

Agents and Colleagues: Students Helping Students

The purpose of this guide is to help one student help another by taking on the role of agent or of academic colleague for that student.

What is an Agent?

An agent is someone who acts on behalf of or for another person. 'Agent' has a broad, general meaning. The kind of action an agent performs will depend on the situation and on the rules, policies or practices governing that situation. For example, a real estate agent will act for someone selling her home, and has a contract with the home seller which spells out the expectations and commitments on each side. By completing the Release of Information area in their Student Center www.registrar.uwo.ca/general-information/release_of_information.html, students can give permission for their parents/spouse/friends to do specific tasks on their behalf at the Office of the Registrar - in short, to act as the student's agent.

A student appealing to an administrative tribunal such as the Senate Review Board Academic or the University Discipline Appeal Committee has a right to be represented by an agent or counsel.

What is an Academic Colleague?

The phrase 'academic colleague' seems to have originally meant a faculty member who assisted another faculty member involved in a process (for example, a grievance). The idea has now been extended to students, so that, in general, a student who must meet with a decision maker at the University need not go to such a meeting alone if they prefer to be accompanied. For example, a student involved in an investigation or situation under the Code of Student Conduct may be accompanied by a colleague of his or her choosing at meetings, and this is stated in the Code itself.

In the Schulich School of Medicine, "*Students may invite a single person to accompany them for support at any appeal where the student is required to make a personal representation. This may be a medical student, a professor, or the Assistant Dean, Admissions and Student Affairs. Legal counsel will not [be] permitted to attend any appeal within the Schulich School of Medicine and Dentistry.*" (Doctor of Medicine (MD) Program Appeal Regulations.)

Even in situations where it is not stated, a student may generally be accompanied by one person, though it is proper procedure for the student to first request permission of the other party or parties to the meeting. The other party sometimes decides to invite a colleague also.

Example: Student John Doe receives an email from his professor, indicating that his assignment appears too similar to that of another student. John arranges to meet with the professor to discuss the matter. He takes his friend Tony with him. Before the meeting begins, he introduces Tony to his professor, and asks if Tony may be present during their meeting. Tony takes notes during the meeting to ensure John has an accurate record of what has been said.

Colleague role versus agent role

Typically, a colleague is present as an observer of the meeting and for moral support. A colleague may not speak during the meeting unless invited to do so by the person in authority. Despite the seemingly passive role colleagues play, their presence can be very important to the parties.

- The student may see the colleague as a supportive presence, and feel less vulnerable.
- Both student and decision maker have a witness to the meeting. The presence of a colleague may



help raise the tone of the meeting, making the participants more reasonable and respectful than they might be otherwise.

- The colleague may take notes at the meeting, to help the student recall all the points that were made.
- The student can discuss the meeting afterwards with someone who was there.

An agent, unlike a colleague, plays a more active role. Just how active depends on the procedure.

Agent role versus legal representation

Lawyers ('counsel') have experience and knowledge of the law and of court procedure. Some lawyers have considerable experience with universities and understand very well how academic decisions are made; others do not. Experience is important, since appeals at the University do not normally concern matters of law, but of University policy. However, most students cannot afford a lawyer, and fortunately, in most university situations, a lawyer is not necessary.

But an agent who comes to the task because a fellow student has asked him or her to help probably lacks experience with university decision-making procedures, and thus may not be in a good position to advise the appellant about the best way to proceed. So what good is such an agent?

The agent, unlike the student involved in the appeal, does not have a big personal stake in the outcome. This may permit the agent to bring a valuable and more objective perspective to the issues. Preparing for the hearing may seem like a formidable task. Sharing the work of preparation can make a difference.

Other benefits of an agent:

- A source of strength and comfort for the appellant during the hearing itself;
- A safety net, in case the appellant panics;
- An aid to memory, in case the appellant forgets a key point;
- A poser of questions, helping the appellant present the case in a clearer and more dynamic manner;
- Someone with whom the student may discuss the hearing later.

Who can be an agent?

At the University, a student involved in an appeal process can choose anyone to be his or her agent - a family member or friend, a fellow student, or, for example, someone like a paralegal, who would charge for this service. The important thing is to choose a person you can trust to do a good job.

Does an agent get paid?

If a student hires a professional to act as agent (for example a lawyer or a paralegal), he or she will charge for service. But the relationship of 'agent' does not depend on whether or not the agent is paid. It depends on the existence of an agreement, possibly even a signed agreement, between the agent and the person represented. The agreement may or may not stipulate a fee.

Understanding the procedures

A person who will act as an agent needs to become familiar with the procedures for the hearing or appeal.

1. The first step is to read the procedures. What is the rationale or logic implicit in those procedures?
2. If the agent has questions about the procedures, he or she may contact the office responsible for holding the hearing.
3. In addition, there is usually an opportunity to ask procedural questions at the very beginning of a hearing.

Courtroom dramas on television are not the only kind of hearings. Such dramas are typically between opposing sides. At the University, the sides are not opposed in the same way. Hearings are collegial rather than adversarial. Picture the appeal committee or tribunal trying to solve a problem, rather than choosing a side.

Understanding the policies

Decisions which are appealed to committees or tribunals are made in the context of specific policies. Both the agent and the appellant need to be familiar with any policies governing the case. Policies can be found on the University website. The names of relevant policies should be mentioned in correspondence related to the case. Places to look for policies: the Academic Policies www.uwo.ca/univsec/academic_policies/index.html and Policies and Procedures www.uwo.ca/univsec/policies_procedures/index.html. These documents can be found at the University Secretariat website <http://www.uwo.ca/univsec/>. You will see **MAPP Policies** and **Academic Policies** headings across the top of the page. The agent and appellant should work together to master the steps they will go through at the hearing, and to get agreement in advance about who will be doing what at each step.

Some guidelines and tips on acting as an agent

1. It is not necessary for the agent to believe the appellant has a good case, or to come to a decision about the merits of the appeal. The appellant has a right to appeal. The decision will be made by the proper authority - not by the agent or the appellant.
2. It is not necessary for the agent to know the truth. An agent is not responsible for conducting an investigation, or for testing the appellant's claims.

Scott has been accused of cheating on an exam. He is appealing to the Senate Review Board Academic and Fatima has agreed to be his agent. Privately she suspects that Scott is guilty of cheating; however, it is not her job to make a judgment about this. Her job is simply to help Scott present his case as effectively as he can by making an orderly presentation of evidence and argument.

3. An agent must not knowingly assist or encourage an appellant to lie. Therefore, an agent should think twice before asking the appellant certain questions. For example, Fatima should not ask Scott if he is guilty of cheating, because if he admits he is, she will not be able to assist him in appealing the cheating charge.
4. The agent must remember that it is most important that the appellant feel he or she has made the best case possible. Therefore, if the appellant wants to argue the matter a certain way, and the agent disagrees, the agent should yield, despite believing it is better to argue some other way.
5. An agent does not normally provide any testimony. The roles of agent and of witness are separate and distinct, and someone who will be a witness ought not to act as agent.
6. It is not the agent's responsibility to ensure the appellant wins the appeal. Appeals are normally judged on their merits, not on whether the agent does a good job. It follows that if the appeal is denied, it is not the agent's fault, and if the appeal is won, it is not really to the agent's credit, either. It is normal to want to win the appeal, but the agent will do well not to be too focused on winning and losing.

To illustrate how an agent and appellant may work together, here is a sample situation.

Angela's Difficult Year - A Sample Case

Angela has had a difficult year. She was on academic probation, so she required a 60 average and no failures in order to progress. Because of her difficult year, she did not meet these conditions. She appealed for a Dean's Waiver, but it was denied. Now the Senate Review Board Academic has agreed to hear her appeal. Nan, the friend of a friend, offers to act as her agent. What follows is a list of things that Nan does as agent

for Angela.

- Nan reads the file Angela gives her. It contains copies of :
 - Angela's Application for Hearing (to the Senate Review Board Academic)
 - "*Appealing to the Senate Review Board Academic (SRBA)*" an information sheet produced by the Office of the Ombudsperson
 - Angela's Appeal for a Dean's Waiver
 - Angela's academic record
 - documentation of Angela's hospital stay in November
 - a doctor's note about her illness and the effects of her surgery
 - a letter from an SDC counsellor about her depression, dated May 19
 - a letter from the Associate Dean, denying Angela's appeal.
- Next, Nan reads the progression requirements in the Academic Information section of the Calendar. She studies Angela's academic record until she understands how her grades fall short. She tries to understand why the Appeal for a Dean's Waiver was denied, but she remains somewhat unsure. She wonders if she should or could ask the Dean why he denied the Appeal.
- Nan emails Angela to ask a few questions about the circumstances outlined in the Appeal for a Dean's Waiver. Nan wants to have a clear idea which circumstances had the most serious impact on Angela's academic efforts.
- Nan studies the information sheet – "*Appealing to the Senate Review Board Academic (SRBA)*".
- Nan calls the University Secretariat because she has a few questions regarding the SRBA procedures. The individual she speaks to there is able to answer all her questions. Among other things, she learns that hearings take place in Stevenson Hall and that people sit around a big table - they don't usually stand up to address the Board.
- In conversation with her friend, Nan learns more about Angela's difficult year. She thinks it would be useful if the friend, Lucia, appeared as a witness. She speaks to Angela about this, and also to the University Secretariat. Eventually she speaks to the Associate Dean who denied Angela's appeal. Although the Associate Dean has no objection to having Lucia as a witness, Nan is advised by the Secretariat to follow the procedure outlined under "Evidence" in the Policy on Undergraduate Student Academic Appeals www.uwo.ca/univsec/pdf/academic_policies/appeals/appealsundergrad.pdf. She asks Angela to write a letter stating why she wants Lucia to appear as a witness.

Nan and Angela also make an appointment to see the Ombudsperson. Together they go through the material and work out how Nan will present it at the hearing. The Ombudsperson recommends that Angela tell her story, while making appropriate references to the documents in the document package. She suggests they write a checklist of key points they want to make. Then, before concluding their presentation, they can read over the list to make sure they didn't forget anything.

- On the day of the hearing, Nan and Angela arrive a few minutes early. The Chair of the Board introduces himself, and asks if they have any questions. He also asks how long they think it will take for them to present Angela's case. Nan isn't sure. She guesses about 40 minutes.
- Since Nan and Angela feel well prepared, they are only nervous for the first few minutes. Nan reads a brief opening statement, and then invites Angela to make an oath or affirmation. The wording is on pages provided at the hearing, and Angela simply reads the oath aloud.

- Nan begins questioning Angela after she has made her oath, promising to tell the truth, the whole truth and nothing but the truth. If Angela seems to be on the right track, Nan lets her continue. When there is a pause, Nan glances at the checklist and prompts Angela by asking her a question.
- After Angela's testimony, the Associate Dean asked if Angela had gone to a Learning Skills counsellor about her math difficulties.
- When the Associate Dean indicates that he has no more questions, members of the Board are invited to ask questions. One member asks if Angela's doctor warned her about how tired she might feel after her surgery.
- When Angela's friend Lucia is called as a witness, she says she remembers how frustrated Angela felt after her surgery in November - she wanted to catch up, but every day she was tired. She gave up most of her social life, studied as much as she could, but became more and more discouraged at her lack of energy.
- Lucia also remembered going with Angela to the Dean's Office when she wanted to drop her math course after Christmas as she was finding it really hard to catch up. Unfortunately it was past the drop deadline. The Dean's Office said she couldn't just drop one course late, she'd have to drop them all!
- In January, at Lucia's suggestion, Angela tried to get an appointment to see a counsellor because she was feeling so depressed. Because of long waiting lists, it was March before she had her first appointment. By then, said Lucia, it was too late to help much with that school year.
- After the open part of the hearing, the Senate Review Board Academic members deliberated and reached a conclusion on the appeal of Angela. The result was communicated to Nan, who in turn advised Angela by telephone.
- The reasons for the decision became available about one month later.

Nan felt pleased about her experience acting as agent for Angela. She learned a lot about how the University deals with academic decisions, and also about how administrative tribunals work. It was gratifying, too, to know she was able to be helpful to another student.

NOTE: This guide was produced by the Office of the Ombudsperson www.uwo.ca/ombuds. It is not an official university document and is not intended to replace university policy.
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