The Office of the Ombudsperson is jointly funded by Simon Fraser University, the Graduate Student Society and the Simon Fraser Student Society.
LOOKING FORWARD

SFU has the distinction of being the first university in Canada to have an Office of the Ombudsperson. For over 45 years the Office has provided advice, information, interventions and referrals to students and the university community. In 2008 the University joined with the Simon Fraser Student Society (SFSS) and the Graduate Student Society (GSS) to support the development of a jointly funded Office of the Ombudsperson. We continue to believe that this model reinforces to all that the University is committed to having an impartial and independent office that protects and promotes the fair and just treatment of students.

As we look forward to 2012 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; Dr. Wade Parkhouse, Dean of Graduate Studies; Dr. George Agnes, former Associate Dean of Graduate Studies & current Associate Dean of Faculty of Science; Kate Ross, Registrar; Jo Hinchliffe, Assistant Registrar; Dr. Tim Rahilly, Associate Vice President of Students; Julia Lane and Christina Batstone from the GSS; and Jeff McCann, President of the SFSS. Their willingness to collaborate on many issues to bring about fair and equitable outcomes is deeply appreciated.
THE YEAR IN REVIEW
From January 2, 2011 to December 22, 2011, a total of 332 people have sought the advice and support of the Ombudsperson. According to the Association of College and University Ombudspersons most offices in Canada report an annual caseload of approximately 1% of the total student population. SFU’s annual caseload is consistent with the national average.

Distribution of Cases

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Distribution of Cases

          | Caseload
---------|--------
WE (Withdrawal under Extenating) | 87
Other   | 42
Cheating and Plagarism    | 55
Grade Appeal       | 35
Supervisory Concerns (Graduate Students) | 33
Complaints about Instructors | 27
Conflict | 19
Fees       | 9
Non Academic Misconduct | 6
Exam       | 8
PDP Withdrawal                  | 7
Course Requirements | 4
```

“Other”
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:
Tuition refunds
Forged documentation
Graduate student leave requirements
Transfer of credits
Privacy concerns
Disability issues
Student visa issues
Questions related to the “Back On Track” program
Charges of theft from the Bookstore
Non-payment of tuition/student loans
Loss of scholarship
Denial of graduate diploma
Missed final
Parking permit changes/parking tickets
Course qualification
Readmission
Housing.
Note on graduate students
Graduate students continue to represent close to 30% of the overall caseload. 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. In addition, these cases are more complex and require a greater period of time to resolve. On average four to eight hours are spent working with a graduate student. This involves in-person meetings, review of appeals and supporting documents, referrals and a significant amount of time coaching. As an impartial office, 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. At other times the Ombudsperson has sought the opinion of or intervention with the Dean of Graduate Studies.

The Office continues to have an excellent working relationship with the Dean of Graduate Studies and has found that office to be extremely helpful in resolving many issues in a positive and constructive manner. We also commend the Graduate Students Society for hiring an Advocate for Graduate students. This additional support and assistance should be of great benefit to students.
### Office of the Ombudsperson 2011 Annual Report

#### Action Taken

- Advice: 67%
- Information: 18%
- Intervention - Clarifying: 12%
- Referral: 6%
- Drop-in: 22%

#### Case Distribution by Faculty

<table>
<thead>
<tr>
<th>Faculty</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Sciences</td>
<td>2</td>
</tr>
<tr>
<td>Communication, Art and Technology</td>
<td>2</td>
</tr>
<tr>
<td>Education</td>
<td>24</td>
</tr>
<tr>
<td>Science</td>
<td>56</td>
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<td>Business Administration</td>
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<tr>
<td>Applied Sciences</td>
<td>81</td>
</tr>
<tr>
<td>Arts and Social Sciences</td>
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#### Method of initial contact

<table>
<thead>
<tr>
<th>Contact Method</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone</td>
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</tr>
<tr>
<td>Email</td>
<td>41%</td>
</tr>
<tr>
<td>Drop-in</td>
<td>22%</td>
</tr>
<tr>
<td>Referral</td>
<td>6%</td>
</tr>
</tbody>
</table>

#### Gender Distribution

- Male: 44%
- Female: 56%
TRENDS AND ISSUES

Students underrepresented
The Office expresses the concern that only a small number of students involved in serious incidents involving academic misconduct seek the counsel of the Ombudsperson. The 2010 Report on Academic Discipline produced by the Registrar’s office indicates that there were 456 cases reviewed by the University. However, the Ombudsperson met with only 55 students who had inquired about the services of the Office regarding the option to appeal. Why did the majority not seek the advice of the Ombudsperson? We will continue to work with departments to ensure that students understand the role of the Ombudsperson in the appeals process.

Instructor complaints
As was the case last year, concerns about course climate and instructor conduct continue to be of concern to the Office.

To be clear, the majority of instructors do an excellent job of dealing with students and their concerns. The same can be said of many department Chairs. However, there are a minority of issues and concerns that fail to be reviewed in a careful and impartial manner, leaving many students to feel that there is no real mechanism in place to address their concerns. At present there is no clear policy on dealing with these issues and many are left to the discretion of the department Chair to review. These are among the most sensitive types of questions that come to the attention of the Ombudsperson and, therefore, among the most difficult to address without clear processes to lead the student through. Not all such situations are resolvable through dialogue. When issues of course climate or instructor conduct are identified early and the parties are open to dialogue, many are resolved. Other situations can be pursued through more formal complaint procedures. Unfortunately, a number of factors get in the way of early intervention, constructive dialogue and appropriate resolution.

Many of these complaints are related to instructor conduct rather than to grades or assignments. Some students describe interactions as disinterested, curt or an unwillingness to spend sufficient face to face time with students to discuss concerns or review complex lessons. In some situations students report receiving one word answers to detailed emails when asking for direction or advice. In many cases emails and phone calls are ignored completely. In class, some students report feeling silenced, disrespected
or are made to feel invisible. Because they feel vulnerable, students are often reluctant to discuss concerns with instructors or engage in more formal complaints processes. The three most common themes that have emerged relating to instructors are: lack of accessibility, disrespect, and decisions lacking in impartiality.

When students are advised to take their concerns up with the Chair many are reluctant for fear of retribution or a lack of faith that anything will actually be done. Most do not discuss their concerns inside a department unless they have seen proof that the department takes students’ concerns seriously, or until the situation has deteriorated to the point where a formal complaint seems like the only option. For the same reasons, they may reach out to resources outside the department, but they often prefer not to ask a third party to intervene. Those that do take their concerns through the appropriate channels such as the Chairs feel their concerns are often “dismissed” or “brushed off”. As an institution we have much to gain if we find ways to normalize the need for dialogue and constructive feedback when concerns are raised by students. We recommend that the University provide Chairs with more tools to properly investigate and manage complaints regarding instructors. At a minimum what most students want is to feel that their concerns have been heard and that they have been taken seriously.

At present the university does not seem to have a clear and effective mechanism to address these types of concerns. The current “informal” system works for many issues. For some students who have more challenging issues, leaving the investigation and resolution in the hands of department Chairs has led to inconsistencies between departments. Moreover, the lack of transparency with this approach further contributes to the sense amongst many students that there is almost no value in voicing their concerns. The University needs to explore options to start addressing this issue. This can be through the development of a new policy or training for departments on how to address student complaints regarding instructors.

**Decision-making and decision-writing**

As noted above Chairs and instructors would benefit from having a better understanding of how to assess a fair decision and how to communicate findings to students. There is more to fair decision-making than might appear at first glance. While there are many good decisions made at the University, we have occasionally come across cases where the decision-making process has been less than fair. In order to make sure they make the fairest decisions possible, decision-makers should ensure that they are aware of the basic principles of administrative fairness.
Some questions to keep in mind include:

Have you considered all of the relevant evidence? In particular, we have noted cases involving academic misconduct where the accused student is not given an opportunity to present his/her side of story before a decision is reached.

Have you considered irrelevant information? We have come across cases where decision-makers judge whether or not the petitioner is a “good student” when considering their petition to defer an exam based on medical circumstances.

If you are asked to decide on an appeal, have you had any prior involvement in the case? We have come across cases where the decision-maker on an appeal has the appearance of bias or lacks impartiality because they had been previously involved in the case.

Are you factoring the wishes of a department or other constituency into your decision instead of deciding a case on its merits? We have come across cases where a decision is based upon peer opinion rather than the facts of the individual's case.

If the policies, procedures or practices you are working with are unclear to you, have you sought appropriate assistance in determining the fairest possible interpretation? We have noted cases where decision-makers consider principles of administrative fairness or university policy to be inapplicable when the matter is clearly administrative and non-academic in nature.

One way to ensure that the tenants of administrative fairness have been adhered to is for a decision-maker to provide reasons for a decision that he/she has made. By providing reasons, it can become evident, for example, whether or not the decision-maker has looked at all, and only, the relevant information, interpreted policy or policies correctly, and truly decided a case on its merits. In most cases, once a decision has been made that has a significant impact on an individual, it is incumbent on the decision-maker to provide, not simply a decision, but a well-reasoned decision.

Having said this, however, we should also point out that in the case of decisions that are largely discretionary as is the case with instructor complaints, detailed reasons may not be appropriate or required. Because of their subjective nature, these decisions present particular challenges from the point of view of transparency and, therefore, accountability. At a minimum, it is the University’s responsibility to provide stakeholders with the criteria used in making these decisions, and to ensure that the stated criteria are being consistently applied.
Expectations about group work and academic integrity

As noted in the 2010 report, the issue of group work continues to be of concern. The trend indicates that this is a growing issue in some departments. Learning to work in groups is an important component of many courses and programs. However, confusion exists in classes where the instructor states “group work is encouraged” but evaluation is still based on individual work.

It is essential that departments are vigilant in confronting issues of academic integrity. However, when virtually the same infraction is being caught repeatedly semester after semester in the same courses, there needs to be some reflection as to what is contributing to the high number of cases. It has been our experience that some of the cases reviewed by the Ombudsperson are clearly cases where the student has committed an infraction and they accept responsibility. However, there are also a number of students who seem genuinely perplexed by the accusation and assert that they did not intend to commit any act of misconduct.

Whether the problem lies in the structure of the course or the communication of expectations, there needs to be an acknowledgment by decision-makers that the matter of a disproportionately high number of students accused of academic infractions is not being adequately addressed. A successful approach to academic integrity should not be measured solely by the number of infractions caught; policing alone does not solve the problem. In addition, departments need to ensure that they have effective communication and education strategies that prevent students from unintentionally erring in matters of academic integrity. In addition, the University needs to further engage in university-wide communications on academic integrity.

For some instructors, encouraging group work means encouraging students to study together, review class notes and to prepare for exams. For others, it includes encouraging students to discuss individual assignments with each other. Either way, this is different from group assignments where students contribute to a single piece of work for the group. For many students, boundaries are not clear, and the use of online social networks further blurs the line between acceptable and unauthorized collaboration. For example, if it is acceptable to discuss the assignment in person with other students, is that the same as discussing it online with a group of students? What about discussing answers or a draft with another student? What about emailing answers or a draft for the purpose of discussion? Where does one draw the line? It has been observed that many students are confused about this. Some departments need to take further steps to ensure that boundaries of group work are clearly defined.
Lack of knowledge about referencing is one cause of alleged academic dishonesty. Lack of knowledge is also a factor in some allegations of unauthorized group work. Departments need to consider the following questions when addressing the matter of academic integrity:

- What is the responsibility of instructors to teach the “how to” of academic integrity (including appropriate referencing and boundaries around group work)?

- What is the responsibility of instructors to clarify expectations in writing as they relate to a given course, especially about group work and collaborative learning?

- How fair is the implementation of the academic integrity policy in a given course? Are all students held to the same standard?

- Are educational approaches used in responding to minor breaches, misunderstandings and lack of knowledge?
Approaches to informing students about academic integrity

There is no doubt that some students cheat more than others. It is a rare individual who actively chooses to be dishonest. But why do a few students make compromising choices? Most students are familiar with the disciplinary actions and penalties for getting caught. However, they may fail to understand that one of the personal consequences of cheating and/or plagiarism is that they are not actually learning or practicing the material. They may not realize that they will actually need and be accountable for certain knowledge and skills.

Instructors may not explain the personal consequences and loss of trust that accompany academic dishonesty if they are focused mainly on stating the procedures and punishments related to academic disciplinary actions. They may not tell students how dishonesty damages their trust in a student and his or her work which can affect a student’s ability to get a strong recommendation for employment or graduate school. More importantly, the student might not have considered that if they had cheated their way through school, what would happen when they actually have to apply the knowledge from their degree in the workplace? Would they feel confident buying an electronic device designed by an engineer who cheated their way through school?

Students and their families often have very high expectations about grade achievements because they are accustomed to getting “A’s. More pressure comes from the emphasis on grades in hiring and graduate admissions. Some students may feel pressured to develop unorthodox means to get competitive and marketable credentials. Instructors sometimes evaluate the performance of one student against the performance of others instead of measuring each student’s achievement with respect to specified criteria. If students must compete with other students to get one of a limited number of “A’s, they begin to look for ways to “get ahead”.

Students sometimes view cheating as a necessary, not totally unacceptable method for academic survival. If they believe that “everyone cheats sometimes”, they may not seriously ask themselves, “Why shouldn't I?” Professors and teaching assistants do not always confront suspected breaches of academic integrity. If they perceive that others do not pursue the formal process or that it is difficult to prove a breach has occurred, instructors may decide not to talk directly with students about potential problems. Instructors may not report an incident from their course believing that the student has “learned their lesson”, but with no official record of the incident there is no way of knowing whether the student had cheated before or cheats again.
Students often have multiple assignments due on the same day and in some courses may have only a few opportunities to demonstrate what they know. Cheating can be a tempting path when they have difficulty managing their time. Some may have little remorse because they rationalize “doing what it takes” to get all of their work done. One poor performance on a high-stakes assignment or feeling “shafted out of an A” by a curve may increase the perceived pressure to switch from honest work to questionable “shortcuts”.

Instructors often underestimate students’ need for multiple assignments to get feedback, to receive a fair grade, and to stay motivated to learn. Sometimes in an effort to reduce the workload, they may not think about the intense pressure on students when a course grade is based only on a midterm and a final. In an effort to provide lots of timely practice and feedback, others may lose track of how much pressure students feel to meet deadlines.

Students are accustomed to sharing their work from past semesters with others and using friends’ old exams to study, and they are often encouraged to do so. But the limits of a good learning strategy can be stretched too far if students “borrow” from papers, homework sets or lab reports done by other students. Instructors often do a good job of varying exam questions and assignments from semester to semester. But they may begin to resent the time and suspicion involved in altering effective materials just to take precautions against potential cheating or plagiarism. Even if specific instructions are given for students not to access past materials, students report that past materials are very easy to come by and often too alluring to pass up.

Students recognize the obvious examples of academic dishonesty such as copying during an exam or quoting extensively without a citation. They can be much less clear on how much collaboration is allowed, what kind of paraphrasing is appropriate to summarize a source or whether one assignment can be turned in for two different classes. If students are not accustomed to thinking about the ownership of ideas, they tend to underreport their sources. Instructors often state their expectations for tests and about quoting, footnoting, and paraphrasing in papers and they outline the consequences of being dishonest. However, they may not state precisely what they consider to be appropriate collaboration (if any) and what they recommend as guidelines for teamwork.

Students sometimes feel that receiving a zero for an exam or a paper is a justified penalty for cheating, but they may also convince themselves that they will not get caught. They can be reinforced in this thinking if
grading procedures are not planned carefully or if instructors do not follow up on suspicious incidents.

Instructors may have difficulty discovering that students copied or inappropriately collaborated on assignments when a large number of exams and papers must be graded. Grading procedures which include comparison among students and across multiple sections take extra time so instructors sometimes bet on their ability to spot students’ papers which are strikingly similar.

One group of students who regularly feature on the ‘at risk’ list is international students for whom English is not their first language. The Registrar reports that we are still in the process of establishing a baseline for annual cases, therefore the recent 2010 Academic Discipline Report does not provide a complete picture of trends. However, for that reporting period the Registrar’s office notes that 53% of Academic Misconduct Reports submitted were for visa-status international students, up from 47% in the previous year. This trend is similar at other North American universities; schools are seeing an increasing number of academic misconduct cases involving international students and students for whom English is not their first language.

There seems to be a persistent perception held by some that these students have different attitudes towards academic authority and deference, come from cultures with radically different attitudes to academic plagiarism and arrive with less well-developed study skills (including note taking, essay writing and bibliography construction skills). This view can be dangerous and seen as condescending because it is an oversimplified view of the differences between domestic and international students.

Another key aspect to this discussion is the issue of language barriers. This view holds that weaker language skills prevent students from fully understanding university policies covering academic integrity. It may also be that their weaker language skills contribute to some students feeling isolated in their classrooms not only by language but also by different teaching and learning styles. They may not be so inclined to contact faculty or other academic resources with their concerns about proper practices until it is too late. Plus, of course, desperation can feed into cheating, and the stakes for international students struggling in their courses are often particularly high.

We need to be sensitive to the fact that students bring complex learning strategies to the classroom and our view towards academic integrity must be equally as nuanced and complex. Changing our view of academic misconduct challenges some of the moralistic approaches to plagiarism that has often dominated many discussions on the subject. Our understanding about academic integrity is also influenced by the type of literacy English language learners are asked to use, whether it be creative writing, essay
writing, or academic writing. Our international students may still have problems negotiating the rules of plagiarism but the problem is one of understanding rules, not moral precepts. The moral viewpoint has often frustrated instructors who, despite warning their students not to plagiarize, find them doing the same thing over and over again. Rules, on the other hand, whether they have to do with academic writing or playing sports, need to be taught and we have to be sure that they are understood so everyone can play on a level field. This perspective can help instructors develop pedagogy for teaching about plagiarism that helps our students see subtleties and contradictions involved in thinking about plagiarism in the same way they learn about any other aspect of literacy.

As reflected above this is a complex and multifaceted issue. The university must continue to have an open and honest dialogue about how to address this concern. Policing the issue is only part of the solution and SFU has made great strides in the past few years at streamlining the Academic Integrity process. More needs to be done. There is no “silver bullet”. An open and coordinated university-wide effort to educate students on the implications of cheating and plagiarism would be a good place to start.

THE ROLE OF THE OMBUDSPERSON
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 their 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.

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 the new rules and procedures, but to make recommendations and follow these up to the extent necessary for their formulation and/or improvements; 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.”1

**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 offers 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) and the International Ombudsman Association (IOA). The associations provide access to a network of international Ombudsmen and individuals who practice conflict management. The associations also provide training opportunities, networking and research materials. The Office co-hosted with UBC the
annual joint-conference of the Association of College and University Ombudspersons and The Forum of Canadian Ombudsmen in Vancouver in May 2011 followed by the Western ACCUO meeting in December in Vancouver. The Ombudsperson attended The California Caucus of College and University Ombudsmen in Asilomar, California in November.