influential as we might hope. This reinforces the need to educate and explain rather than simply regulate and punish. Teaching ethical behaviour is complex and requires that, as institutions and teachers, we model appropriate behaviour and provide an implicitly ethical culture for students to experience and participate in.

The Student Learning Commons does provide a number of excellent skills-based workshops for students, including one on academic integrity. The challenge is that “first year students don’t do optional,” as noted by Dr. George Kuh, a leader in student engagement theory. While promoting individual student responsibility is essential, there appears to be a disconnect between the services offered and the needs of this population. In addition, while the revamped Academic Integrity website does provide a number of valuable resources for students, the impact of such an approach is unclear.
RECOMMENDATIONS:

- We recommend that the university consider revising the Academic Integrity policy to include an option for the instructor or chair to recommend the student participates in an SLC writing course and/or a workshop on academic integrity. This could be in place of, or in addition to, a penalty. SFU has an excellent academic integrity policy. It is seen as a model process that is transparent, consistent and centrally administered. It is essential that the university continue to send a clear message that cheating will not be tolerated. However, the university has an opportunity to view academic integrity incidents as learning opportunities rather than simply cause for penalties.

- The university should consider developing an academic integrity workshop that is integrated into first year orientation.

- The university should consider developing a list of “approved” tutoring services.

- For graduate students, the impact of an academic integrity report can have devastating consequences. Some universities (such as Western) have developed a mandatory online academic integrity module for incoming graduate students. This short module is designed to provide students with the necessary knowledge and resources to abide by academic principles during degree. The International TA training program offered through Continuing Studies provides a seminar-style workshop that focuses on language specific to an academic environment and level; this includes a teaching component and a pedagogical comparison to assist students with the shift to a Western style of teaching. This program appears to be in high demand but limited resources have prevented the program from expanding. Expansion of this program would be a positive step in supporting international graduate student success.

CASE STUDY

Students bring a wide range of issues to the office. The following case study is an example of the type of issues that students regularly refer to the office.

Student Request for Accommodation:

A student contacted the office to inquire about the process for requesting academic accommodation based on a chronic medical condition. The condition was often unpredictable and severe attacks were not uncommon. A high-achieving student, she did just receive two very low midterm grades that she was convinced were not a true reflection of her abilities. At the time she wrote the exams she was suffering from a severe episode for which she subsequently sought medical treatment. Concerned about the impact these marks would have on her cumulative average, the student wanted the opportunity to either rewrite the midterms, or have her final grades reweighted so the midterm grades would be worth a smaller percentage of her overall mark in the two courses. When the student was asked why she did not contact her instructor to request permission to postpone her exams in light of her illness, she responded that she wasn’t aware she could make such a request.

Discussion:

This case study was included because our office is frequently contacted by students who assume that, if they write an exam while ill, they can request accommodation after the fact in the form of a re-write/make-up exam or other adjustment of their final grade. However, although some professors may be willing to consider reweighing a student’s final grade, the majority of requests for accommodation after the exam has been written are denied. The University’s expectation is that students, who are unable to write an exam (or complete an assignment) due to medical illness or compassionate circumstance, contact their instructor in advance of the examination or assignment deadline to make the necessary arrangements, including the submission of appropriate documentation. Students who fail to request accommodation in advance are essentially agreeing to the conditions under which they are writing, even if they have a legitimate illness.

Although we could appreciate her disappointment over her performance on the midterms, she did not have strong grounds for requesting permission to rewrite her exams. We advised that, if this situation were to reoccur in the future, she should contact her academic counselor or apply to have the course considered for removal, as a withdrawal under extenuating circumstances.
1. THE ROLE AND FUNCTIONS OF THE OMBUDSPERSON AT SIMON FRASER UNIVERSITY:

a) To advise and/or refer members of the University student community as needed about all situations and University procedures concerning which grievances may arise; specifically, to advise students of their rights and responsibilities and of the proper procedures to follow in order to pursue whatever business or complaint they may have. Where such information exists in University offices or publications, the Ombudsperson shall direct enquirers to these sources and emphasize the student’s responsibility for initiating the appropriate actions and for returning to the Ombudsperson if not satisfied with the results.

b) To investigate, in an impartial fashion, student complaints that may arise against the University or against anyone in the University exercising authority. Complaints may be made by any member holding status as a student of the University community, by former members of the student body or by student applicants to the University (dependent on the discretion of the Office of the Ombudsperson), whether accepted or not at the time of the complaint. Investigations may also begin on the independent initiative of the Ombudsperson in respect of anyone of the above entitled to make a complaint.

c) To bring findings and recommendations to the attention of those in authority by the most expeditious means possible.

2. IT SHALL BE THE SPECIAL CONCERN OF THE OMBUDSPERSON THAT:

a) Decisions affecting members of the University student community are made with reasonable promptness;

b) Procedures and policies used to reach decisions affecting students are adequate and consistently applied and that criteria and rules on which the decisions in question are based are appropriate;

c) Any gaps and inadequacies in existing University policies and procedures that might jeopardize the principles of fairness and natural justice of members within the University student community be brought to the attention of those in authority. It is not the function of the Ombudsperson to devise new rules and procedures, but to make recommendations and follow these up to the extent necessary for their formulation and/or improvement; and

d) The complaints received by the Ombudsperson are analyzed on an annual and multi-year basis, to determine trends and identify potential for systemic or system-wide problems.

PROFESSIONAL DEVELOPMENT

The Ombudsperson attends quarterly meetings with ombudspersons from the University of British Columbia, the University of Victoria, Camosun College and Douglas College. These meetings allow university ombudspersons from other post-secondary campuses across the province to come together and discuss various topics and issues unique to the profession. It is the intention of the group to expand membership to eventually include all post-secondary ombudspersons from across the province. The Ombudsperson has also started to connect with the Northwest Ombuds Group and the California Caucus of Colleges and University Ombuds. These groups are made up of ombudspersons in BC, Washington State, Oregon and California. They meet several times a year and offer training and workshops and other professional development opportunities.

The Ombudsperson at SFU is a member of the Association of Canadian University and College Ombudspersons (ACCUO); the International Ombudsman Association (IOA) and The Forum of Canadian Ombudsmen (FCO). These associations provide access to a network of international ombudsmen from universities, colleges, government and the private sector. The associations also provide training opportunities, networking and research materials. The Ombudsperson attended ACCUO annual conference in Halifax in May and the Western ACCUO Meeting in Edmonton in October 2013. The Ombudsperson also attended and presented at the California Caucus of College and University Ombudspersons in Aulomar in November 2013.