Introduction

It is my pleasure to present the SFU Office of the Ombudsperson Annual Report. This report covers the activities of the Office of the Ombudsperson between January 4, 2017 and December 22, 2017. During much of this period I was serving as Interim Ombudsperson, and I am grateful to the University community for the support I received after stepping into this role.

2017 has been a year of tremendous change in the Office of the Ombudsperson. An administrative review of the Office of the Ombudsperson was undertaken by an external consultant in Fall 2016. The final report presented several structural and operational recommendations that are currently in the implementation stage. The goal is to create a robust, efficient, and effective Office of the Ombudsperson and I look forward to further collaboration with campus partners to achieve this aim. The reporting relationship of the Office of the Ombudsperson has changed, with the role now reporting to the University Secretary. The Ombudsperson Advisory Committee is in the process of updating their Terms of Reference, and you may notice a change in the format of the Annual Report to include responses from the offices that are the subject of recommendations. I will follow-up on the status of the recommendations and any commitments made in subsequent Annual Reports.

What has not changed is the overall mission of the office and its day-to-day operations. The focus remains on promoting fairness in the University community. The Office of the Ombudsperson is committed to serving as a confidential, independent and impartial resource for SFU students, and faculty and staff on student-related issues.

The Office of the Ombudsperson Annual Report is prepared for the University community as mandated by the Office’s Terms of Reference. As a measure of accountability, it will summarize and provide statistics about the activities of the office, identify key trends in the types of issues that are brought to the Ombuds Office by students, and provide recommendations to the University.

Many thanks to all of the individuals I have worked with in 2017, both the students who took the initiative to share their concerns with the Office, and the members of the University community who engaged with the Office to attempt to resolve issues.

Respectfully submitted,
Laura Reid
Ombudsperson

Simon Fraser University Office of the Ombudsperson

Simon Fraser University became home to the first Ombudsperson at an academic institution in North America in 1965, when the SFU Student Society created the position. The Office of the Ombudsperson is currently staffed by one Ombuds and serves the university undergraduate and graduate student populations (approx. 35,000).

The office is financially supported by Simon Fraser University, the Graduate Student Society (GSS), and through the provision of space by the Simon Fraser Student Society (SFSS).

The work of the Office of the Ombudsperson focuses on three main areas, as outlined in the Terms of Reference:

- Students: one-on-one meetings with students;
- University Community: available for consultation about student-related fairness issues; and
- Preventative Activities: develop and participate in outreach activities to increase and promote fairness.

During 2017, the Office of the Ombudsperson focused primarily on serving the student population and University community directly through one-on-one meetings with students, and consultation and dialogue with SFU faculty and staff. Developing a familiarity with the types of issues and concerns that arrive at the Ombuds Office was the main priority. The preventative activities of the Office are vital and will be a priority moving forward.

The SFU Office of the Ombudsperson follows the Standards of Practice produced by the Associations of Canadian College and University Ombudpersons and is a full voting-member of the organization.
WHAT CAN A VISITOR EXPECT?

Respecting the foundational principles of confidentiality, impartiality and independence, the Ombudsperson acts as a resource for students seeking assistance. Students who visit the office can expect:

- To have an opportunity to discuss their situation without judgement;
- To be asked questions to help clarify the issues, reflect on the factors that contributed to the situation, and consider their objectives, goals and priorities;
- To be provided with information about their options, and relevant campus resources, policies or processes;
- To reflect on the factors that contributed to the situation and consider their objectives, goals and priorities;
- To learn about their rights and responsibilities as students, and communication strategies for self-advocacy; and
- To choose how they wish to proceed.

The goal of the Ombudsperson is to enable students to self-advocate. In certain circumstances, it may be appropriate for the Ombudsperson to intervene more directly to guide and support the resolution of conflicts, for example through mediation if agreed upon by both parties, or through conducting a detailed inquiry regarding a student complaint.

In all of the Office’s activities, the Ombudsperson has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration. The Ombudsperson is not an advocate for either the student or the University, but is an advocate for fairness.

WHAT IS “FAIRNESS”?

Fairness is context-specific, but most students who approach the Ombudsperson believe that they have been treated unfairly if they feel that their concerns have been ignored, they have not been given an opportunity to present information, they do not understand why a decision was made, or they have been treated differently than someone else without justification.

The principles of fairness have found expression in the legal concepts of natural justice and procedural fairness. In the University context, fairness involves the equitable treatment of individuals taking into consideration their unique circumstances. Fairness does not necessarily require that people obtain their desired outcome, but it does demand:

- That people are treated respectfully;
- That information is clear and accessible;
- That an apology is offered if a mistake is made;
- That those subject to a decision are provided with clear and accessible information about the impact of the decision and the process by which it will be reached;
- That they are given an opportunity to respond and present their views;
- That the decision maker is unbiased and has the appropriate authority to make the decision;
- That the decision that is made is based on relevant information; and
- That clear and appropriate reasons for the decision are provided.

All of the work of the Ombud Office is focused on promoting and encouraging fairness in the University community.
The Year in Review

From January 4, 2017 to December 22, 2017, a total of 462 students have sought the services of the Ombudsperson. This represents an increase of 22 cases over the same period in 2015.

*Please note that data does not exist for 2016

**UNDERGRADUATE STUDENTS - 388**

- Other: 23
- Withdrawal (WE): 125
- Transfer Credit Assessment: 10
- Issues with Academic Advising: 5
- Residences and Housing: 4
- PDP Withdrawal Appeal: 9
- Non-Academic Misconduct: 5
- Grade Appeal: 39
- Fees: 7
- Exam Issues: 6
- Disability Accommodation: 6
- Course Requirements: 7
- Complaint about Staff: 18
- Complaint about Instructor: 63
- Complaint about Facilities: 4
- Academic Dishonesty: 39
- Admissions: 18

**GRADUATE STUDENTS - 74**

- Supervisory Concerns: 43
- Funding Issues: 1
- Fees: 1
- TA/TM Issue: 2
- Complaints about Staff: 1
- Residences and Housing: 2
- Grading: 3
- Complaint about Instructor or Program: 10
- Complaint about Facilities: 2
- Withdrawal (WE): 2
- Unsatisfactory Progress Report: 5
- Academic Dishonesty: 2

**CASELOAD PER YEAR**

- 2011: 332
- 2012: 364
- 2013: 353
- 2014: 373
- 2015: 440
- 2017: 462
**Enrollment Status**

- **Undergraduate Domestic**: 64%
- **Graduate Domestic**: 12%
- **Undergraduate International**: 19%
- **Graduate International**: 4%
- **Did not disclose**: 1%

**Number of Consultations per Student**

- **1 to 2**: 29%
- **3 to 6**: 36%
- **7 to 9**: 31%
- **10 or more**: 4%

**Method of Initial Contact**

- **Email**: 73%
- **Phone**: 16%
- **Drop-in**: 11%

**How Did Students Hear About the Office?**

- **Advertising**: 6%
- **Website**: 51%
- **Other**: 2%
- **Other Students**: 11%
- **Referral from Staff or Faculty**: 30%
- **Did not disclose**: 46%

**Case Distribution by Faculty**

- **Faculty of Business**: 33
- **FCAT**: 36
- **Faculty of Applied Sciences**: 151
- **Faculty of Arts and Social Sciences**: 92
- **Faculty of Sciences**: 58
- **Faculty of Health Sciences**: 19
- **Faculty of Environment**: 11
- **Faculty of Education**: 25
- **Continuing Studies**: 6
- **Did not disclose**: 46

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**Office of the Ombudsperson 2017 Annual Report**
Based on the complaints and grievances brought to the Office of the Ombudsperson, I have identified key areas for potential improvements. The recommendations contained in this report seek to address gaps in existing University policies and promote practices that enhance fairness and natural justice. Three overarching themes emerge from the recommendations below: the importance of ensuring that the University community can readily access information about relevant policies and procedures, increasing transparency in decision making processes, and improving the timeliness of responses.

Each of these themes speaks not only to how the University operates, but how its operations are perceived. When people do not understand the framework in which a decision has been made or do not feel that they have been treated respectfully, they will likely feel that they have been treated unfairly. My hope is that the recommendations contained in this Report, if implemented, will contribute to both a real and perceived climate of fairness at SFU.

Please note that I occasionally provide examples to illustrate an issue. The Office of the Ombudsperson is a confidential Office and identifying details have been altered or omitted to protect the privacy of individuals. As a result, the references to cases are necessarily generic in nature but broadly reflect the types of concerns brought to the Office of the Ombudsperson.

I have observed several issues relating to some SFU appeals processes, in particular admission appeals, tuition and fee refund appeals and the academic waiver and appeal processes within a professional program. Students approaching the Office of the Ombudsperson express frustration that they lack clear and easily accessible information about these appeals procedures, and that decisions are not always made in a timely manner.

A key component of procedural fairness is understanding the general manner in which a decision is made. What is the process followed to initiate, consider and decide an appeal? These questions may have been carefully considered and outlined by decision-makers at the internal level but should also be communicated publicly. At minimum, the following information should be readily available to students:

1. If a student has questions about the appeal process, who can they approach for information? Is contact information provided?
2. Is the office or group responsible for making the decision clearly identified?
3. What are the possible grounds for appeal?
4. Are supporting documents required and, if so, what types of documentation?
5. What is the expected timeline of the appeal process?
6. What information will be considered relevant and is there any specific criteria that will be used in making the decision?
7. Is the decision final or is there a further avenue of appeal? Are there any relevant deadlines regarding an appeal of the decision?
This information will be of assistance to students and will also benefit decision makers by helping them obtain the information they need and apply consistent criteria to adjudicate the appeal. In the named appeal processes, minimal or no reasons are provided for the decisions made and students are left confused by the outcomes. Articulating the factors that are considered relevant in the decision-making process will allow students to better understand how and why a decision is made. Effort should also be made to provide reasons when a decision is communicated.

In over fifteen instances in 2017, students approached the Office of the Ombudsperson because after submitting an appeal they had not received a response. In some cases, when more than two weeks had passed, and students’ follow-up attempts were unsuccessful, I contacted relevant departments/offices to request responses. After this intervention, students received estimated timelines for responses; however, these timelines were sometimes exceeded without any further communication or explanation. In five instances, further intervention was necessary, and I again contacted the relevant office and requested a response. The University’s various appellate processes affect student rights and privileges in a variety of ways, including determining whether a student can continue in their chosen course of study. It should be understood that when a student pursues an appeal it is because the outcome will have an impact on the student’s academic career that is meaningful to them. Given the significance of these processes to students, procedural fairness requires that students be provided an accurate understanding of when they can expect a decision and that, where possible, a decision will be made within a timeframe that recognizes the student’s reason for pursuing the appeal.

I recommend the following changes for consideration by the Registrar and Executive Director Enrollment Management:

RECOMMENDATION 1.A

Review the admissions appeal, tuition and fee refund appeal and professional program waiver and appeal processes to ensure that adequate information is available to students regarding:

1. Who to contact with questions about the appeal process and who will make the decision;
2. The grounds for appeal;
3. What supporting documentation a student must submit with their appeal;
4. The deadlines and timeline for the appeal;
5. The relevant factors the decision maker will consider when deciding the appeal; and
6. Whether a decision is final or may be appealed.

RECOMMENDATION 1.B

Consider establishing a general standard of service for responding to student inquiries and appeals and publish those standards. Pro-actively inform students of issues that arise that cause delay beyond the established guideline for response times, and in doing so provide a revised anticipated response time.

I request that the Registrar inform the Office of the Ombudsperson of any actions that are taken or changes that are implemented regarding the appeals processes. This will allow me to better advise students and ensure that I am providing accurate information.
Thank you for this report.

You have raised a number of areas for improvement within the appeal processes managed by the Registrar’s Office. The first two, admissions appeals and tuition and fee refund appeals, have both been identified by my office as requiring a review. Steve Birnie has started looking at tuition and fee refund appeals and I am certain he will be in touch with you to follow up on the areas you have noted. With regards to admissions appeals, I have just appointed a new Associate Registrar for Recruitment & Admissions, Kathryn Verkerk, and this is a priority item for her this Fall.

Thanks Laura. This report is most helpful and we intend to use your recommendations to improve our processes and practices.

Best,
Rummana Khan Hemani
Registrar and Executive Director Enrollment Management

A significant number of inquiries brought to the Office of the Ombudsperson come from students who are experiencing or have experienced difficult circumstances that negatively impact their academic studies. Students express that they are unsure what to do when they are in situations that prevent them from fulfilling their academic responsibilities on time.

SFU practice currently leaves it to the discretion of instructors to decide whether to grant extensions or deferrals and under what circumstances. This results in inconsistencies within and across departments and faculties. Students report:

1. Not knowing where to go for assistance when an issue occurs;
2. Receiving conflicting or contradictory advice from SFU employees about how to handle academic challenges stemming from an illness or other issue;
3. Instructors not always communicating the process they expect students to follow if they are facing a difficult situation; and
4. Assuming (to their detriment) that because one instructor handled the situation in a particular way, other instructors would do the same.

A scan of university materials is helpful in identifying the source of this confusion. There appears to be no central, comprehensive and authoritative source of information about what a student should know or consider if they are experiencing illness or another issue that may prevent them from completing a class requirement by the deadline. A section of the SFU Health and Counselling website is the most comprehensive source of information, but it is difficult to find and requires students to click through several tabs to access useful forms.
(such as a link to the Certificate of Illness). The Health and Counselling website is typically not the first place a student would think to search for information related to an academic administrative matter regarding deferrals or extensions. Similarly, information about DE grades (deferred grades) can be found in the “Undergraduate Grading Systems and Policies” section of the SFU Academic Calendar, but the section is also difficult to find and contains limited information.

Expecting students to comply with procedures that are not clearly articulated and easily accessible raises a significant fairness issue.

When students do approach an instructor about their situation, I am aware of instances in which instructors do not appear to exercise their discretion fairly. Discretionary decision making is a useful tool that provides flexibility when a decision maker is asked to consider unique and complex situations. It does not mean treating everyone the same, it means taking into consideration the unique circumstances and making a decision that is reasonable and that can be justified and defended. Students informed me in five separate cases that their instructors told them or the class that no extensions would be granted under any circumstances, that no deferral was possible because it would create a “slippery slope” and the instructor would be inundated with requests, or that consideration of an extension request was not fair to the rest of the class. Definitive stances that do not allow for the consideration of extenuating or special circumstances are arbitrary and risk violating fairness principles. Students should be informed of avenues to present information and request consideration of their situation and instructors should receive guidance in how to exercise their discretionary powers in a fair manner.

Examples of problems that stem from the circumstances described above include:

- A student denied a WE (withdrawal under extenuating circumstances) because he/she became ill during the final weeks of class and did not ask their instructors for exam deferrals. The student had spoken with an SFU employee about their situation and was advised to pursue a WE. The student was not informed of the option of requesting a deferral and did not know such a request was possible.
- A student denied an extension request after experiencing complications following a medical procedure. The decision maker said that the student could have foreseen complications and made the extension request earlier.
- A student arranged exam deferrals with instructors. The student registered for classes for the next term and several weeks into the term received an email message informing them that because they did not complete the deferred exams by a deadline that was not previously communicated or identified, they would be withdrawn from their classes because they had not met the pre-requisites.

I recommend the following changes for consideration by the Vice President, Academic and Provost and the Vice-Provost, Students & International:

**RECOMMENDATION 2.A**

1. Produce general guidelines to inform students how to request extensions and deferrals for an anticipated missed academic deadline/missed exam.
2. Make the guidelines easily accessible to students online by publishing them on the Student Services website where they are easy to find.
3. Advertise the availability of this resource.
4. Direct students to consult relevant sources of information in course outlines.
5. Identify potential relevant deadlines related to a deferral request.

**RECOMMENDATION 2.B**

Provide guidelines or training to instructors about fairness considerations when exercising discretionary decision-making.

I request that the relevant Offices identified above inform the Office of the Ombudsperson of any actions that are taken or changes that are implemented regarding clarifying and communicating the missed assignment/test procedures. This will allow me to better advise students and ensure that I am providing accurate information.
Student Services recognizes that there is potential for improvement in the consistency of practice and communication related to extensions and deferrals for illness and other issues. This is a complex, multi-pronged communications, education, and policy problem that will require a coordinated response by a number of Student Services & other Vice President, Academic & Provost units. Student Services is committed to working in partnership to understand the constraints and to determine what can be done.

We share the concerns articulated in the Office of the Ombudsperson Annual Report and we agree that some of the recommendations may help to address this complicated issue. While a uniform policy would promote consistency, the diverse needs of different units should be considered in assessing the degree to which uniformity is a realistic goal. We concur that a centralized website may well assist in ensuring that students have access to correct and up-to-date information. We believe this website may also serve to educate instructors, and others with responsibility for the evaluation of such requests, about best practices. This in turn may promote greater consistency across SFU.

Recently, Health and Counselling Services recently launched a website with the aim to improve access to information about sick notes; we do not yet know the effectiveness of this new site, but we are hopeful that it will help solve a smaller subset of this larger issue. We continue to update and improve information shared on the withdrawal under extenuating circumstances (WE) website.

As mentioned, we are committed to exploring this complicated issue further and will report back to the Office of the Ombudsperson as progress is made.

Thank you for the opportunity to comment.

Kind regards,
Dr. Tim Rahilly
Vice-Provost Students & International

Graduate student supervision is often cited as an area of concern by University Ombudspersons across Canada. The graduate student/supervisor relationship can be a complex one, with the power differential creating situations in which graduate students believe they have very limited ability to resolve problems.

In 2017, forty-three graduate students approached the Office of the Ombudsperson regarding supervisory concerns. Several of these students described circumstances that violated SFU’s Graduate General Regulations or other relevant SFU policies, such as the Conflict of Interest Policy. Examples of such violations include:

- Supervisors who left campus for more than three months but did not arrange for proper supervision.
- Members of supervisory committees with possible real or perceived conflicts of interest that have not been appropriately disclosed or considered.
- Students who had no contact by their supervisor for several months and/or had no annual meeting with their supervisory committee to produce a progress report.

Students are often unfamiliar with the relevant policies. A lack of knowledge about their rights and responsibilities exacerbates the vulnerability of graduate students. Graduate students have expressed a desire for more programming about supervisory relationships, rights and responsibilities beyond the existing orientation events and Thesis Bootcamp workshops. These offerings bookend the graduate student experience, but a more frequent and targeted delivery of useful information about typical graduate student concerns could prevent problems from developing and provide students with the ability to address issues that do arise efficiently and effectively.
My hope is that in developing additional graduate student programming, the University will assess the strengths, weaknesses, and gaps in its services and address any deficits by producing additional outreach material. Clear expectations and fair processes will give graduate students the confidence to raise concerns where appropriate. Providing this information will also serve to further the University’s commitment to enhancing the graduate student experience.

While education is a useful tool, the responsibility to identify and report violations of the Graduate General Regulations should not fall exclusively on students. The number of alleged violations identified indicate that a degree of accountability is lacking. Systems for monitoring and promoting adherence to the Regulations should be developed. Compliance with the Graduate General Regulations should be viewed as an expectation at all levels of the University involved in graduate student education. The impact of a breakdown in a supervisory relationship falls disproportionately on the student. As such, there is an onus on the University to be more proactive in ensuring policies and regulations are followed.

I recommend the following changes for consideration by the Dean & Associate Provost Graduate & Postdoctoral Studies:

**RECOMMENDATION 3.A**
Develop more outreach programming (FAQs, workshops, handouts, etc.) to inform students about supervisory relationships, their rights, and relevant policies, processes and practices.

**RECOMMENDATION 3.B**
Develop oversight and accountability mechanisms to ensure adherence to the Graduate General Regulations.

**RECOMMENDATION 3.C**
Develop a communications plan to disseminate information about the Graduate General Regulations and supervision best practices to faculty and academic administrators on a regular and continuing basis.

Following receipt of these recommendations, the Dean & Associate Provost Graduate & Postdoctoral Studies, Dr. Jeff Derksen provided the following response (lightly edited for clarity):

Thank you for your work as our Ombudsperson. Your report and recommendation related to issues in graduate supervision are in line with our own analysis and we also see the need to give graduate students a stronger sense of the resources available to them and to provide workshops for faculty. Therefore, your report and recommendations accurately reflect the condition and lack of supervisory relations support in graduate studies.

With the Student Experience Initiative funding the Supervision for the 21st Century committee and its related projects, I believe we will be in very different positions next year and will be able to address all of your recommendations.

I’ll also point out that our website does have a set of recommendations and best practices that are derived from the “managing up” workshops. http://www.sfu.ca/dean-gradstudies/current/managing_your_progress/supervision.html

And I will also mention that our electronic Progress Report system will be fully rolled out by September and it provides some aspects of oversight in supervisory relations and in adherence to the GGRs.

Thanks,
Dr. Jeff Derksen
Dean & Associate Provost Graduate & Postdoctoral Studies
Event Participation and Professional Development

- Participated in undergraduate and graduate student orientation events in September 2017
- Attended ACCUO BC Regional meeting in November 2017
- Attended and presented at California Caucus of University and College Ombuds in November 2017
- Delivered various presentations to faculty and administrative offices/service units on the function and role of the Office of the Ombudsperson from January – December 2017
- Facilitated “Managing Up: The Student-Supervisor Relationship” workshop each term as part of Thesis Bootcamp programming
- Completed Justice Institute of British Columbia courses towards the Certificate in Conflict Resolution: Specialization in Mediation/Third-Party Intervention
- Attended the 2017 FCO-ACCUO Conference in April 2017

Thank You

The Office of the Ombuds is reliant on a University community that is willing to engage in discussions about the principles of fairness and their application at SFU. The following individuals have helped to sustain and support this dialogue:

- Martin Pochukko, Vice President of Finance and Administration
- Ian Fonyith, University Secretary
- Dr. Tim Rahilly and Nancy Johnson (acting), Associate Vice President Students & International
- Dr. Wade Parkhouse (former) and Dr. Jeff Derksen, Dean & Associate Provost Graduate & Postdoctoral Studies
- Rummana Khan Hernani, Registrar and Executive Director Enrollment Management
- Jo Hitchcliffe (former) and Heather Roberts (acting), Associate Registrar
- Dr. Mitchell Stoddard, Director of Centre for Students with Disabilities
- Martin Mroz, Director of Health and Counselling
- Peg Johnson (acting) and Heather Roberts (acting), Academic Integrity and Good Conduct Officer
- Brenda Taylor, Director of the Office of Human Rights and Equity
- Persia Sayari, (former) Graduate Studies Coordinator
- Christina Batstone and Rosanne Miller, Graduate Student Society Advocates
- Concetta di Francesco, Manager Academic Appeals
- Larissa Chen and Hanguue Kim, Presidents of the Simon Fraser Student Society
- Pierre Cenerelli, Executive Director Graduate Student Society
- Martin Wyant, Chief Executive Officer, Simon Fraser Student Society
- The members of the Ombuds Advisory Committee

I am also indebted to the support I received from colleagues in the Association of Canadian College and University Ombuds (ACCUO). In particular, Shirley Nakata and Joy Coben at the University of British Columbia, Natalie Sharpe, Brent Epperson and Marc Johnson at the University of Alberta, and Kevin Wiens at the University of Calgary. These individuals shared valuable resources and were always generous with their time when I phoned with a question for discussion.