The Office of the Ombudsperson
2010 Annual Report

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 one of the first universities in Canada to create an Office of the Ombudsperson. For over 40 years the Office has provided advice, information, interventions and referrals to the university community. Until 2008 the Office was solely funded by the Simon Fraser Student Society, a model that was quite different from other small offices across Canada. The University joined with the Simon Fraser Student Society (SFSS) and the Graduate Student Society (GSS) in 2008 to support the development of a jointly funded Office of the Ombudsperson. We continue to assert that this model serves our students and reinforces that all parties within the University community are committed to the fair and just treatment of all students.

As we look forward to 2011 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. Wade Parkhouse, Dean of Graduate Studies, Dr. George Agnes, Associate Dean of Graduate Studies, Jo Hinchliffe, Assistant Registrar, Carroll Boydell from the GSS and Ali Godson President of the SFSS. Their willingness to hear feedback and to collaborate on many issues to bring about fair and equitable outcomes is deeply appreciated.

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THE YEAR IN REVIEW

From January 2010 until December 22, 2010 a total of 302 people have sought the advice and support of the Ombudsperson.

Distribution of Cases

- WE (Withdrawal under Extemating): 82
- Other: 41
- Cheating and Plagiarism: 33
- Grade Appeal: 26
- Supervisory Concerns (Graduate Students): 24
- Complaints about Instructors: 21
- Conflict: 11
- Fees: 9
- Non Academic Misconduct: 6
- Exam: 5
- PDP Withdrawal: 5
- Course Requirements: 4

“Other”

Many issue 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:
- 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

This year, graduate and professional students represented over 30% of the overall caseload across the university constituency groups. 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.

The Office continues to have an excellent working relationship with the Dean of Graduate Studies and has found the office to be extremely helpful in resolving many issues in a positive and constructive manner. Graduate students only account for 13% of the university population, yet this group accounts for over 30% of cases reviewed by the Ombudsperson. In addition, these cases are more complex and require a greater period of time to resolve.

On average 4-8 hours are spent working with a graduate student. This involves, in person meetings, review of appeals and supporting documents, referral and coaching. The Office seldom intervenes directly in conflict but has been asked facilitate discussions with principals. At other times the Ombudsperson has sought the opinion or intervention with the Dean of Graduate Studies.
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Action Taken

Method of initial contact

Gender Distribution
TRENDS AND ISSUES

Instructor complaints

Concerns about course climate and instructor conduct are among the most sensitive types of questions that come to the attention of the Ombudsperson, and therefore among the most difficult to address successfully. Not all such situations are resolvable through dialogue, but many are, especially when they are identified early. Other situations can be pursued through more formal complaint procedures. Unfortunately, a number of factors come in the way of early intervention, constructive dialogue and appropriate resolution.

To be clear, 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.
**Expectations about group work and academic integrity**

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. 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 and departments need to do more 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. This raises the following questions:

- What is the responsibility of instructors to teach the “how to” of academic integrity (incl. 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?
Role for an advocate

The Ombudsperson is impartial. Consequently, we are unable to attend hearings, as this could give the appearance that we are there to represent the student. While students are permitted to have a friend or family member accompany them to a hearing, there would be value in establishing an advocate position. Many universities, such as UBC, Ryerson, Dalhousie, Concordia and The University of Manitoba have both an Ombudsperson and a Student Advocate. The Ombudsperson would prepare and guide the student through the appeals process, review the appeal submissions and coach the student prior to the hearing. The student advocate has a much more narrowly defined role and would accompany the student to the hearing. At most universities the role of student advocate is generally staffed by an experienced and currently registered student who has a particular interest in issues of fairness and natural justice. The advocate should receive specific training on relevant issues relating to University policies and regulations and possess. We recommend that both the GSS and the SFSS consider creating an advocate position.

Support for graduate students

We continue to express concern regarding the treatment of graduate students. We hope that all would agree that and support the need for graduate students to maintain a healthy balance between the demands of graduate work and their lives outside of school. Unfortunately, for many graduate students, such a balance remains at best difficult and is too often unattainable.

Graduate students lead unique and complex lives with intense workloads, little personal or political power within their departments, and high expectations for individual achievement. This combination can be detrimental for many students physically, mentally, and scholastically. Graduate students face a complex web of duties. They are students, and, for at least the first year of so of their programs, they must succeed in demanding graduate classes. Second, they are also learning to be researchers, and this process often includes time consuming duties that are critical for successful research: data collection, data entry, data management and analysis, and so on.

Many are also learning to be teachers. Some learn through working as TA’s or Research Assistants, In most instances students entry into teaching is a trial by fire as they learn in the challenging environment of a university classroom. Many graduate students participate in other modes of teaching, including advising and mentoring undergraduates or
junior graduate students in class work, research, and teaching. Regardless of their myriad responsibilities, graduate students face academic systems that are not always sufficiently tuned to their welfare. Despite the heavy load of duties, graduate students are often report feeling severely and knowingly overworked.

Political concerns can also not be ignored. If a student turns down a teaching, research, or similar professional opportunity, will a second chance be offered? We hope graduate students have chosen a specific path because they truly enjoy the subject they study. Therefore, they are not likely to pass up opportunities that may further the development of their expertise in a given area. The short-term concerns regarding income or political issues pale compared to the long-term concerns for future employment. A graduate student attempts to build a vita that stands out for prospective employers. Standing out requires going the extra mile beyond one’s peers in terms of class success, hours worked, and investment in teaching, research, and other professional activities. A healthy balance in life is rarely rewarded financially, with formal awards, or other types of recognition. Overwork, overachievement, and imbalance seem to be clearly adaptive for graduate students.

The above pressures interact with faculty and administrative attitudes and expectations. The changes have occurred slowly, however, and the attitudes that drive such faculty behaviour also change slowly. Many supervisors were educated with a certain set of expectations, and many may still hold these attitudes. It seems to be the case that some faculty learn and often use the mentoring styles they experienced as students, and training programs for faculty seem to have limited appeal. Some faculty may pass the treatment they faced in graduate school on to their own students; the suffering is a “rite of passage” approach.

Mistreatment should be an obviously poor choice in relationship, but it occurs all too often; the same remains true in academia. Supervisor/student relationships are highly individual and unregulated. The Office often gets requests from graduate students asking what the “policy” is on graduate supervision. Many are shocked to learn that there is in fact very little in the way of clear policies that govern the graduate supervisor relationship. This lack of regulation has a dark side—it combines with the large power differential between supervisors and students in a situation with few checks or balances and little recourse for students in cases of mistreatment. Even in situations where students have a clear case that they are being mistreated or treated unfairly few are willing to complain for fear they will be punished. Even if there is no “formal” consequence many acknowledge that the political “blow-back” for complaining could be severe and potentially
devastating. We have had many conversations with the Dean and Associate Dean of Graduate Studies and it should be noted that they share this concern and have demonstrated a firm commitment to improving the policies that regulate graduate student supervision.

The factors that encourage a lack of balance between graduate school and life overwhelm some. Graduate students have huge temporal, financial, and personal investments at stake in their educations and in the future job market, treatment of graduate students is largely unregulated, and when graduate students are treated unfairly, overworked or feel exploited the advantage comes to supervisors, committee members, department administrators, rather than to the students themselves.

What can be done to ensure the appropriate treatment of graduate students? Through more prescriptive policies the university can do more to protect graduate students. The university could provide workshops regarding the treatment of graduate students and the detrimental effects on the emotional, financial stress of juggling graduate level work with teaching, research and life. The constellation of lack of personal control, overwhelming workloads, and financial strains can contribute to mental health issues, relationship distress, life stress, and other negative outcomes associated with graduate school.

The costs of not developing greater safeguards and more detailed policies are high. The benefits for changing the system include physically and mentally healthier graduate students, happier students, with more positive recollections and recommendations about their graduate experiences. Beyond the more easily measured benefits, we collectively gain by valuing students holistically. All fields prosper and grow when students are provided with the tools they need to live well and successfully complete graduate school.
THE ROLE OF THE OMBUDSPERSON

Most university and college Ombudsperson offices in North America strive to adhere to a standard of practice that (1) promotes and ensures a high degree of independence and impartiality and (2) is accountable to the entire university community.

As per the Constitution of the Association of the Canadian College and University Ombudspersons: someone who fulfils an ombuds function in a college or university normally does all or most of the following: 1) receives and investigates complaints in an impartial and objective manner, and in confidence; 2) acts independently of the administrative structures of the institution and/or students' associations; 3) maintains a standard of neutrality (impartiality) and; 4) reports on findings (where appropriate) and recommendations and/or issues an annual report.

The Office is now a full member of the Association of Canadian College and University Ombudspersons (ACCUO) and operates in accordance with established practices.

Although its structure has changed significantly over the last forty years, the primary aim advocating for fair treatment of students at the university remains central. Fair treatment of students will continue to be the core concern of the Office.

Many students and members of the university community think that the role of the Ombudsperson is to be an advocate; the Ombudsperson is an advocate for fairness and equity rather than for an individual's specific complaint. Where the Ombudsperson determines that a complaint is justified, the Ombudsperson recommends remedies to the complaint. More importantly, through individual complaints or concerns, the Ombudsperson identifies for students, administration and faculty systemic issues and problems for which change is required. We cannot force the University to change its actions or decisions; rather the Ombudsperson only has the power to recommend actions for ensuring administrative fairness. In this sense, the Ombudsperson can be viewed as an agent for change.

One of the most important services that the Ombudsperson provides is to encourage self-advocacy for students. Direct intervention or mediation is an option, but often a last resort. From a student development perspective, learning to speak for oneself is an essential life skill. This approach promises taking responsibility for a situation and encourages empowerment away from the problem and toward a solution. Self-advocacy not only allows for a solution to the problem, but it also allows the complainant to feel the accomplishment of solving his/her own problem. The Office spends a great deal of time coaching, guiding, and even role playing in our efforts to help
students advocate for themselves. Direct intervention may be expedient, but we believe that helping students learn to advocate for themselves is well worth the extra time and investment. Many students have expressed their appreciation for having been taught new ways to resolve conflict and problems.

Within the approach of self-advocacy, the Ombudsperson will encourage the development of mutual respect and understanding of the differing perspectives. As well, the Ombudsperson creates, in consultation with the person dealing with a problem, a particular approach to each situation. It is often the role of the Ombudsperson to “open doors” to staff on campus who can assist them with their concerns. This can involve making phone calls to other parties, and arranging for and participating in meetings. We avoid appearing to be direct representatives of the student and try to be seen as a conduit for information. Depending on the needs of the student the office provides a range of assistance, including but not limited to:

- Serving as a sounding board and helping the student to organize her thoughts or clarify an issue;
- Coaching the student on how to approach a person of authority and to raise issues directly in a non-adversarial way;
- Presenting a list of options/problem-solving strategies and helping the student to evaluate the merits of each approach;
- Intervening as an impartial third-party between the student and another person to create opportunities for constructive communication;
- Acting as a mediator to help parties identify their common interests;
- Providing information about university policies and campus services and resources as appropriate.

In terms of fulfilling the complaint resolution role the Ombudsperson has wide discretion to deal with matters as they see appropriate. Assistance to parties in dispute may take the form of advice, counsel, investigation or process provision. The Ombudsperson may determine that a relatively non-interventionist role such as listening, providing and receiving information, referral, reframing issues or developing options is appropriate. In some instances the Ombudsperson may, alternatively, decide that a more active mode of assistance such as informal third-party intervention, shuttle diplomacy, or classic mediation is suitable.
The dispute resolution role of the university Ombudsperson can be viewed as the “administrative last resort” and operates free from formal university procedures and strict rules of evidence. In many ways the office is more one of influence than formal authority. The informal nature of the Office has enormous benefits which include: the speed with which matters can be processed, accessibility, cost-effectiveness, and the non-threatening nature of such processes for the parties. In a broad sense the model succeeds because it is committed to the basic principle of arriving at a fair and equitable conclusion in each case.

**Ombudsperson as advocate for fairness**

The concept of an independent and impartial third party is generally considered central to informal justice processes. The impartial nature of the Office has a “legitimising function” for the university by upholding a fundamental principle of justice governing formal legal proceedings, and by promoting individuals’ perceptions of the university respect for due process, and fair and just outcomes. Impartiality focuses on issues such as a connection with the parties, any background involvement in the issues, or an interest in the substantive outcome. “Impartiality” is said to relate to how the dispute is handled, and how the third-party (Ombudsperson) treats the parties. A lack of bias is also central to the concept, as are objectivity, fairness and even-handedness.

These claims are central to the viability of the office in that the rhetoric serves to preserve the appearance of its independence and is said to contribute to its effectiveness. However, this claim can only work if the broader university community embraces the Ombudsperson as a “third party neutral”. The community much trust that the Ombudsperson is truly dispassionate about the disputants, the dispute and the outcome, and are non-partisan, and non-judgmental. In one sense, this argument is supported by the fact that the Ombudsperson has no power to make a decision for the parties.

The concept of impartiality is one of the most challenging challenges that we face as a profession. To most the concept of impartiality would seem fairly clear; we do not take sides during conflicts. It would also seem fairly clear that being impartial means having no personal stake in an outcome, being free from conflict of interest, being independent, non-partisan open-minded and unbiased. This is where the distinction between being an advocate for fairness and advocate for an individual comes into focus.
Confidentiality

Confidentiality is what makes the Office a safe place for students to bring their concerns, open their minds and explore potential courses of action. Confidentiality is an essential principle of many informal processes. Confidentiality allows the Ombudsperson to operate in an open and honest atmosphere. The Ombudsperson’s commitment to confidentiality gives each party the security to disclose information to the Ombudsperson and to the other party that they might not disclose otherwise.

Basic functions and skills

Listening. The first option that a student may choose is to talk through their concerns, and for the Ombudsperson to listen, in an active and supportive fashion. The Ombudsperson may affirm the feelings of the individual but will remain impartial with respect to the facts of the issue. In many cases “being heard” is all that an individual wants. Listening and being gently questioned many help put a problem into perspective.

Providing Information. Many students who use the services of the Ombudsperson need information on a one-to-one-basis. For example, many students desire to understand an appeals process or seek clarification on the meaning of policies and procedures. The Ombudsperson may be able to provide (or help to find) information that resolves a problem in one or town contacts. Given the size and complexity of the university students are often overwhelmed and have difficulty knowing where to turn for help. In this way the Ombudsperson helps students navigate the bureaucracy so that they can resolve their issues more quickly.

Reframing Issues and Developing Options. Advising students about their options remains the most common activity of the Office. Many students come to the office believing that they have no options. The Ombudsperson helps to reframe the issues, identify or develop new and different perspectives, and presents additional and effective paths from which the student can choose.

Referral. Many students are in need of more than one resource to help them through a difficult issue, they need a network. Some are in need of support to deal with mental health issues or medical concerns and the Ombudsperson may not be the best person to help.

Self-Advocacy. Many students believe that the Ombudsperson is an advocate. The Ombudsperson is an advocate for fairness on a structural level not for individual. Impartiality is a one of the cornerstones of the profession and to “take sides” would undermine the integrity of the Office. We spend a considerable amount of time educating the community about what impartiality means and how we act in our role.
Intake process

In 2010 the Office refined the intake process to better track individual cases and track statistics. The process at the Office is as follows: Visitors approaching the Office are advised immediately that all conversations held with the Office are kept in strict confidence. This is essential in allowing the Ombudsperson to be effective, as it allows the visitors to feel comfortable in expressing their views.

Visitors are also advised that all services are informal and confidential. Students fill out Intake Forms which are available at our Office or from our website. They are advised that signing the authorization section is only required if the Office is asked to intervene. The student is interviewed. Once details of the situation have been offered by the student, the Ombudsperson may communicate (with the permission of the student) with University officials to clarify the details of the concern or determine the validity of the complaint. If the claims of the complaint are confirmed then at this time or at a later date advice will be given with regards to the informal resolution of the issue. If additional intervention by the Ombudsperson is necessary, the student is asked for specific authority to do so. Many attempts at resolution require multiple visits to, and calls from, the Ombudsperson. These typically require contact with staff, faculty and other academic and non-academic officials of the University.

In many cases simply being given the opportunity to speak openly and confidentially will result in the resolution of the student's problem. Resolutions of issues are frequent. In some cases these may take the form of changes in faculty or departmental rules, and changes in behavior of units or individuals. The Office often provides much needed feedback to many units who have no other route for this information. The Office has received many testimonials from students and staff expressing their gratitude and has been told it has a good reputation in the University.

People contact the Office in a number of ways, with email and phone are most common. Students are encouraged to book an appointment to ensure that we will be available for them. However, individuals do regularly drop into the Office, without notice, and there are rare occasions when this is difficult to accommodate because of previously booked appointments. We are normally able to meet with students within a 24-48 hours after they contact the Office. For students who were in Distance Education courses or were unable to attend an appointment on campus, telephone appointments were made with the long distance costs charged to the Office when necessary.
While email does not allow for face-to-face contact, it does reduce response time considerably. The more free flowing form of email allows for quick response without the constraints of having to find a mutually agreeable time to meet. There are limits to email. We often encourage students to call if they are unable to meet to give students the opportunity to speak freely.

Time and effort to address each case varies greatly. In some cases, after initial contact where advice and information is provided, the issue is resolved fairly quickly. In more complex situations, we try to follow up to determine if the student’s concerns were resolved to their satisfaction. In some cases, a request for assistance on a single concern turns into a need for help on a wide range of issues. Some cases were resolved in hours, others in days, and in some cases over a period of months. It should be noted that these particular cases involved complex issues related to graduate supervision, and involved long term coaching to help the student strategize and ease difficulties they were experiencing with their graduate supervisor.

For simple cases that are not resolved quickly, the next steps can vary greatly from one situation to another. Some cases involve a great deal of coaching to help the student; this is especially common with graduate student issues. There is often much more at stake for a graduate student: research, funding, references, reputation within the department, etc. Given the potential risks, graduate students are often very concerned about resolving their case in confidence. Graduate student issues are often relational in nature and the path to resolution much more complicated. Moreover, the consequences of not addressing an issue can be devastating emotionally and may have a dramatic impact on the student’s academic career. Much of our work with these students is based on coaching the student to resolve the conflict without the direct intervention of the Ombudsperson. On occasion we hold discussions with people in conflict and help them work through these conflicts. These discussions loosely resemble mediation, though we prefer to keep the discussions much more informal. These typically involve what we call “facilitated discussions” that help people come to agreement. These discussions are informal, and may continue on and off for weeks or months.
COMMUNICATION, OUTREACH AND SERVICE ACTIVITIES

To provide the campus with information regarding the Office of Ombudsperson, we have continued to speak with students, staff and faculty at various meetings, forums and workshops. In addition, the Office has continued to advertise in the Peak Newspaper. The Ads provided information about the services provided by the Office. The Office also had 250 posters designed and printed. These were distributed to staff and faculty throughout campus.

It should be mentioned that Office has an excellent working relationship with the Registrar’s Office, Student Services and the Dean of Graduate Studies. In addition, the Office is in regular contact with many front line advisors across the University. However, there is still the perception from some faculty, instructors, chairs, deans and senior administrators that the ombudsperson is an advocate for students.

A brief example might illustrate this point. When the Office first opened under the current model we were contacted by a Chair of a department. He was welcoming and very excited to hear that the Office was up and running. The Chair then extended an invitation to an upcoming departmental meeting. This he suggested would be a great opportunity to meet some of the staff and faculty in the department and to facilitate a brief presentation about the Office. The invitation was accepted. About two days later the Chair contacted the Ombudsperson to rescind the invitation, stating that the faculty in the department thought the invitation was “inappropriate” and that the faculty believed that they should “not have contact” with the Ombudsperson because they were “on different sides of a dispute”.

This clearly illustrates how many members of the university community lack a clear understanding of what the Ombudsperson does. To many the Ombudsperson is still viewed as an advocate; a champion for any individual or case - no matter the merits. This is an inaccurate understanding of the role. The Ombudsperson is an advocate for fairness and equity rather than for an individual’s specific complaint. If the complainant is wrong or has no case it is the duty Ombudsperson to tell them that. Over the next year the Office will continue to make every effort to educate the community the value and role of the Ombudsperson.
PROFESSIONAL ASSOCIATIONS

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 Ombudsperson attended the annual joint-conference with European Network for Ombudsman in Higher Education held in Vienna in May, 2010. The Ombudsperson also attended a 2 day Administrative Justice Workshop hosted by the BC Council of Administrative Tribunals.