

Office of the Ombudsperson Interventions in the Academic Appeal Process

Purpose of this document

The purpose of this document is to explain to students and to academic decision makers how the Ombudsperson works in relation to the academic appeal process. Understanding this will help all parties have reasonable expectations of the Office of the Ombudsperson.

When does the Ombudsperson intervene?

The Ombudsperson will not normally intervene in the academic appeal process unless the following conditions are met:

1. Appeal options have been exhausted, or the only appeal option remaining is the Senate Review Board Academic; and
2. Taking into account everything the Ombudsperson knows so far (from past experience, from the student, from readily available information such as academic program websites and the Calendar), there is something puzzling about the decision, or about what is happening; and
3. The student(s) is willing to have the Ombudsperson intervene.

In practice, this means that nearly all interventions in the academic appeal process take place at the level of the Dean or designate. It is unusual for the Ombudsperson to deal with an academic department or individual instructor.

In earlier stages of an appeal, the Ombudsperson is available to provide information and advice to students about their options. Faculty and staff may also contact the Ombudsperson to discuss their options in approaching various situations.

What is the purpose of an intervention by the Ombudsperson?

The Ombudsperson is impartial, not the advocate of the student nor the defender of the University. The purpose of the intervention is first to clear up the puzzle, and second, to take whatever action can be taken to restore a balance: either help the student to understand and accept a decision which is not unfair or unreasonable; or help the decision maker understand and accept that a different procedure or decision is needed. Interventions also help the Ombudsperson improve her own understanding of how academic decisions are made and how policies are applied.

How does the Ombudsperson intervene?

Typically the Ombudsperson calls the Dean's Office and requests an opportunity to come and read the file of the student in question. Some form of authorization in writing is usually obtained from the student and can be given or shown to the Dean's Office – either an email authorizing the intervention and authorizing the Ombudsperson to access the student's records, or a signed authorization box on the Office of the Ombudsperson intake sheet.



Once the file is made available, the Ombudsperson reads it on site. She makes notes and sometimes requests photocopies of particular documents. Before reading a file she has usually received some documents from the student and made detailed notes of the student's situation.

The focus of the intervention is the decision which has been made and the process of making the decision, so the Ombudsperson may not read the entire file. She will concentrate on the documents related to the specific decision. Questions she tries to answer:

- Is the decision congruent with the evidence?
- Is the evidence (supporting documentation, etc.) consistent with the student's claims?
- Are those claims plausible?
- Is the decision consistent with other decisions made in similar cases?
- Is the decision and the process consistent with Senate and other policy?
- Has all relevant information been taken into account?
- Has information been taken into account which is not relevant?
- Is the burden or onus in the appeal reasonable?
- Is the process unduly burdensome? How or why?
- Is there anything that appears unfair, and if so what and why?

Typical immediate outcomes of student file reviews:

1. **Student appeal request (e.g. to drop or add a course past the deadline) is denied based on lengthy history of similar appeals.** The significance of the lengthy history may have been overlooked by the student.

Outcome: Decision not found unsupportable or unreasonable; Ombudsperson tries to help student understand University's expectations around deadlines.

2. **Supporting documents (for example, from Student Health Services) are not as strong or as detailed as student believed.** There is a discrepancy between the documents and the student's own account of health problem.

Outcome: student advised of discrepancy, so he or she can take the matter up with the health service or practitioner.

3. **Supporting documents are clear but time frame makes them not relevant.**
Example: student failed exam in April, medical documentation relates to late May with no discussion of April problems.

Outcome: student advised.

4. **Documentation supports student claims but decision maker has rejected the claims.**

Outcome: figure out why the claims were rejected. This usually requires a discussion



with the decision maker. Sometimes there is information which is not in the file. Sometimes the decision maker has made an error. Sometimes the decision maker has exercised reasonable discretion.

5. **A procedural error may be discovered.**

Outcome: Ombudsperson will alert those responsible so the error can be corrected and avoided in future.

6. **Possible bias is discovered.** For example, a faculty member's word is accepted as truthful, and the student's account is simply rejected.

Outcome: Ombudsperson will discuss this with the decision maker.

7. **True reason for the decision was not communicated to the student.**

For example, the decision maker may suspect a document of being fraudulent, and therefore put no weight on it.

Outcome: Ombudsperson will discuss this with the decision maker and encourage him or her to test the document (for example, by faxing a copy to the presumed originator for authentication), rather than simply turn down the student's request.

8. **Mistaken interpretation of a policy.**

Outcome: Ombudsperson will discuss this with the decision maker.

9. **Relevant information not considered because it came after the decision was made.**

Outcome: depending on the significance of the information and the request, the Ombudsperson will discuss this with the decision maker.

10. **Decision not consistent with other recent decisions.**

For example, a student appeal of a decision regarding a scholastic offence turned down when another party in identical circumstances had appeal granted.

Outcome: Ombudsperson will discuss with decision maker.

Benefits of this process

To the Ombudsperson: gains better understanding of how policies are applied. This knowledge is essential for being able to do the job. Also, she meets different decision makers, which increases profile of Office of the Ombudsperson.

To the student: an impartial and independent review of the decision can result in either a change in the decision (usually to the student's benefit) or a better understanding of the reasons for the decision and why the decision is not unfair. This can allow the student to move forward, and may help the student interact more effectively with the academic program in the future.

To the decision maker: the impartial and independent review of the decision maker's decision and practice can reassure him or her that fairness is being achieved, and/or help him or her



make changes in order to achieve fairness.

To the University: the processes followed by the Ombudsperson enhance institutional transparency and accountability. In addition, appeals which might have gone to the Senate Review Board Academic may be resolved at the Dean's level. Lower level resolution is cost effective and less burdensome for everyone involved.

What is needed for the process to work?

- an impartial and independent Ombudsperson
- an orderly and comprehensive student file (see below)
- a decision maker open to discussing the matter, normally in person
- a student willing to listen and possibly rethink a matter

What does a good student file look like?

Files maintained by Academic Counselling / Dean's Offices normally contain some or all of the following:

- copies of all documents which require the signatures of students or Deans, e.g., add/drop forms, letter of permission forms, special permission forms for special exams, special permission forms for incomplete grades, and so on;
- copies of letters to and from the student;
- documentation submitted by the student in support of various requests and appeals;
- emails to and from the student
- notes of interviews, often on dated printouts of the student record;
- notes of phone messages and phone conversations with the student;
- emails and notes, often confidential, from the student's program or from instructors of the student;
- brief notes of discussions between the Dean and others regarding the student;
- summary notes of counsellors regarding specific issues, prepared as aids for the decision maker.

These are arranged chronologically from early to current. Sometimes clips or staples are used to keep all papers related to a specific incident or request together. (Some units are moving towards electronic files. This is not expected to change the basic procedures.)

Good file maintenance is essential to fair decision making. Example: student claims he discussed his situation on two occasions with an academic counsellor. The academic counsellor does not keep notes reflecting student discussions, and cannot be sure whether she did or did not speak to the student. As a result, the decision maker has less evidence and information to work with, and it is harder to make a fair and informed decision.

Suppose the Ombudsperson and the decision-maker disagree?

If the Ombudsperson finds the decision questionable, she asks the decision maker to reconsider it. This is usually done informally. If additional information would help the decision



maker, the Ombudsperson may try to arrange for the decision maker to get that information. For example:

- the Ombudsperson may suggest that the decision maker consult a colleague, such as another associate Dean;
- the Ombudsperson may suggest that the decision maker consult the University counsel, Equity Services, Services for Students with Disabilities, or some other source of advice and information;
- the Ombudsperson may get back to the student and discuss with him or her how to provide more information or more evidence in support of the student's claims.

If additional information does not address the difference of viewpoint, the Ombudsperson may write a report with recommendation. Recommendations of the Ombudsperson are not binding. Alternatively, if the Senate Review Board Academic is an option, the Ombudsperson may simply encourage the student to carry on with an appeal to SRBA.

Suppose the Ombudsperson and the student disagree?

If the Ombudsperson does not support the student's claims or case, and the student is not likely to be satisfied with that outcome, the Ombudsperson may write an explanatory letter to the student. This can be done either on the Ombudsperson's own initiative or at the request of the student. In cases conducted largely by email, it is normal for the Ombudsperson to provide a written explanation of her conclusion about the fairness of a decision.

If the Ombudsperson has done an investigation, it is usual for the decision maker to be copied on the letter of explanation.

What recourse does the decision maker or the student have, if dissatisfied with the Ombudsperson?

There is an Advisory Committee for the Office of the Ombudsperson – anyone may make comments or lodge a complaint about the Ombudsperson with that Committee. Members of the Committee follow an approved procedure for handling complaints about the Ombudsperson. Members represent every area of the University. For more information, see the Office of the Ombudsperson website, www.uwo.ca/ombuds/