

2020/2021



# Office of the Ombudsperson Annual Report

*Preparing students to prevent, manage  
and resolve difficult situations.*

Western  
UNIVERSITY • CANADA





*“I cried when I got off the phone with you because it felt like someone was listening when I spoke to you.”*

*“Thank you so much for all your help in preparing this appeal letter, I could not have done it without you.”*

*“I wanted to sincerely thank both of you for your support in completing my Dean’s Waiver. The process was honestly terrifying but our meetings along the way instilled a sense of comfort and confidence. I have the utmost appreciation for the time the both of you took to help me.”*

*“Thank you very much for your guidance and support throughout this process. I very much appreciate all the time and effort you took to assist me.”*

*“My son and I are not sure how to thank you for all your support/help. We so appreciate what you have done. You are a breath of fresh air.”*

*“I want to express my sincere gratitude to you for your listening, patience, all the understanding and empathy. Following is a sentence from one of my favorite childhood books: ‘Maybe I’m not capable to find you the exit to the brightness, but I’m so willing to keep you company and walk through the darkness.’ I was so moved by this sentence. I want to tell you that you are just like that person who keeps me company and walks with me through the dark time.”*

### The Power of Relational Fairness

Not long ago a colleague guided me to “Kindness, emotions and human relationships: The blind spot in public policy” (Unwin, 2018). This report commissioned by the Carnegie Trust in the UK discusses the two lexicons of public policy – relational and rational. Unwin argues there have been very good reasons for keeping qualities such as empathy out of policy. “Reasons such as fairness, openness and safety, which can become clouded by the more personal and discretionary expression of human relationship” (p. 2); however, Unwin then goes on to outline the benefits of relationship building and “allow(ing) space for kindness in public policy discussions” (p. 3).

I often extol the procedural fairness of Western. Policies are primarily transparent and decision makers thoughtful in considering and communicating outcomes. At the same time, I explain procedural fairness does not stand alone. Relational fairness is critical to helping students understand the reasons for a decision, and thereby helping them thrive and become more resilient. Students need to hear their specific situation has been considered. Kindness doesn’t mean giving in or granting an exception where there are not grounds; kindness means listening to hear.

The impartial nature of the Ombuds Office allows us to be kind to both sides in an argument. We listen and explain the reason for a decision. Where we feel a decision maker may not have considered the relational aspects of a situation, we pursue further conversations. On the facing page are quotes from visitors to the office. One message, received by our Associate Ombudsperson, clearly exemplifies relational fairness. In it, the student quotes the author of their favorite children’s book: “Maybe I’m not capable to find you the exit to the brightness, but I’m so willing to keep you company and walk through the darkness.” That is kindness. That is relational fairness. That is what staff in the Office of the Ombudsperson do, and that is the need all student-facing employees must be sure to fill in encounters with students.

When reading the scenarios later in this report, I encourage you to consider the stories – were individuals visiting the Ombuds Office because they did not perceive procedural fairness or because they wanted an opportunity to tell their stories and to have their specific concerns heard? Did students learn more by meeting with an Ombuds staff member than by simply accepting the decision they had been given? Western’s motto is Veritas et Utilitis: our role as an institution is not just to be right but also help students apply that knowledge in the future.

### The Facts

**Between August 1, 2020 and July 31, 2021, Office staff met with 920 students regarding 1041 concerns.** This is an increase from previous years; however, 2020/21 was not a normal year. Problems were unique, anxiety was high, and regular resources were not as readily available. Given the year, the relations between students, faculty, and staff may have unusually affected relational fairness.

Nine hundred and twenty students equates to 2.2 percent of students on main campus and the affiliates, an increase of point two percent from 2019/20. Most of these students (51 percent) visited the Office for advice. Ombuds staff intervened in five percent of cases, and only with the student’s permission. The remaining students (44 percent) needed information such as to whom they should appeal or where to locate a policy. Ombuds staff also met with 91 non-students, including faculty, administrators, staff, parents, and alumni.

Outreach is an important part of the work we do. During 2020/21 we led conflict management workshops as part of the School of Graduate and Postdoctoral Studies’ Own Your Future program, spoke to numerous student groups about the work of the Office, and twice conducted workshops as part of Student Experience’s Thriving Thursdays.

We also provided input to the review of the Self-Reported Absence (SRA) Policy and the Provost’s Academic Advising Working Group; submitted information to the Vice Provost (Academic Programs) on how the current requirements for the Dean’s Honours List and Scholarships impact students registered with Accessible Education; and worked with the School of Graduate and Postdoctoral Studies on scholastic offence processes.

An initiative undertaken in 2020 by Associate Ombudsperson Whitney Barrett was the investigation of a new case management system. Once implemented, the system will allow Ombuds staff to provide department (not just faculty) specific data and follow up on visitors to determine appeal outcomes and general wellbeing.

Please ask should you have questions, and keep in mind: “Rational speech allows for assessment and evaluation ... And yet it can mask real differences, can be deaf to nuance and individuality. It can ignore what really matters to people, and privilege that which can be counted” (Unwin, 2018, p. 9).

*Jennifer Meister*

Jennifer Meister,  
Ombudsperson, Western University



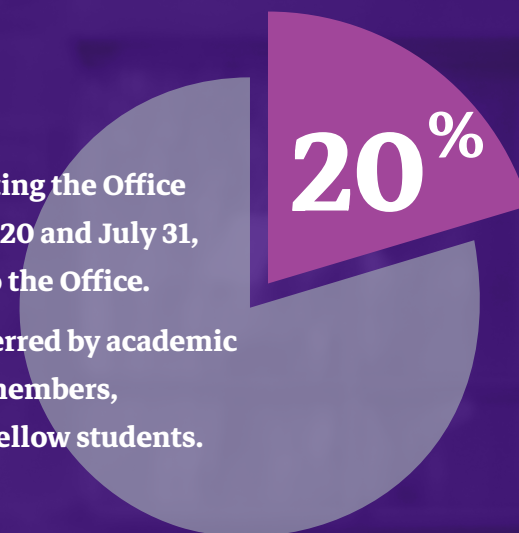
920  
STUDENTS

1041  
CONCERNS

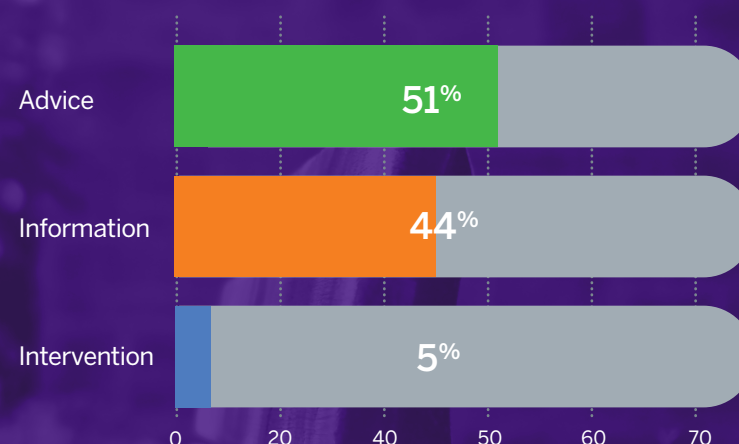


20% of students visiting the Office  
between August 1, 2020 and July 31,  
2021 were referred to the Office.

Individuals were referred by academic  
counselors, faculty members,  
administrators and fellow students.



### Reason student approached office:



1,008  
TOTAL  
VISITORS

91%  
student visitors (920)

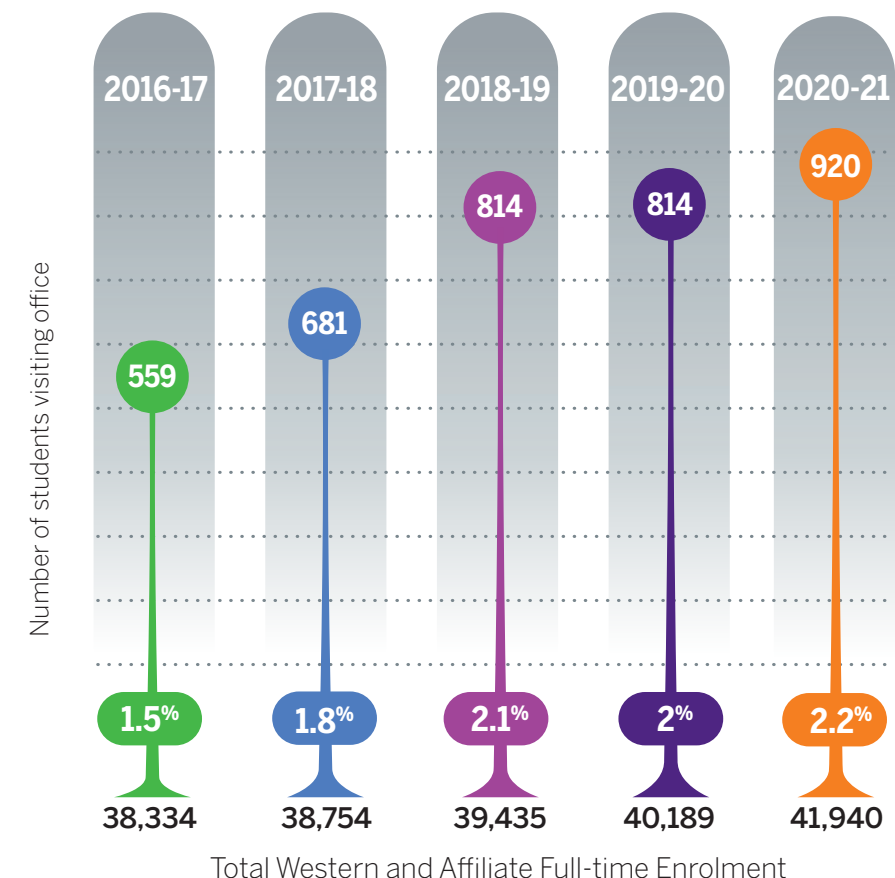
9%  
Non-student visitors (88)

## Visitor Overview

The following pages paint a picture of who came to the Ombuds Office in 2020/21 and why.

### Student visitors over time

(Note: Some students come to the Ombuds Office for more than one concern. The number of concerns brought to the Office was 1041.)



Total Western and Affiliate Full-time Enrolment

\*Enrolment numbers are taken from Western's Institutional Planning and Budgeting Five-Year Enrolment Comparison located at [https://www.ipb.uwo.ca/documents/2021\\_five\\_year\\_enrolment\\_comparison.pdf](https://www.ipb.uwo.ca/documents/2021_five_year_enrolment_comparison.pdf)

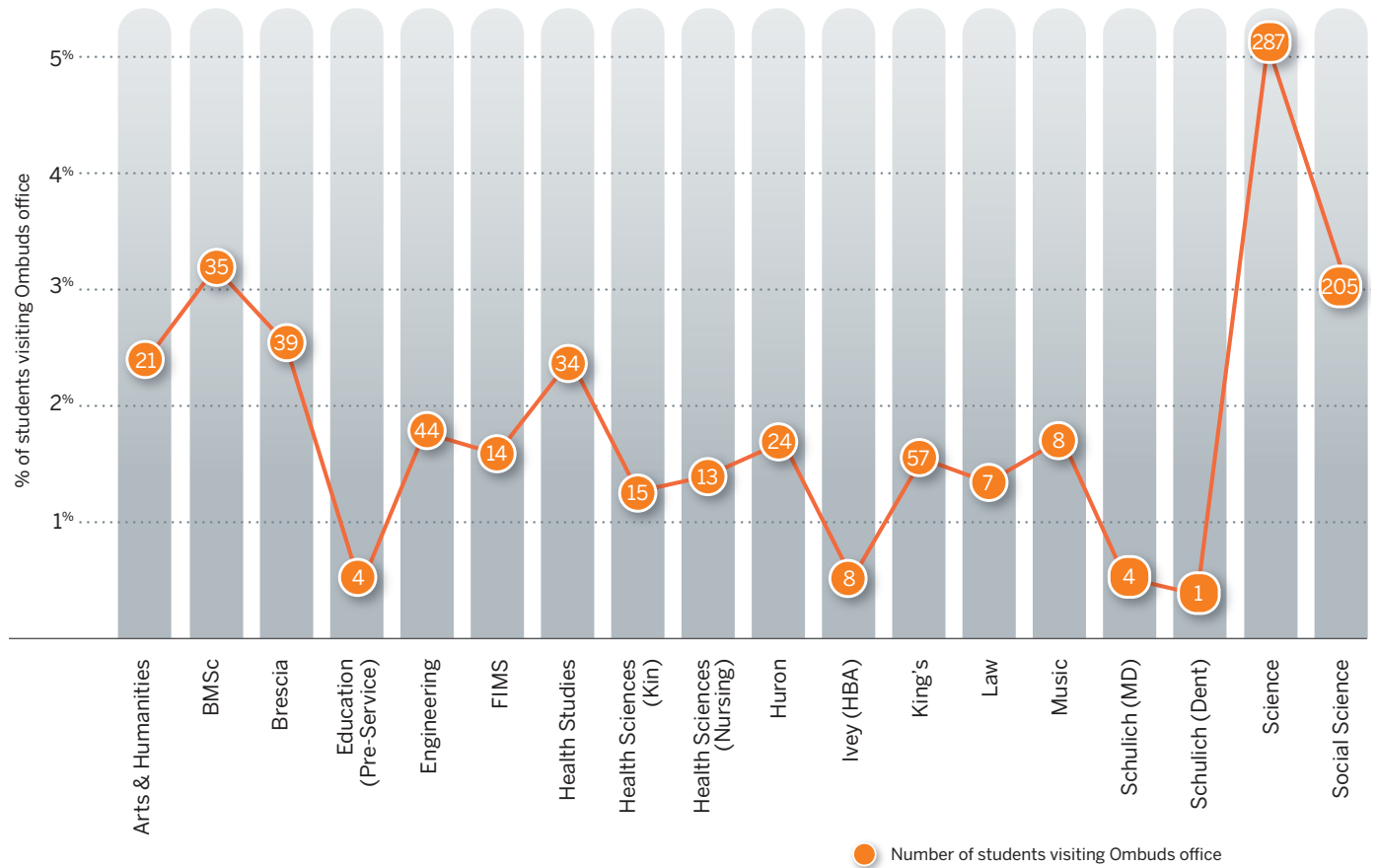


# Undergraduate Student Visitors

Undergraduate students take courses across Western faculties and the affiliates. For that reason, we track a student's home faculty or affiliate as well as the faculty or affiliate in which their concern resides. By tracking how many students come from each faculty or affiliate we can see where we might need more outreach. By tracking the faculty or affiliate of concern, we can see where there may be a systemic issue.

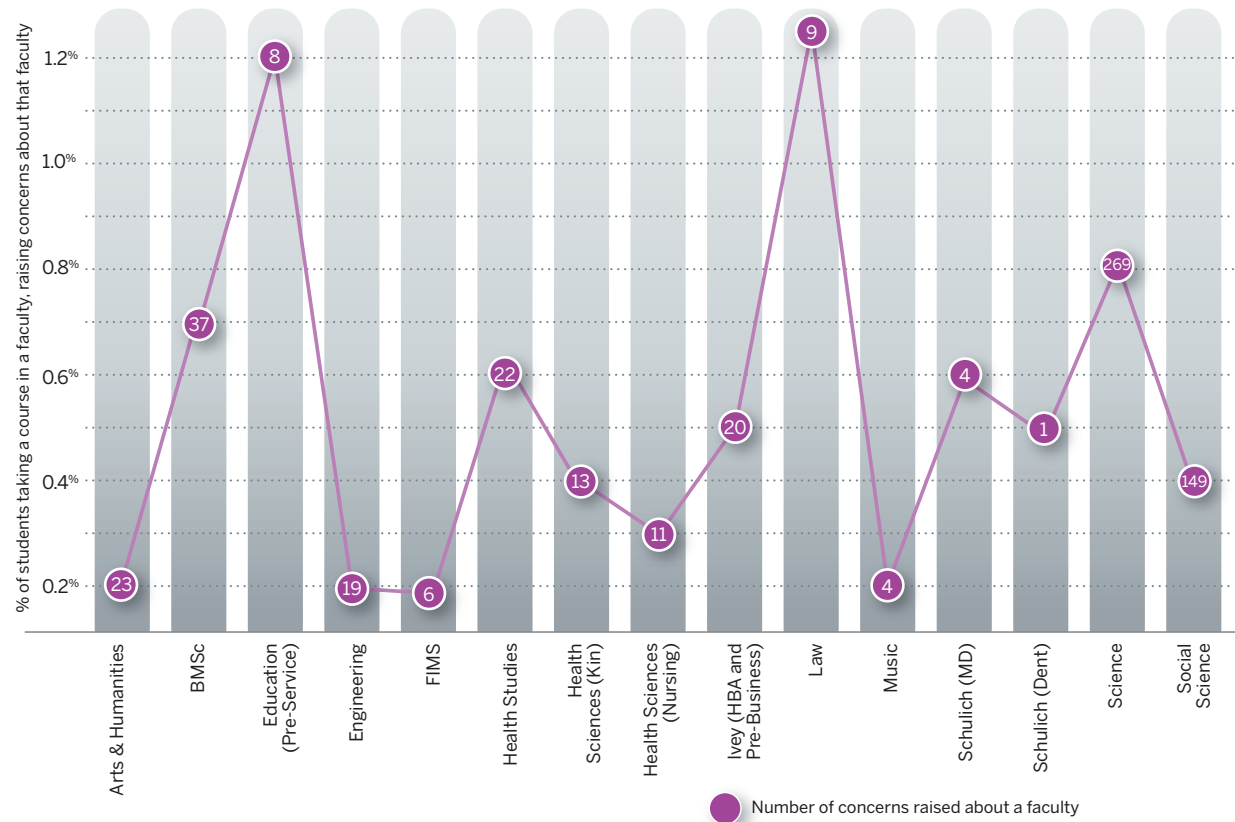
## Undergraduate student visits by home faculty

The following graph illustrates the home faculty of undergraduate students visiting the Office (Note: Not all students tell us their program so they are not included below, but are included in the overall count of student visitors earlier in this report.)



## Undergraduate students by faculty of concern

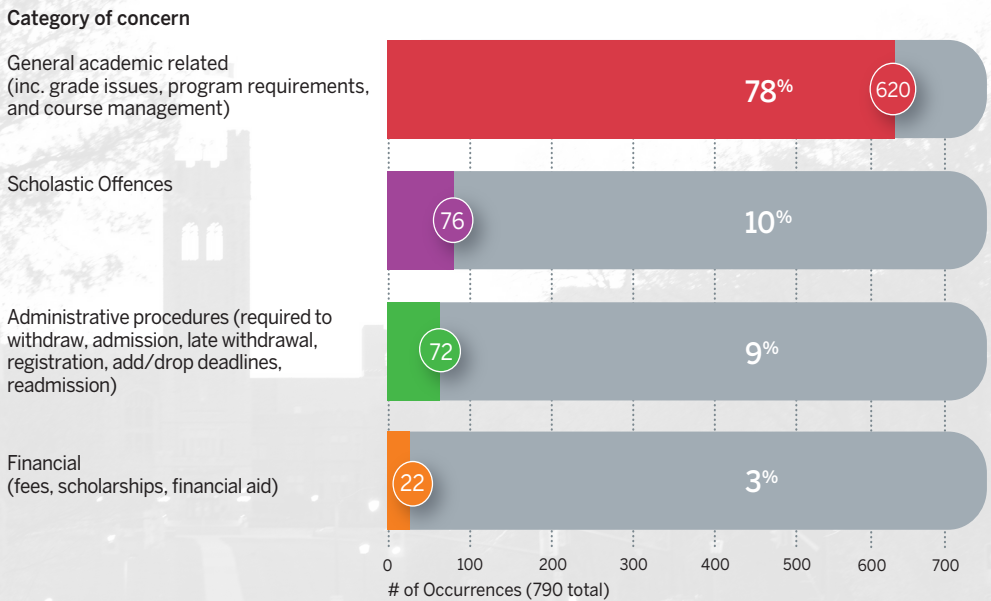
The following chart illustrates visitors who have concerns about courses in a faculty other than their home faculty.



\*Brescia (40 concerns), Huron (20 concerns), and King's (47 concerns) are not included in this graph because the teaching activity at the colleges is not publicly available.

## Undergraduate concern breakdown

790 concerns raised by undergraduate students dealt with academics and financials. Following is a breakdown of concerns raised over the past year.

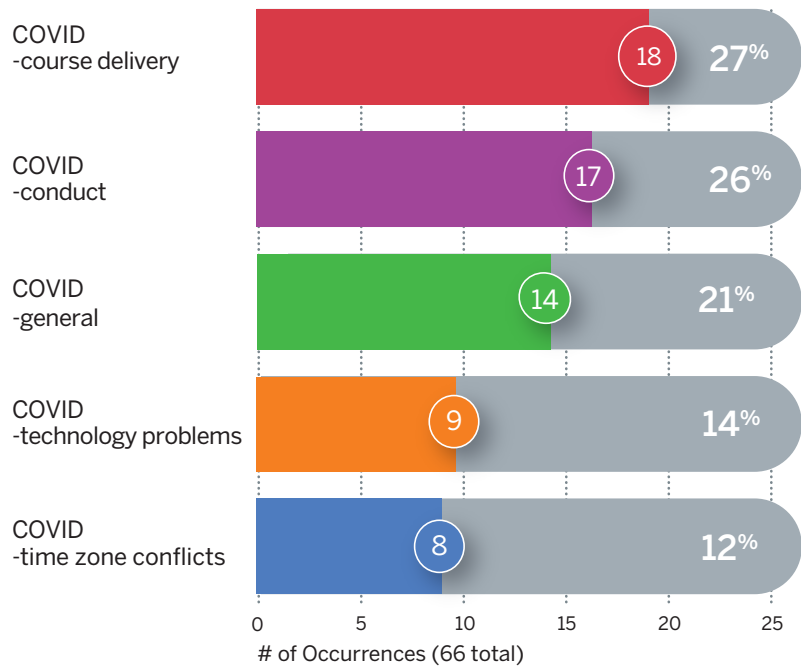




### COVID-related concerns

While many students raised the pandemic as a contributor to a difficulty they were experiencing; there were 66 concerns that were a direct result of contracting COVID-19, studying and taking examinations online, and the enforcement of public health measures. Those concerns are recorded as part of the overall data but also broken down below.

Category of concern



**COVID-course delivery** refers to concerns regarding course management and delivery.

**COVID-conduct** refers to students who were in violation of the University's COVID regulations. Most of these students lived in residence and were found to be in spaces over the stated capacity, some on the September 28 weekend. Such violations would normally have been addressed through the Residence Contract. Many of these students appealed to the University Disciplinary Appeals Committee (UDAC).

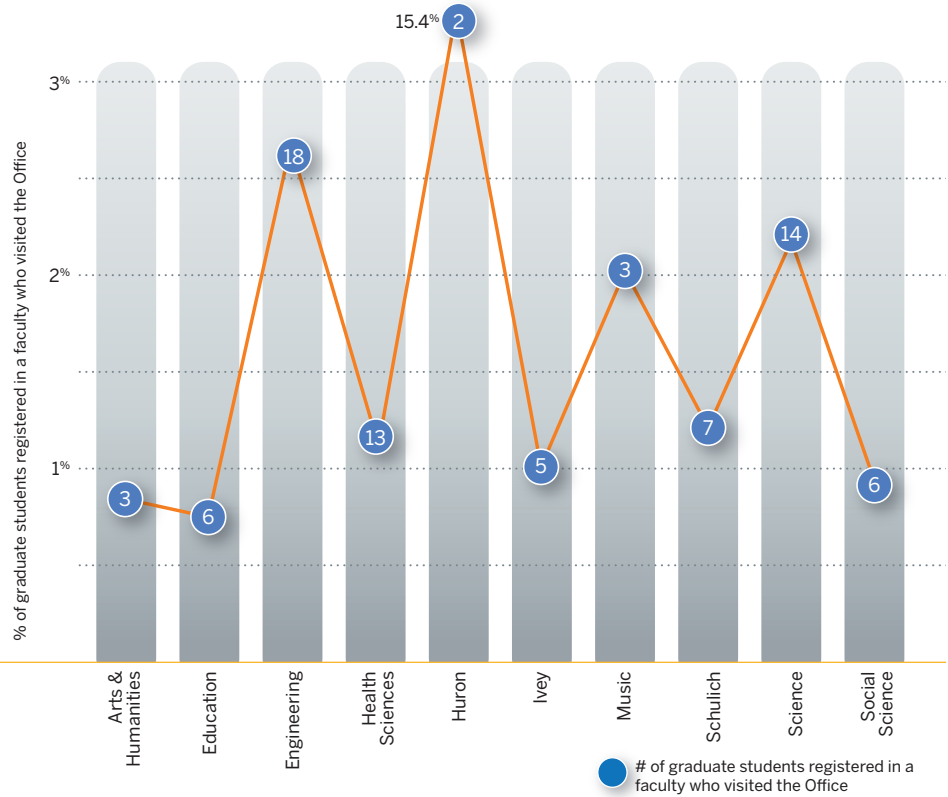
**COVID-general** is a catch-all category for concerns raised regarding COVID and the University's response.

**COVID-technology problems** refers to students who had technology issues during exams such as Proctortrack and OWL problems. The Registrar's Office instituted a system to quickly respond to student difficulties but there were still some who felt their grades were impacted.

**COVID-time zone conflicts** refers to students who were studying in different time zones, specifically those in China and India where there was a 10-to-12-hour time difference. Students had been able to attend classes in the middle of the night or were enrolled in asynchronous classes, but students felt writing exam at 4 a.m. added undue stress. It was left up to individual professors to accommodate students, many of whom did; however, there were students who were not accommodated. It is not known if this impacted their exam performance.

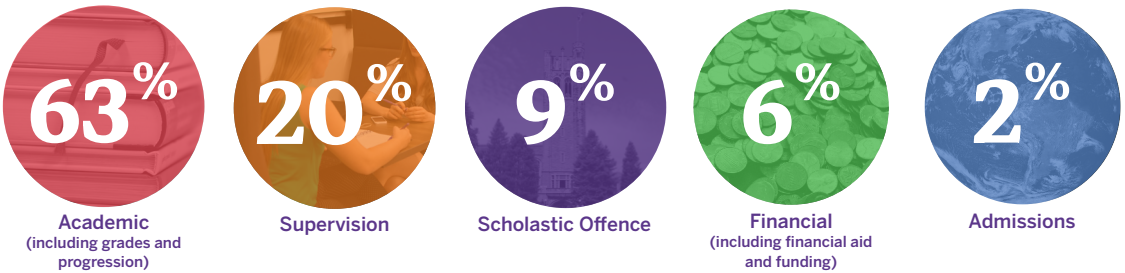
### Graduate Student Visitors

Although graduate students register in the School of Graduate and Postdoctoral Studies, when they visit the Office of the Ombudsperson, we record the faculty hosting their program. The graph below shows the number and percentage of master's and doctoral students visiting the Office from various disciplinary faculties. Note: Not all students identified their discipline, so they are not included below but they are considered in the overall count of student visitors earlier in this report.



### Graduate concerns – academic and financial

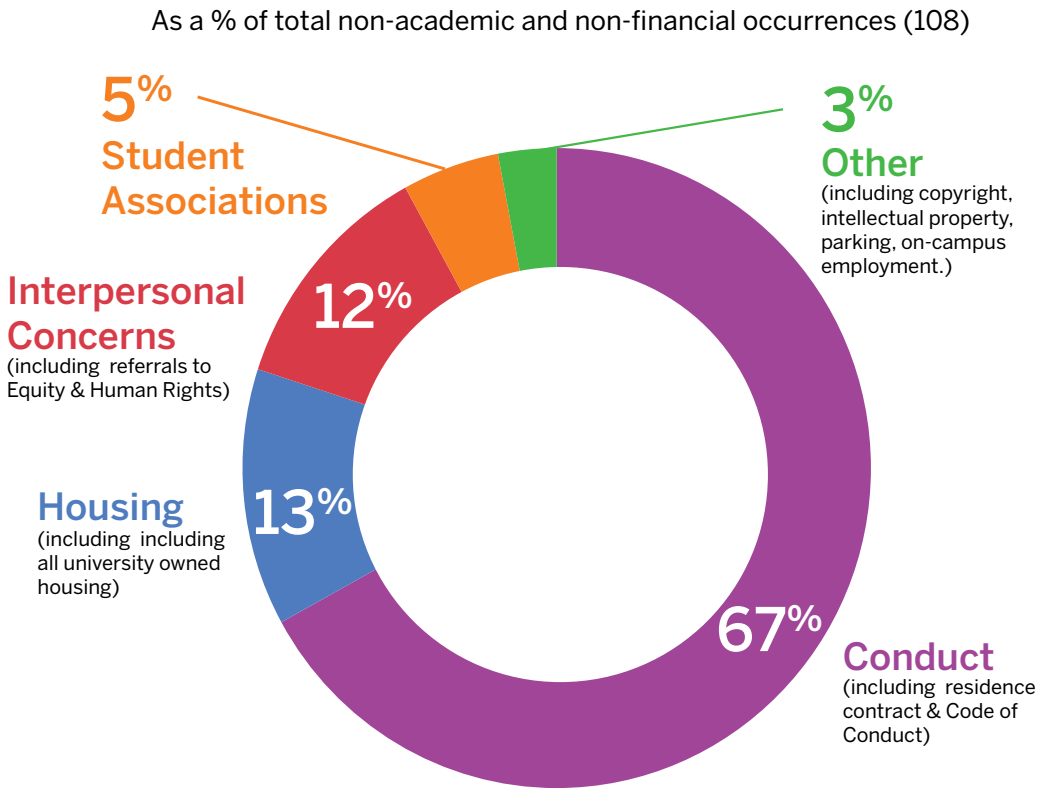
82 concerns raised by graduate students dealt with academic or financial issues.





# Undergraduate and Graduate non-academic concerns

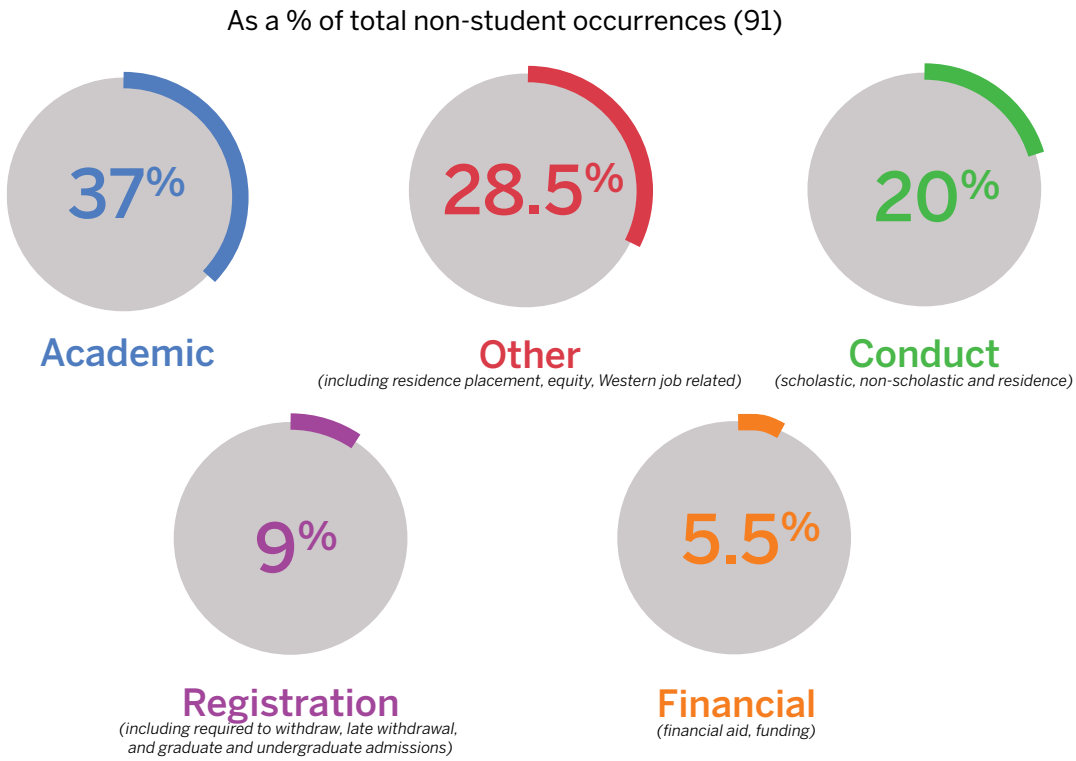
The Office of the Ombudsperson also guides students through non-academic concerns, including Code of Conduct violations, residence and residence conduct issues, and concerns related to parking on campus. The Office of the Ombudsperson is not an official office of complaint for the University but does act as an effective listener when a student wants to be heard.



\*As identified in the COVID section of this report, there were numerous students sanctioned under the Code of Conduct for violating the University's COVID regulations. The increase in the Conduct category takes these into account.

# Non-Student Data

In 2020/21 we heard from 91 administrators, faculty members, staff, family members of students, alumni, and members of the public. These individuals had wide-ranging concerns, but many dealt with scholastic and conduct offences.





# Case Examples 2020-2021

Individuals don't always *need* to visit the Ombuds Office. In few cases are there such egregious procedural fairness issues that outside intervention is required. While students and others may come to the Office of the Ombudsperson believing there has been procedural unfairness, the relational fairness shown by the Office helps them understand they have been dealt with fairly. This also helps them apply the lessons of this experience in the future.

## Code of Conduct

As mentioned earlier, residence students who violated the University's COVID regulations were sanctioned under the University's Code of Conduct. Students' residence contracts were terminated, they are not permitted to hold University club leadership roles until September 2022, and – perhaps most significantly – they now have a Code of Conduct citation which they must explain when applying for many professional programs in the future. Students and, at times, their parents contacted the Ombuds Office about the accusations, sanctions, and appeal process. In addition to the sanctions individuals perceived as unfair, the students and their families were concerned with delays of the University Disciplinary Appeals Committee (UDAC) decisions. Most of these decisions were not issued until Spring 2021, more than six months after the incidents.

There were cases where the process showed it can work well. In one case, a student had been found to be in a room that was over-capacity and had been notified their residence contract had been terminated. In a meeting with Ombuds staff, the student admitted they held back information during the investigation process that may have altered the outcome of the decision. The information was personal and sensitive, and the student had not felt comfortable disclosing it. Ombuds staff assisted the student in preparing an appeal for UDAC. In their appeal, the student provided the information previously withheld. As per process, the Secretariat forwarded the appeal to the original decision maker who stated a further investigation would be conducted. After meeting with the original decision maker and sharing the additional information, the student was informed the sanction had been changed to a lesser penalty and they could remain in residence.

## Chegg and Academic Integrity

In 2020/21, the Office saw an increase in scholastic offences related to the use of Chegg, with multiple instances happening in some of the larger first year courses. Chegg is a popular website with students, where students can access assistance from other students and experts. File sharing often occurs.

In one first-year course, the exam used a bank of questions with multiple combinations and order of questions. This means each student had an exam that was the same as only a few other students, even in a large class. Therefore, when a student posted their exam to Chegg the professor knew only a small number of students would have had that exam. Chegg then helped the department narrow down the students by providing the

University with IP address and user login information. Due to the volume and complexity of cases, investigations took four to six weeks with an equal length of time taken if a student appealed the department's finding. Students had signed a statement prior to the exam stating they would not use external sources. While receiving an F in a first-year course is rare for a single offence, most students received an F in this case as the department undergraduate chair and then faculty associate dean felt the students had blatantly disregarded the agreement.

The frequency of issues related to Chegg makes it challenging to ensure all students are being treated fairly and equally. In another course, an undergraduate chair of a department issued sanctions of a grade of zero on the exam, as opposed to a failure in the course. One student in this course who used Chegg to post questions during their exam received a zero on the exam. That student still passed the course due to their other grades in the course. A month after the undergraduate chair made their decision, the associate dean reopened some of the cases because the original decision outcomes were not consistent with similar offences in other departments in the faculty. To be consistent, the associate dean proposed the student fail the course. The associate dean provided all students with an opportunity to respond and provide additional evidence, ensuring students had opportunity to participate in the investigation. This decision not only kept with Western's policy on Scholastic Discipline for Undergraduate Students, but the work of the associate dean ensured consistent application of discipline for scholastic offences across their faculty.

In all cases, the Ombuds Office guided students through the scholastic offence process, reviewing appeals in some cases. Office staff spoke with concerned parents and clarified information with an undergraduate chair and associate dean.

Past editions of the Ombudsperson's Annual Report have stated a need for an academic integrity office at Western. I will reiterate that need this year. We need a central office that educates the community in respect of the value of academic integrity, that works with students on educational sanctions, and helps to ensure decisions across faculties are consistent and transparent.

## Time zone concerns

A student living and studying from China during the pandemic was enrolled in the asynchronous section of a course. The professor posted presentations but not the lecture recording. The other section of the course, which was taught by the same professor and held synchronously, had both presentations and recordings posted. The student asked the professor for access to the recordings for a synchronous section. When the professor responded that the student's only option was to move to the synchronous class, the student approached the Office of the Ombudsperson. Ombuds staff gave the student some tips for speaking with the professor again and if that was not successful, suggested the student approach the undergraduate chair. The student did speak with the professor, but the outcome did not change so the student drafted an email for the undergraduate chair which Ombuds staff reviewed. The undergraduate chair spoke with the professor and the student was given access to the recordings of one of the sections.

Another student living and studying in China had an exam scheduled from 9:00 a.m. to noon EST (9 p.m. to midnight in China). The student's next exam started at 7 p.m. EST the same day (7 a.m. the next day in China). This meant the student would be writing from 9 p.m. to midnight, and then again at 7 a.m. the next day. The student asked academic counseling and the professors if one of the exams could be moved, citing compassionate grounds. All parties said no, bringing the student to the Ombuds Office. Ombuds staff investigated the situation and spoke with the undergraduate chair in the departments. No one was willing to move one of the exams, so the student wrote as scheduled. This is a good example of the types of hardship some students encountered learning remotely.





Jennifer Meister  
Ombudsperson



Whitney Barrett  
Associate Ombudsperson

## Who We Are

Jennifer Meister, Ombudsperson, and Whitney Barrett, Associate Ombudsperson, are the faces of the Ombuds Office.

## Spreading the Word

### Outreach

- » King's Student Leader training
- » University Students' Council presentation
- » Huron University College Students' Council presentation
- » Brescia University College Students' Council presentation
- » Conflict Management workshops, SGPS Own Your Future
- » Managing Conflict workshop for undergraduate students

### Committee Participation

- » Graduate Student Life Advisory Group

### Virtual Conference/Meeting/Training Attendance

- » Association of Canadian College and University Ombudspeople
- » California Caucus of University and College Ombuds
- » Forum of Canadian Ombudsman

## Advisory Committee

The Office of the Ombudsperson Advisory Committee is a sounding board and advisor to the Ombuds Office on issues such as outreach, budget, and the annual report. The composition of the Advisory Committee is set out in the Memorandum of Agreement.

### Thank you to the 2020/21 Advisory Committee:

Mr Parker Thomlinson, University Students' Council

Ms Chidambra Halari, Society of Graduate Students

Dr Margaret McGlynn, Senate representative

Dr Ken Meadows, President's representative

Dr Stephen McLatchie, Huron, Affiliate Faculty representative

Mr Terry Lee, Master of Business Administration Association representative

Ms Emily Petch, Brescia, Affiliate Students' Council representative





Western

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of Western Ontario, the Affiliated  
University Colleges, the University  
Students' Council and Student Councils  
of the Affiliated University Colleges,  
the Society of Graduate Students, and  
the MBA Association.

*Western University is situated on the traditional lands of the Attawandaron (Neutral), Anishinabek, Haudenosaunee, and Leni Lenapewak people. This territory also covers lands connected to the London Township Treaty and Sombra Treaty 1796, and the Dish with One Spoon Wampum.*