

Office of the Ombudsperson

Annual Report
2022 - 23

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

Student Testimonials

"I could not have accomplished or started this appeal without your help and constant organization of the appeal. Without your resilience and support during this process, this waiver would not be just."



“

“I just wanted to write to you to formally thank you so much for all the work you put in to assist me with this crazy journey. I truly would have been so stuck without your assistance.”

”

“The comments and guidance you made are so clear and helpful. Your expertise has been invaluable.”



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To the Western Community

I am pleased to provide the annual report of the Office of the Ombudsperson for the period August 1, 2022 to July 31, 2023. This is pursuant to the Memorandum of Understanding signed by the constituent university, affiliated university colleges, and student associations.

The Office of the Ombudsperson is situated on the traditional lands of the Anishinaabek, Haudenosaunee, Lūnaapéewak and Chonnonton nations, on lands connected with the London Township and Sombra Treaties of 1796 and the Dish with One Spoon Covenant Wampum. We respect the long-standing relationship that Indigenous Nations have to this land, as they are the original caretakers.

Over the 2022-2023 academic year, the Ombuds Office experienced changes that have altered the functioning of the office. In August 2022, the Office secured and implemented a case management solution from Resolve Software Group. This software was specifically designed for Ombuds offices and offers an opportunity for the Office to gain more insight into systemic challenges through statistical analysis.

The Office hired an intern to update our website and redesign our social media presence. Christina Hanna, a graduating student in the Faculty of Information and Media Studies, joined the office in the Fall and launched our updated website before the end of term. With the launch of an updated website and social media presence, we took the opportunity to update our resources. We also launched new tools related to appeals and dean's waivers. The tools provide students self-guided support and reduce traffic related to simple appeal concerns.

Most notably, this year saw a leadership change. In May, our longstanding Ombudsperson, Jennifer Meister, took on a secondment role with Western Residences as the Acting Associate Director, Student Conduct. Throughout her time in the Office, Jennifer has been a champion for fairness in the Western community and provided a safe and welcoming environment for students. She served as a constant source of guidance and support to staff, faculty, and leaders across the community. While Jennifer is on secondment, I have transitioned from my role as Associate Ombudsperson to the role of Acting Ombudsperson with the approval of the Advisory Committee and the University Secretary.

The Office benefited from a temporary part-time administrative assistant over the summer, and has recently hired an Acting Associate Ombudsperson, Stephanie Bolingbroke, to ensure the Office has a full staff complement for the academic year.

The Ombuds Office did note a drop in visitors over the 2022-2023 year, however the reduction in visitors is in line with visitor data prior to 2021-2022 where the office saw a 0.4% growth in visitors to the office. This change in the number of visitors may be in response to the changes experienced by the Office, such as increased access to resources thus reducing the need to meet with staff in the Ombuds Office.

The Annual Report this year is focused on challenges, changes, and opportunities. I encourage you to review the case examples and statistical data presented in this report and to reach out should you have questions about the activities of the office.

Whitney Barrett
Acting Ombudsperson, Western University

Who We Are

We are an independent, impartial and confidential office that students visit when they don't know how to approach an academic or nonacademic situation at Western. We offer a safe, nonthreatening environment where students can ask for advice. Students visit us regarding conflicts and difficult decisions they need to make; what to do if they have been accused of a scholastic offence or Code of Conduct infraction; and for assistance in determining whether they have grounds for appeal.



Whitney Barrett
Acting Ombudsperson



Jennifer Meister
Ombudsperson



Stephanie Bolingbroke
Associate Ombudsperson

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 2022/23 Advisory Committee:

- Matson Kitamisi, Huron, Affiliate Students' Council representative
- Lauren Jarman, University Students' Council
- Dr Ken Meadows, President's Representative
- Navneet Kaur, Society of Graduate Students
- Dr Andrew Walsh, Senate Representative
- Junaid Hussain, Master of Business Administration Association representative

What We Do

We meet with students in person or virtually via Zoom, phone or Teams. We listen to concerns and ask questions. We guide students through the policies and processes that might apply in their situation. We maintain the confidentiality of our visitors by ensuring we do not contact anyone on or off campus unless we are concerned for a student's safety or the safety of someone else. From time-to-time we do ask the student's permission to contact a decision maker or administrator to clarify a situation and ensure fair process has been followed. In short, we untangle the complexity of a concern and help to identify options.

We practice shuttle diplomacy and on occasion make recommendations to senior administrators on specific policies and processes.



Case Studies

Jurisdiction Challenges

Jurisdictional challenges can impact the decision-making process and, potentially, the fairness of the procedure and decision. When more than one policy intersects with a concern, it can become unclear for not only the student but for decision makers when identifying the appropriate path and policy. These challenges can be complex and involve not only internal University policies but may also bring in external policies related to professional practice.

Intersection of University Policies

While the intersection of most University policies is uncommon, there are instances where the overlapping aspects of an incident can be addressed by more than one policy. The question then becomes under which policy should the issue live and who should conduct the investigation and issue the resulting decision.

A student scheduled an appointment with the Ombuds Office and shared they had received a decision from Housing regarding an incident that had taken place in their apartment. The student had assumed the incident had previously been resolved, however the decision letter issued by Housing stated an additional penalty and included policy that fell outside the scope of the decision maker. The decision letter included a statement about an infraction under another policy, the Student Code of Conduct, and stated the governing office supported the decision made by Housing. The Office of the Ombudsperson intervened and contacted leadership in Housing. In discussions with Housing, it was agreed that Housing had no authority to make claims under the Code and the concern was resolved informally. An updated decision letter was issued to the student and the offending clause was removed.

An undergraduate student was under investigation for an infraction under the Student Code of Conduct with the possible outcome of expulsion. The student was admittedly not performing academically and was Required to Withdraw, which falls under the Undergraduate Student Academic Appeals policy. As the student was navigating two separate policies, both with the potential outcome of the student being removed from the institution, the question was raised regarding how the two separate, but related, situations should be addressed. Staff in the Ombuds Office recommended the concerns be divided by the overarching policies, and those policies be procedurally followed. This ensured the decisions made under each policy focused solely on the issues under each policy independently and allowed a fair decision to be made in relation to that policy alone, upholding procedural fairness for both the institution and the student.

A student had just received their gun license and was quite excited. It was quite an accomplishment! The student was speaking to a classmate about the accomplishment and was overheard by another classmate. The student who overheard the conversation reported it through the appropriate Code of Conduct Office, supposedly embellishing what

was said. The student was investigated, and it was found there were no safety issues and nothing in violation of the Code of Conduct. Following an investigation through the Code of Conduct, the student's program asked to speak to the student to ensure there were no professional concerns. This raises the question of jurisdiction. The program believed it held an obligation to the profession to investigate the allegations further, but according to University policy the allegation should have been resolved after the investigation under the Code.

Professional and External Policies

Some programs not only have an obligation to uphold the university's policies, but they may also have a responsibility to adhere to the policies of an accrediting body for a related profession. When a student is alleged to be in contravention of an external policy, what is the responsibility of the program to investigate and what authority does the program hold to pursue disciplinary action?

A student approached the Office after being accused of offences that fell under the Student Code of Conduct, however the offence was being considered a contravention of professional practice standards held within an external policy. The professional standards are intrinsic to the program due to the close ties between the program and the profession. As a result, the program treated the offences as a progression issue and put the student's ability to remain in their program in jeopardy. The program believed the inclusion of this external policy was within their power given they had a responsibility to the profession as their program led to professional accreditation. Ombuds staff discussed the interacting policies with the student and helped the student to identify where procedure hadn't been followed with regards to the offence allegations under the code.

The application of external policies in decision making does give cause for concern, especially when those external policies include procedures for addressing allegations or concerns that are not aligned with the university's policies.



Retroactive Accommodation and Consideration



Policies at Western clearly state the deadlines required for a student to engage in requests for accommodations and considerations, however these policies generally don't address concerns related to retroactive consideration. As in previous years, Ombuds staff saw students who sought academic consideration or accommodation retroactively. The reasons a student may make a request retroactively differ. In some cases, the student has received a new diagnosis or updated documentation that changes existing accommodations. In these cases, the student can follow the appeals process outlined in Western's Policy on Academic Accommodation for Students with Disabilities. Alternatively, when the student has a new diagnosis and was not previously registered with Accessible Education for Academic Accommodations, the student is unsure how to address these challenges as they do not qualify to appeal under the policy.

In one case, a student sought advice from the office to appeal the outcome of a course and was seeking retroactive accommodations based on a new diagnosis. The student received a decision from the Associate Dean, denying the student's request and directing the student to contact Accessible Education to register for future accommodations and seek options for retroactive accommodations. The student then appealed to Accessible Education who clarified the appeals parameters and that the student's case, being a newly registered student, did not qualify for appeal or retroactive accommodations under the policy. The student was directed back to the Associate Dean to seek reconsideration. The student felt they were being passed between the two offices without a definitive answer on their request.

The confusion experienced by the student is caused due to a gap in policy. The Academic Accommodation for Students with Disabilities addresses the concept of Retroactive Accommodation, but only for those previously registered with Accessible Education. There is no clear recourse for those who have a new diagnosis and have not been previously registered with Accessible Education.

Artificial Intelligence and Academic Integrity

This past year saw the introduction of Artificial Intelligence into daily life. With the creation of ChatGPT, AI became powerful and easily accessible for the general public – including students. This created worry throughout the academic community with concerns of how AI will impact academic integrity.

The Office saw a few cases where AI was mentioned, however in those cases where AI use was alleged the students were able to demonstrate why the claim of AI usage was unfounded. In one instance, a student visitor shared they were flagged for possible AI usage in the submission of a paper citing the flag was due to “circular narrative” in the student’s writing. They were able to provide proof of past edits to their work, and emails that showed the suggestion to rephrase key items was at the recommendation of a TA. Additionally, the student was able to provide research notes and additional context to support that the ideas presented in the paper were original. The allegation was dropped and the student received a grade which they felt was fair.

Although the Office has not seen an increase in cases related to AI, that doesn’t mean there isn’t cause to consider the impact of AI and its relation to Academic Integrity. AI is a tool that can be used productively or destructively, but for a student to understand how they can use AI they need to understand when the use and inclusion of AI in academic work is acceptable.

Observations and Recommendations

Ombuds staff practice shuttle diplomacy, working with senior administration throughout the year to ensure systemic issues are resolved. For that reason, recommendations are seldom made in the Office of the Ombuds’ annual report. There are no recommendations included in this report.



Connecting Across the Community

The Office of the Ombudsperson works with various cohorts to provide best practices on difficult conversations and conflict management. For example, through the 2022/23 year Jennifer continued providing workshops as part of the Own Your Future graduate student professional education program.

From time-to-time we also work with senior administrators on policy revisions to ensure fairness of the institution's policies and procedures. In 2022/23 we continued to work with the University Working Group focused on Academic Integrity and provided feedback on both policy and cultural changes to aid in the adaptation and adoption of new policy and practice related to Academic Integrity at Western.

Outreach

- Conflict Management workshops, SGPS Own Your Future
- Numerous orientation events
- Appeals policy training for USC Student Appeals Support Centre

Committee Participation


- Graduate Student Life Advisory Group
- University Working Group – Academic Integrity

Virtual Conferences, Meetings, and Training Attendance

- Association of Canadian College and University Ombudspeople
- California Caucus of University and College Ombuds
- Forum of Canadian Ombudsman
- International Ombuds Association
- International Centre for Academic Integrity



2022-2023 Statistical Information

 **1 out of every 44** students contacted us in 2022/23



2.16% of Western students

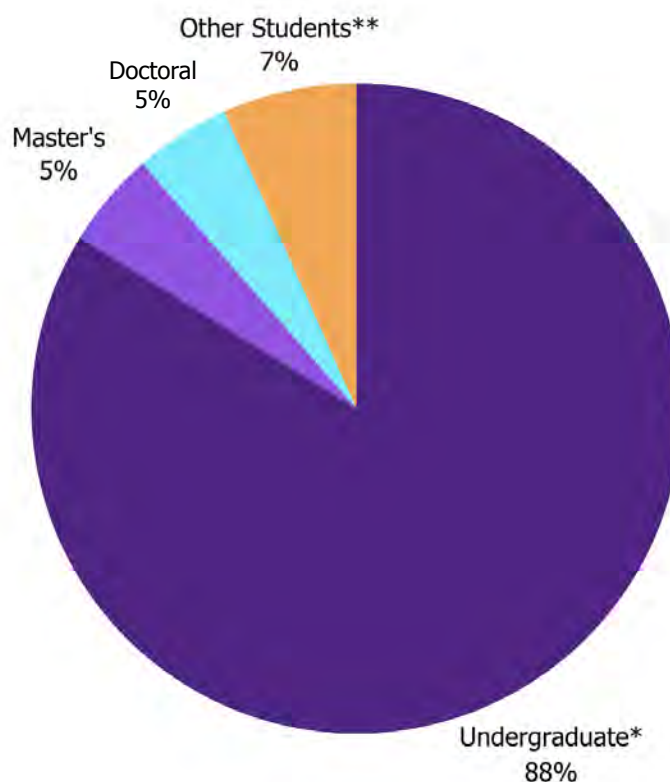
2.3% of undergraduate students

1.5% of graduate students



24% of cases dealt with by the Office of the Ombudsperson between August 1, 2022 and July 31, 2023 were referred to the Office by academic counselors, faculty members, administrators, parents, and fellow students.

Degree Level of Student Visitors

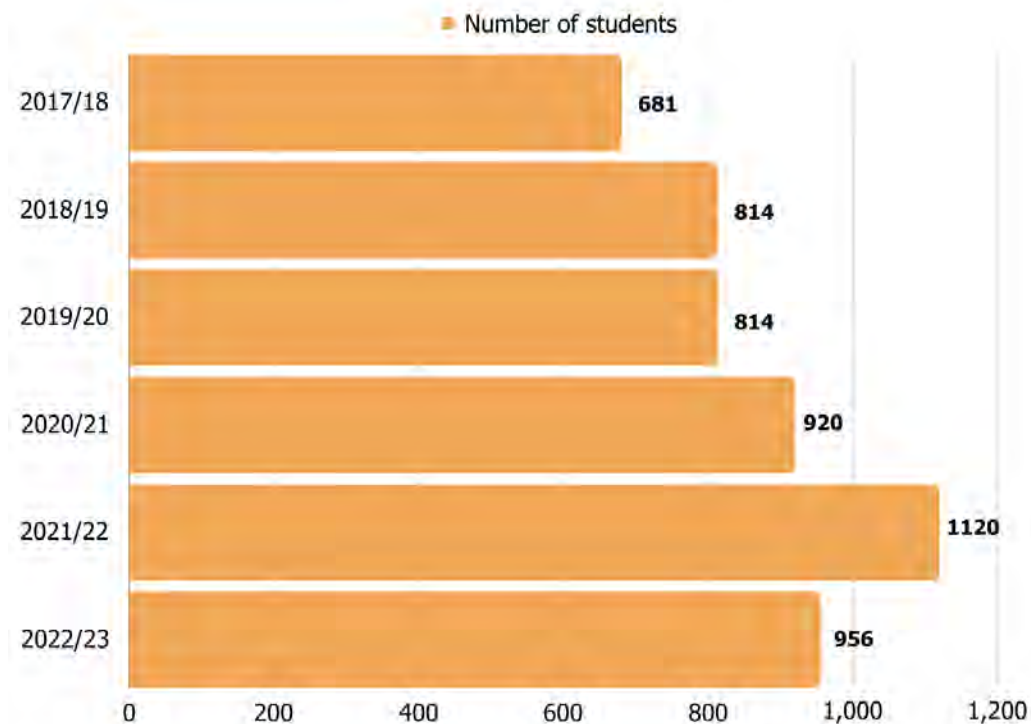


**Undergraduate numbers include Professional Degree students*

***Other students include graduate diploma, continuing studies, former students, and students who did not identify a degree level*

19% of students visiting the Office between August 1, 2022 and July 31, 2023 identified as having a disability or experiencing mental health concerns or trauma.

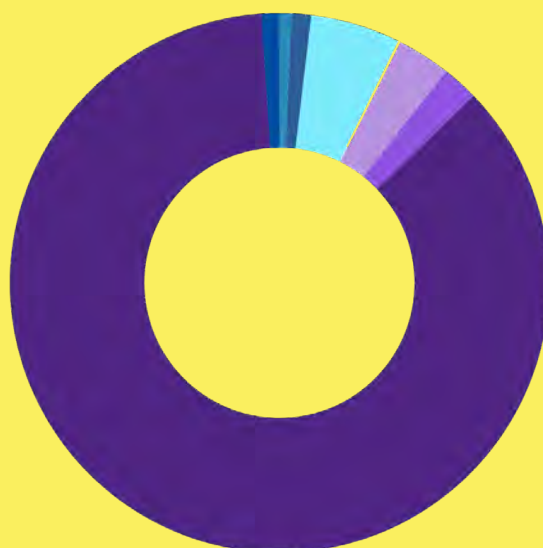
Caseload Per Year



Note: The collection of data in the Office has improved due to the introduction of Resolve, which has produced more accurate reporting of at-risk indicators and residency status and resulted in a better understanding of the circumstances impacting student visitors.

Visitors

Student: **956**
Former Student: **60**
Outside of University: **36**
Staff/Faculty: **24**
Applicant: **13**
Alumni: **8**
Other: **12**
Ontario Ombudsperson: **1**



1100
Total Visitors

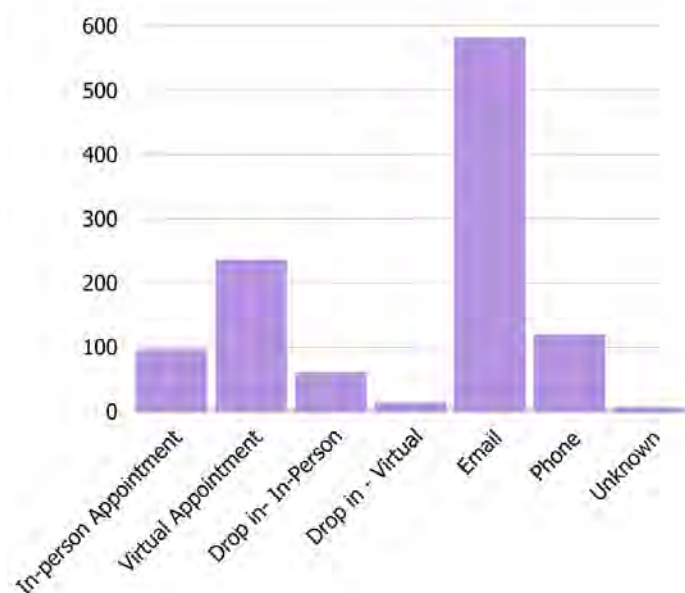
89%
Student Visitors

11%
Non-student Visitors

Referral Source by Case

Source	Total
Unknown/Did not Disclose	543
Academic Counselling	184
Previous Contact with Office	139
Did not ask	109
Other	32
Friend/Family/Colleague	29
Online Search	25
Professor/Instructor/TA	19
Accessible Education	17
University Policies/Website	5
USC/Sogs	3
Student Health Services	3
EDI Office	1
Ontario Ombudsman	1

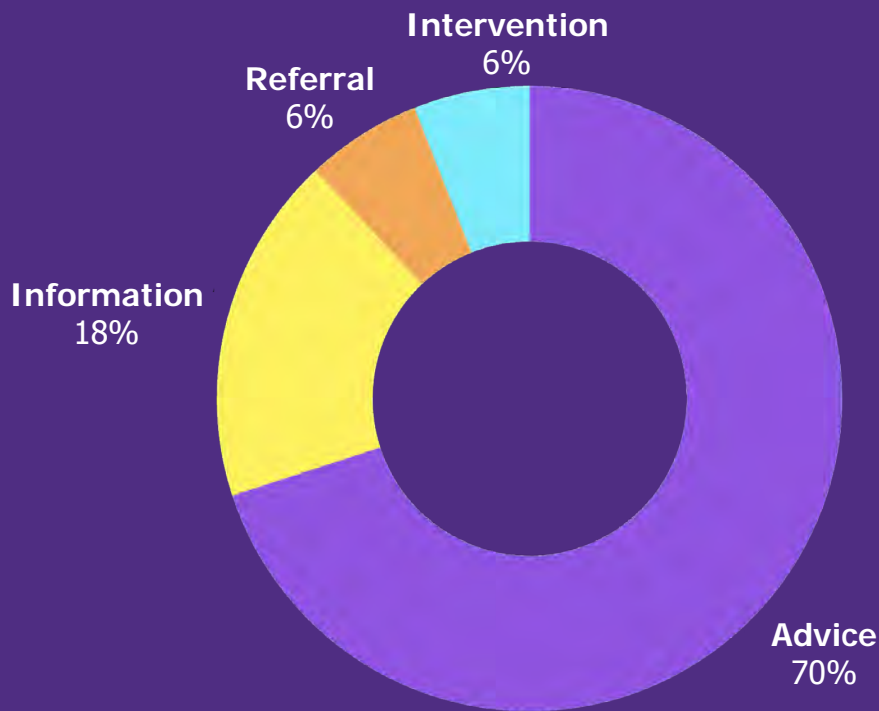
Initial Method of Contact



Over 50%

of people reached out to the Office of the Ombudsperson via email over other methods of contact.

Outcomes by Case

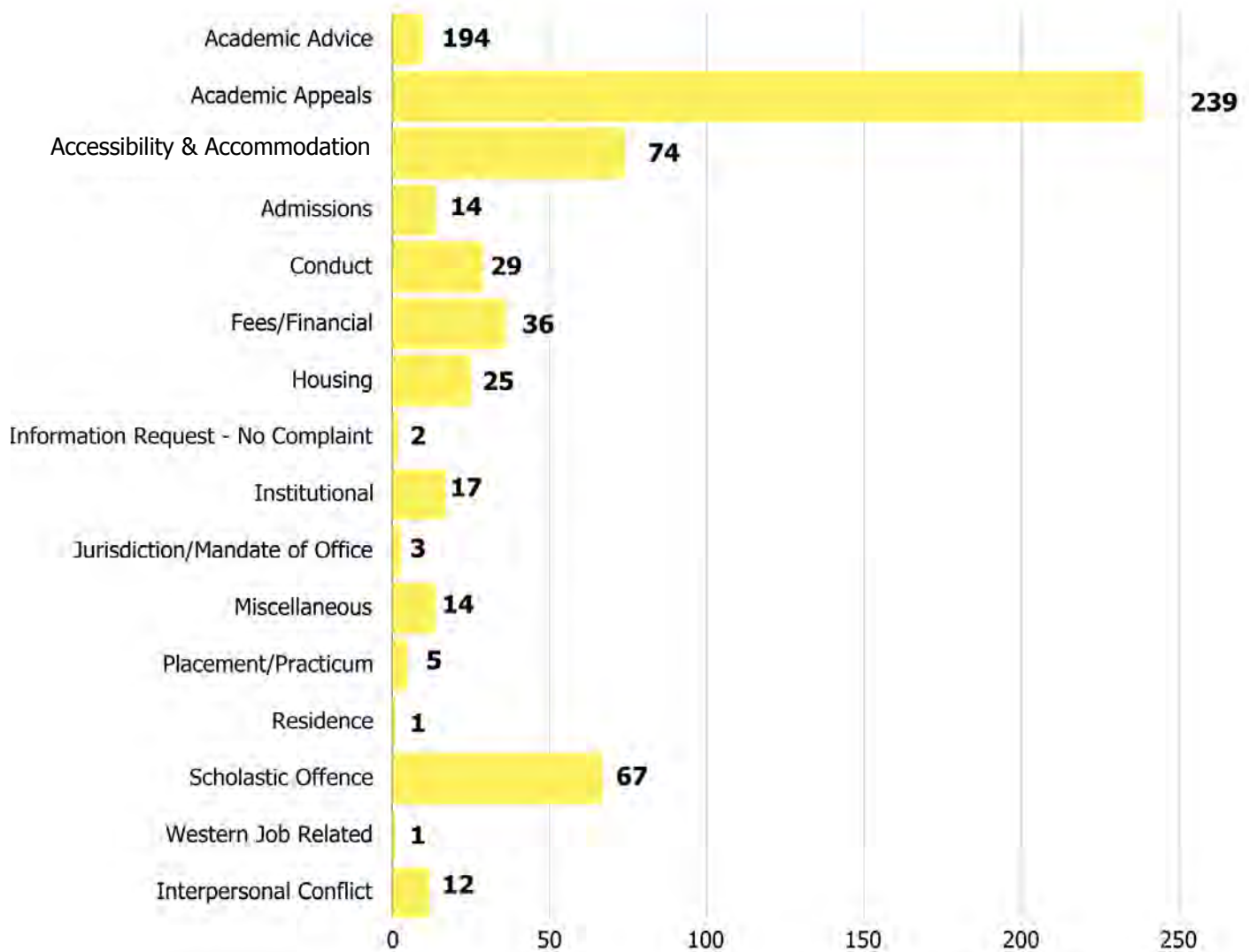


Average Number of Actions per Case (by Degree)

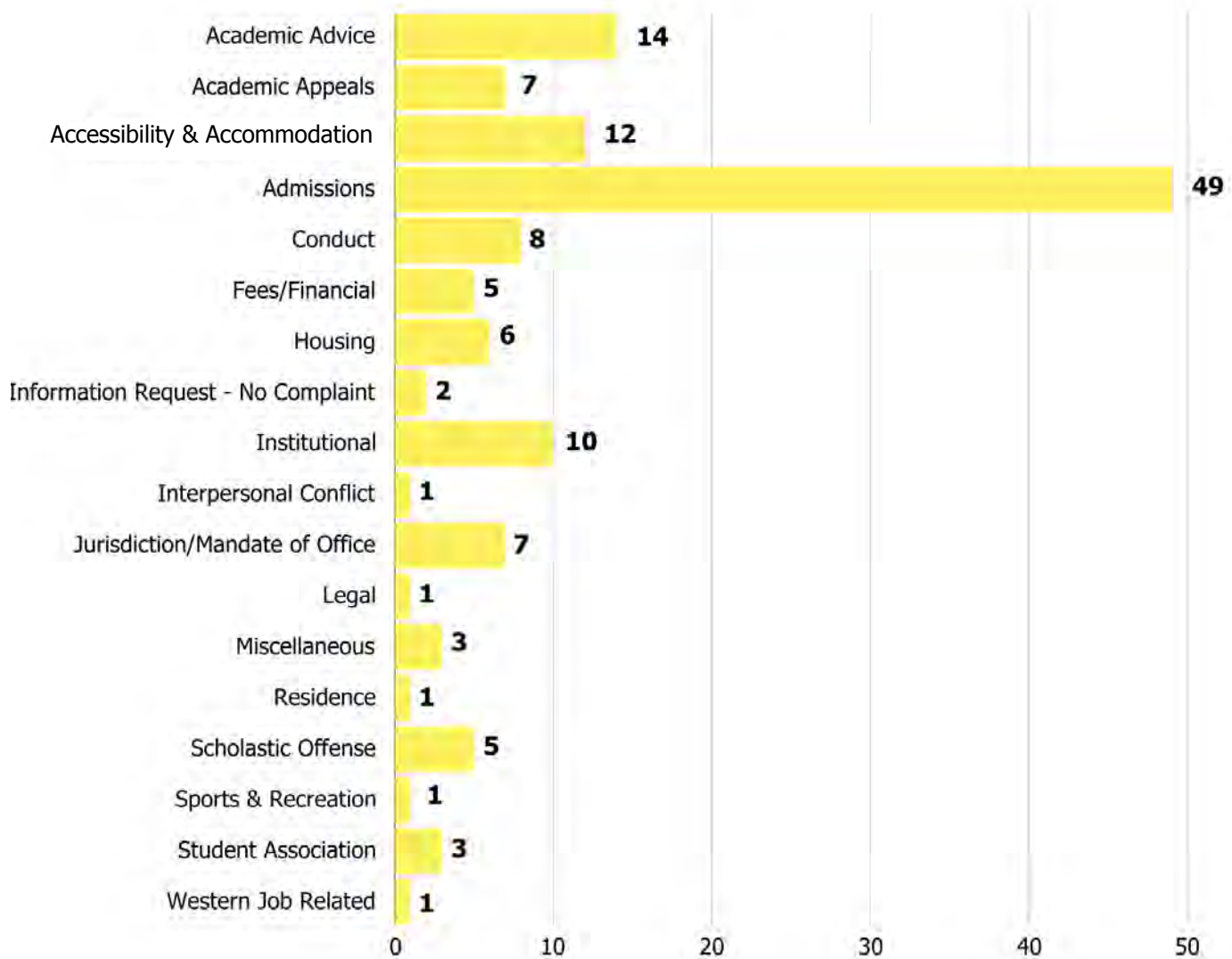
Student Type	Average
Graduate Diploma	2.23
Graduate Masters (Professional)	4.41
Graduate Masters (Research)	4.10
Graduate PhD	5.61
Professional Degree	9.09
Undergraduate	3.70
Other/Non-student	1.87

Actions are identified as contact points in a case and may include emails, phone calls, in person or virtual meetings, or walk-ins.

Student Case Data



Non-Student Case Data

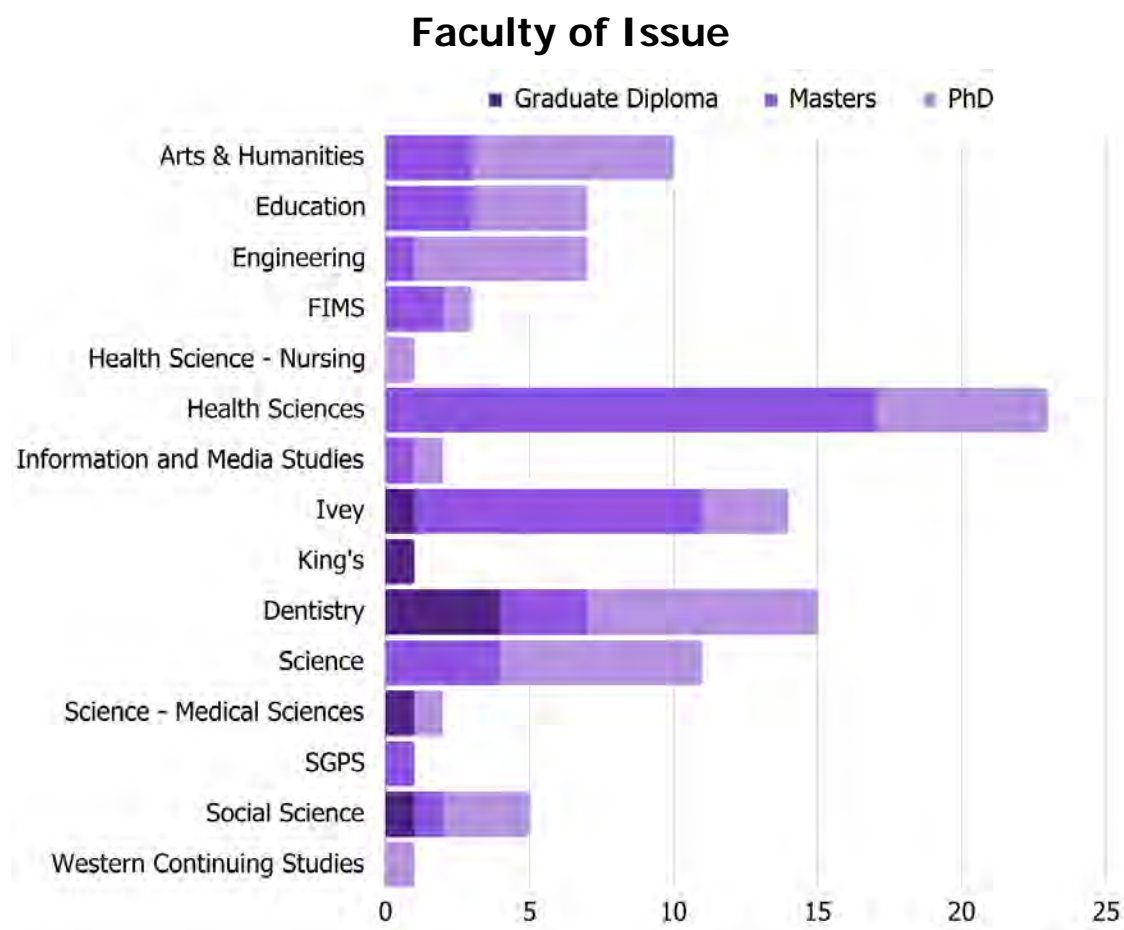


Student Concerns

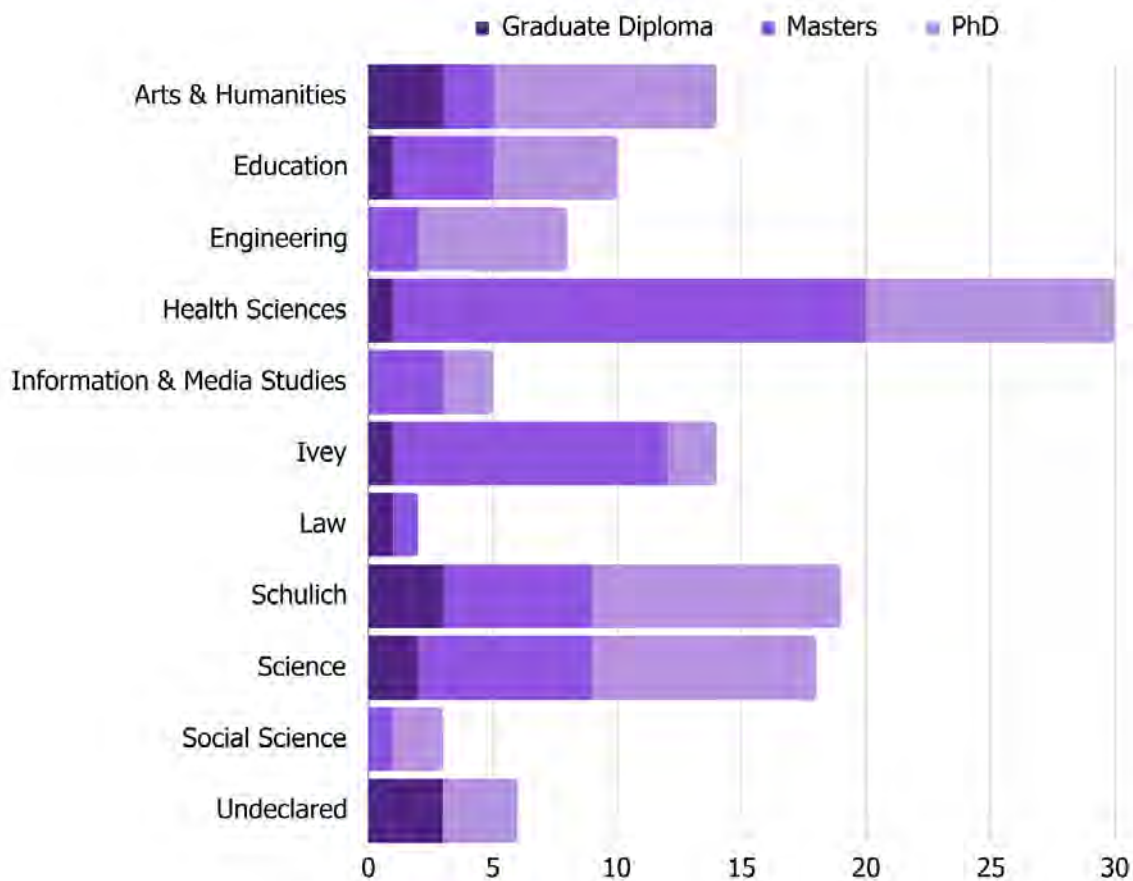
Concerns raised by students may occur where the student is registered, their home faculty, or arise from an incident outside their home faculty. The Office of the Ombudsperson tracks both where the student is registered and where the concern exists to help identify system challenges where they occur.



Graduate Student Visitors



Graduate Student Visitors - Home Faculty



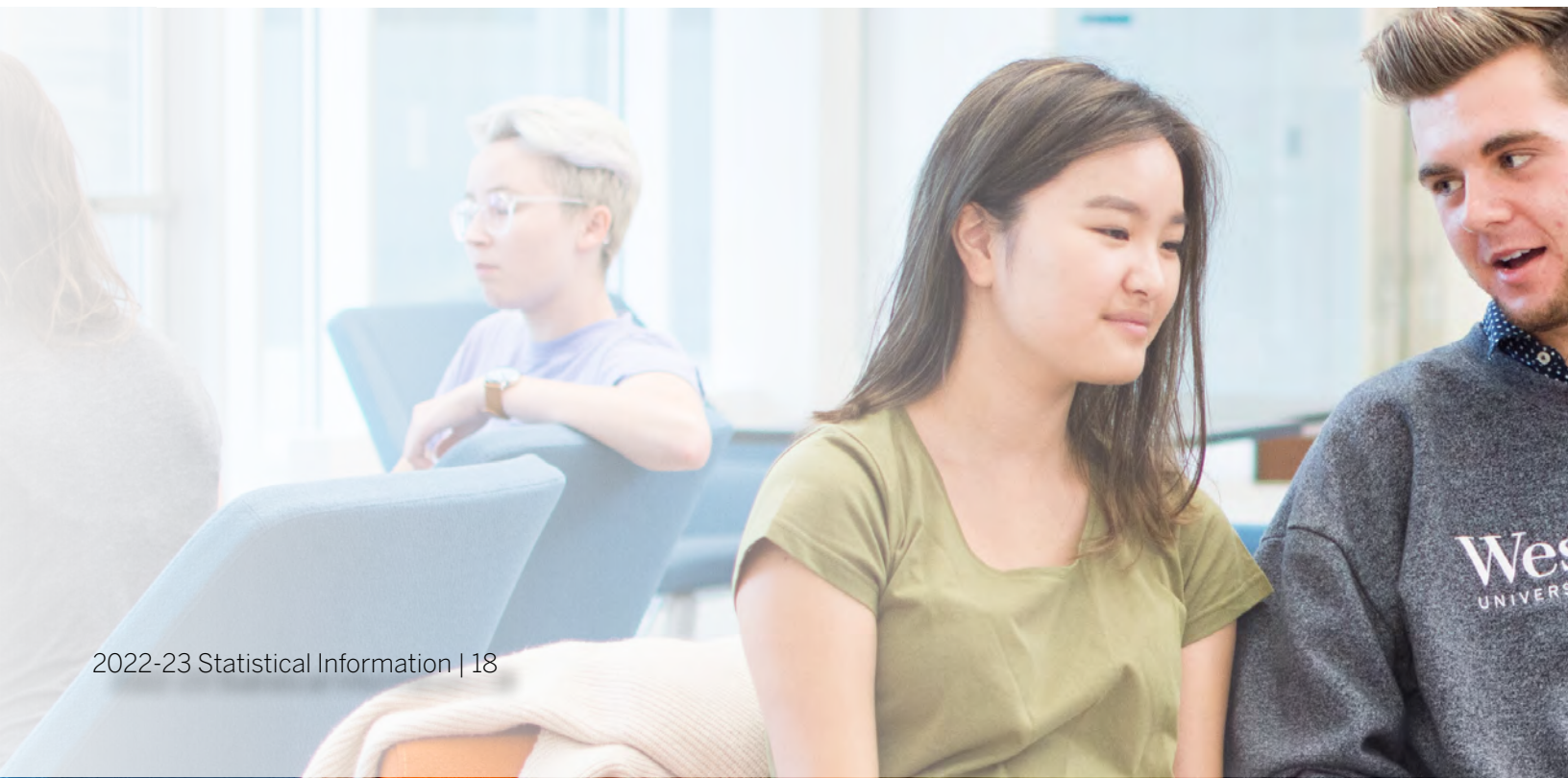
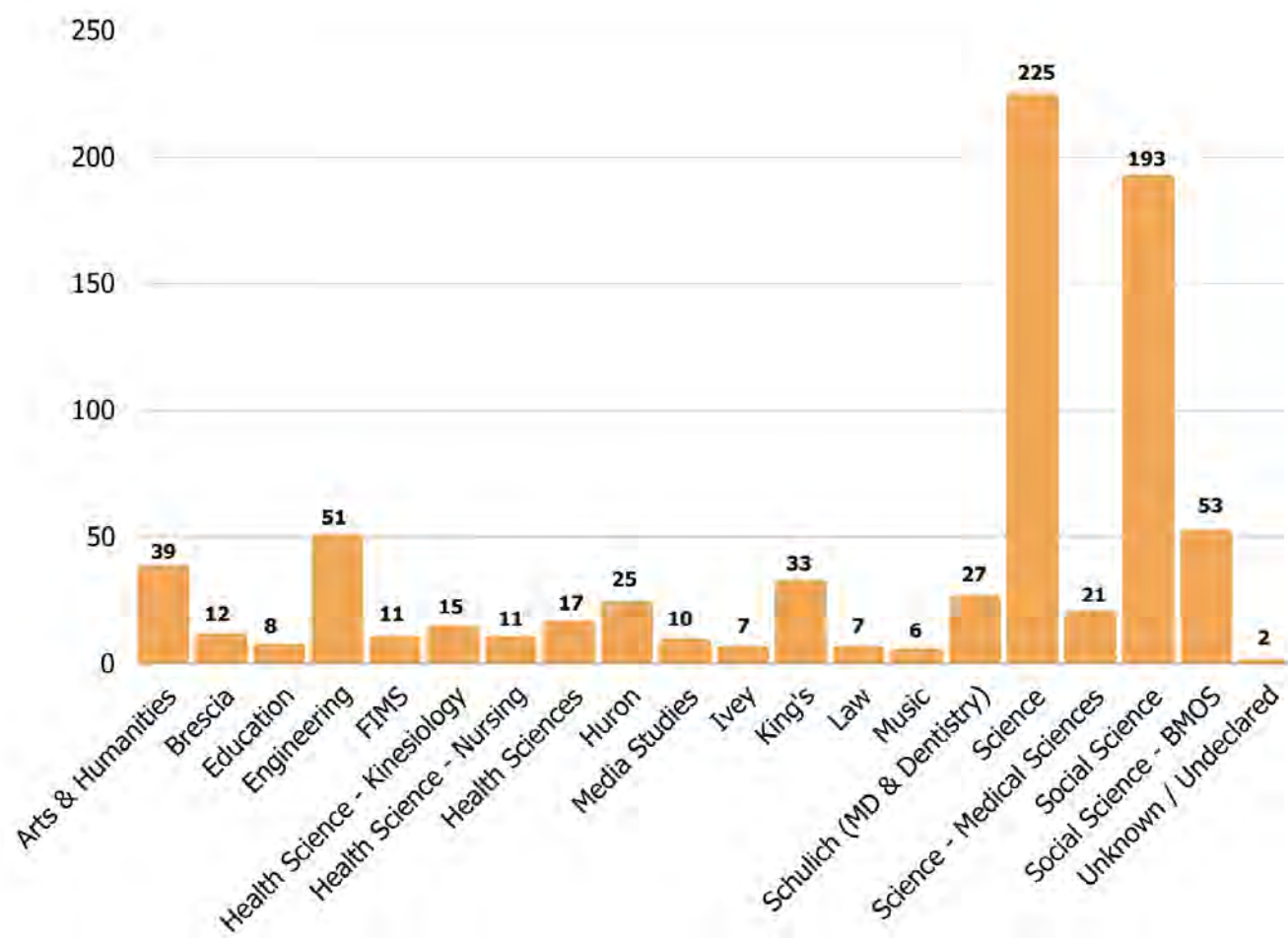
Student Concerns



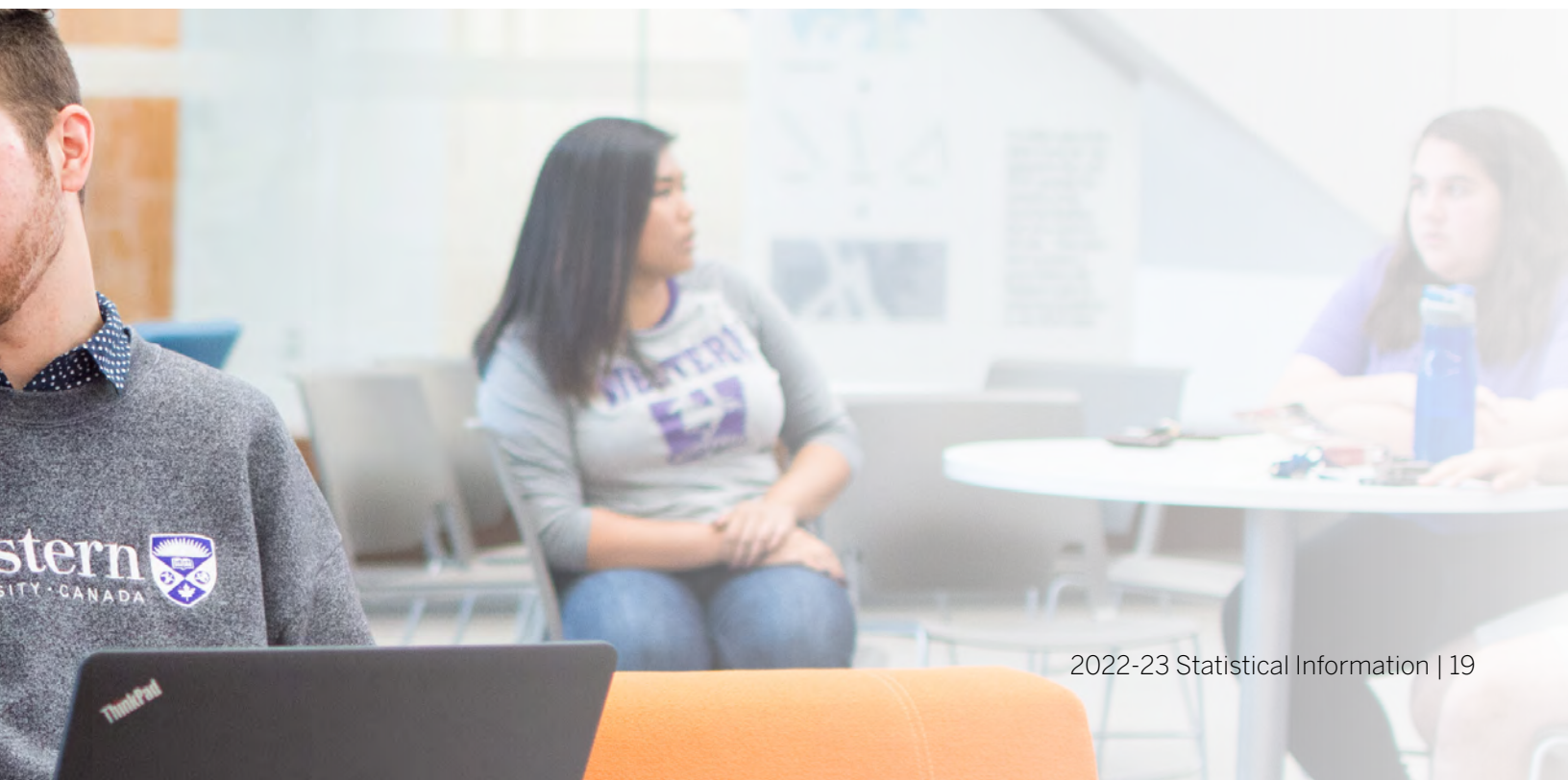
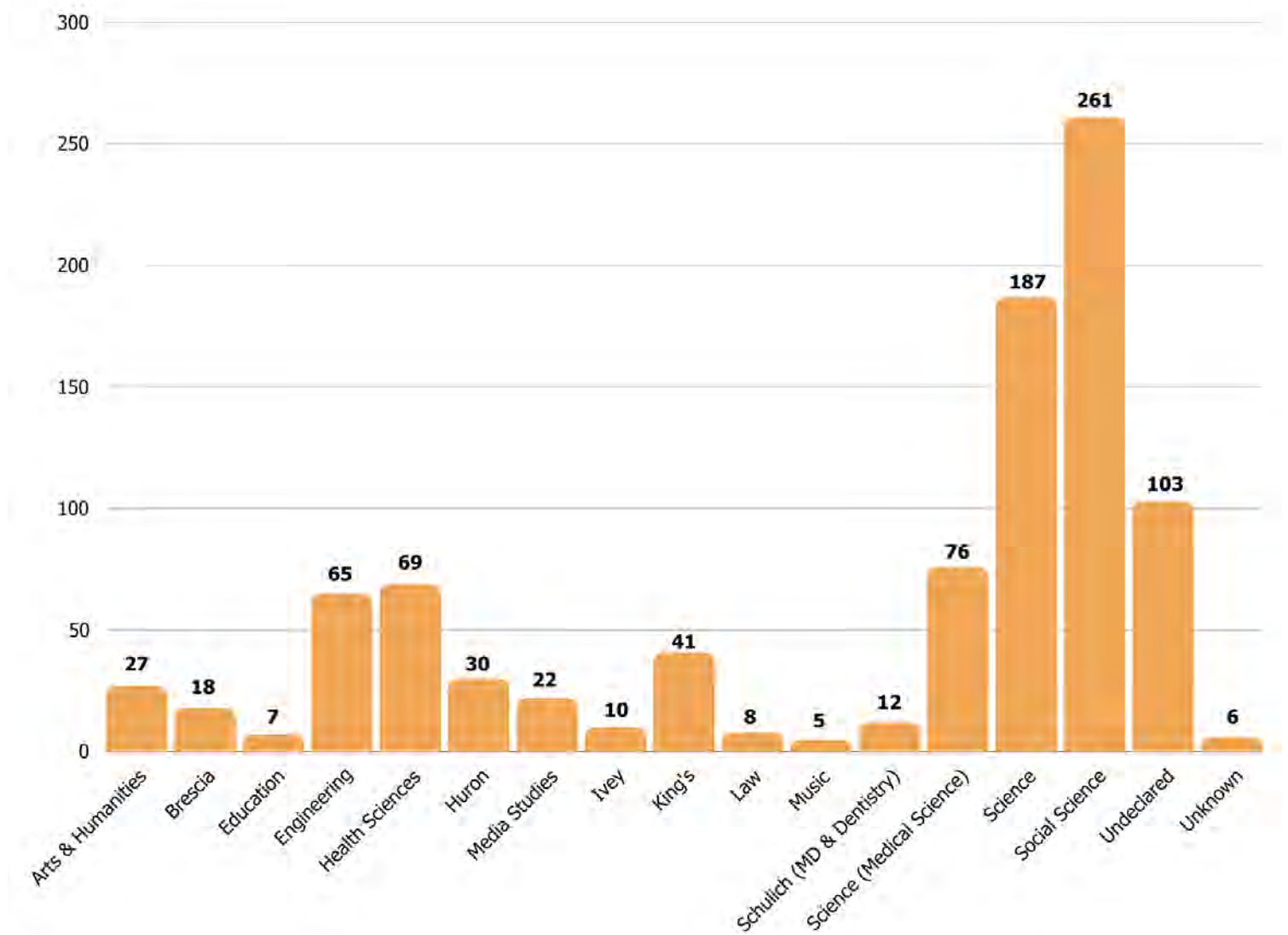
Note: Total concerns may exceed the number of annual visitors as an individual visitor may have more than one concern.

Undergraduate Student Visitors

Faculty of Issue



Home Faculty



Student Concerns

Academic Advice



Academic Appeals



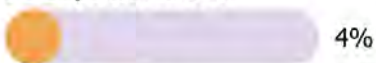
Accessibility/Accommodation



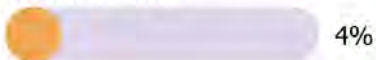
Scholastic Offence



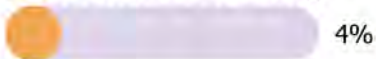
Fees/Financial



Institutional



Residence & Housing



Conduct



Admissions



Miscellaneous



Interpersonal Conflict



Placement/Practicum



Note: Total concerns may exceed the number of annual visitors as an individual visitor may have more than one concern.



Western