

Annual Report

Introduction

The Terms of Reference for the Ombuds Office requires that the Ombudsperson publish an Annual Report each year. The report is to contain: statistical information on the number and types of cases handled by the Office, highlights of any general trends identified in the caseload and recommendations, as necessary. This report covers the period from August 1, 2001 to July 31, 2002. The delay in publishing this report means that in many cases the University has already made good progress in addressing concerns that were raised informally last year. Generally, this is a “good news” report – much has been accomplished in the last year in terms of improved policies and institutional discussion and resolution of issues. Many of the recommendations centre around continuing work that has already begun.

The Ombuds Office, for those of you who are not familiar with this Office, is a service provided jointly by the McMaster Student Union and the University. The Office provides neutral, confidential assistance to students, staff and faculty on any university-related problem. As the Ombudsperson I do not act as an advocate, although after hearing both sides of a problem, I may make a recommendation if the parties are unable to devise their own solution. You may wish to visit the Ombuds Office’s web page at www.mcmaster.ca/ombuds to learn more about the Office.

The primary focus of any Ombuds Office is to assist individuals with concerns they may encounter in their day-to-day life at the University. So, for example, students visit the Office when their efforts to reach an instructor are unsuccessful or an employee may drop by when they are experiencing difficulty with an office or service on campus. Following some advice and coaching, many of these concerns can be resolved by the parties themselves. These types of cases, which account for a good many of the cases, are often very fact-specific and may not form part of a general trend. Nevertheless, they are understandably very important to the individuals involved and consequently, to the University as a whole.

The Ombuds Office moved this year from its’ previous home in Hamilton Hall to the new Student Centre, Room 210. The move went very smoothly and the new location is working out extremely well.

Any cases referred to in this Report have been altered sufficiently to protect the confidentiality of the parties involved.

Revised Terms of Reference

This year the Terms of Reference for the Office were revised and subsequently approved by the University Senate, the Board of Governors and the Student Representative Assembly of the MSU. The Terms were amended to reflect the founding principles of

the Office, namely: independence, impartiality, confidentiality, informality, the ability to investigate and accessibility. The main changes to the Terms include the following:

- The Ombudsperson now reports directly to the President of the University and the President of the MSU. A Management Committee composed of the AVP (Student Affairs) and the VP Education of the MSU assist the Ombudsperson in the day-to-day operation of the Office.
- The Ombudsperson now has the authority to initiate investigations on his/her own initiative.
- The jurisdiction of the Office has been clarified in respect to former students and staff, University applicants, matters covered by a collective agreement and in circumstances where the parties have both retained a solicitor. Those situations in which the Ombudsperson may decline to act have been specified.
- The Terms have been expanded to outline when the Ombudsperson may intervene in a matter and the nature of his/her inquiries and investigations.
- A section has been added to the Terms to protect visitors to the Office from reprisals.
- The Senate executive and the MSU Board of Directors are responsible for ensuring that the appropriate administrators consider and respond to the recommendations contained in the Annual Report.

The new Terms of Reference are posted on the Ombuds Office's web page.

Statistics

The attached tables were designed to provide some basic information about the number and types of cases handled by the Ombuds Office from August 1/2001- July 31/2002. As well, some of the tables contain comparable data from the previous two years. In total, there were 325 cases and 70 inquiries during this one-year period (Table 1). The number of cases increased by 15% over the same time the previous year.

Inquiries involve matters outside the Office's jurisdiction, such as landlord and tenant matters, family law issues and general legal questions. The Office does not provide legal advice but is happy to refer people to community resources, whenever possible. Full-time undergraduate students continue to be the primary users of the Office (Table 2). Students sometimes visit the Office in groups, but usually such visits are recorded as only one case. The number of graduate students who visited the Office is up from 19 the previous year to 31 in the current year. The number of staff visiting the Office has remained fairly constant (47) whereas, the number of faculty doubled from 12 the previous year to 24 in 2001-2002.

Student cases are grouped into academic (Table 3) and non-academic (Table 4). The number of academic cases rose 36% this year, while the number of non-academic cases remained fairly steady. Academic issues raised most frequently included: grade appeals (18%), academic misconduct (14%), petitions (12%), admission (11%), examinations (8%) and teaching quality (7%). The sharpest increases in inquiries came from admissions, grade appeals and academic misconduct. Within the non-academic category,

fees and financial concerns (25%) appeared most frequently, otherwise the bulk of the remaining cases were fairly evenly split between residence, employment on campus and other services. The sharpest decrease in inquiries came from the residence system.

Again this year many of the staff inquiries pertained to issues involving a student (25%) and process/policy issues (18%)(Table 5). A number of staff also visited the Office to discuss their working conditions and what they perceive as a “hostile work environment.” The faculty inquiries mirrored the staff breakdown with 37% of all inquiries pertaining to policy issues and 30% involving an issue with a student (Table 6).

The Office intervened in approximately 30% of the cases this year - this is very consistent with previous years (Table 7). The term “intervention” is used for those cases where an individual or office is approached in an effort to resolve a situation.

The Office continues to be accessed by a number of different methods, with the number of telephone and e-mail inquiries continuing to rise (Table 8).

Teaching and Grading Practices

Every year a number of students come to the Ombuds Office with concerns about grading practices and evaluation. Some common complaints in this area include:

- reluctance of an instructor to provide a student with the breakdown of his/her final mark or to let a student review his/her final exam;
- tests that do not reflect the work that has been covered either in class or in the readings;
- lack of sufficient copies of a textbook on reserve at the library resulting in problems preparing for a test;
- assignments (worth more than 10%) being given during the examination ban;
- returning marks late, thereby jeopardizing a student’s future performance or complicating a student’s decision whether or not to withdraw from a course;
- inconsistencies between the instructions given by a professor and a TA;
- unreasonable time restrictions on a test resulting in a failing average for the class;
- lack of policy on “rounding up” grades or “late work”;
- failure to follow the procedures for conducting final oral exams;
- students entering the final exam with a high class average and an expectation that they know the material, only to be met with a very difficult final designed to bring down the marks;
- assigning participation marks on the instructor’s recollection of “who was around”, rather than on the basis of any record keeping.

Sometimes these cases can be resolved by providing the student with the appropriate policy that he/she can take back to the instructor to discuss. At other times, students faced with these problems are looking for some guidance as to whether their concerns are reasonable and if so, how to approach the instructor, or possibly the Chair with their questions. For example, in the case of late work, I might explain to the student that there is no obligation on an instructor to accept late work, but if he/she does so it is certainly

preferable to outline the penalties in advance for each assignment and to apply them consistently. In the case of a failure to follow the oral exam policy, the student was satisfied when the department agreed to circulate a memo reminding instructors of the procedural safeguards that must be followed when conducting a final oral examination. On occasion I intervene when I feel there has been a clear breach of policy, the matter is very time sensitive or there is an opportunity for discussion while a course is on going. I also advise students in these circumstances of their right to appeal.

Two common statements I hear from students when they are discussing grading issues are, “I am an “A” student so this mark must be wrong” and “I just wanted the instructor to tell me what to do to get a good mark”. Needless to say, these remarks are not very helpful when approaching an instructor to discuss grading. While the first statement may explain why a student is puzzled by a grade, prior performance does not ensure the outcome of a current course. The second statement fails to take into account the complexity of grading at the post-secondary level, the responsibility of the student for their own learning, and the subjective nature of many evaluations.

It has been my experience that many of the common evaluation/ grading complaints involve new faculty or sessional lecturers who are not familiar with McMaster’s policies. When informed of the relevant policy, these instructors usually rectify the problem promptly.

Recommendation: All new faculty and sessional lecturers should have sufficient orientation on the University’s grading and evaluation practices. The University may want to consider grouping all grading and evaluation policies into one new comprehensive policy.

The Ombuds Office continues to receive complaints about the grading in multiple sections of a course. In one instance, a student and her friend were in two different sections of a required course – one taught during the day and the other in the evening. The exams in the evening course were perceived as being easier and, unlike the students in the daytime course, the students in the evening course were permitted to bring calculators into the exams. When I inquired about this discrepancy, I was told, “evening courses have a history of being less rigorous.” This grading issue was discussed by the Undergraduate Council Executive Committee last year and it was suggested that rather than having “common courses” with the same exams etc, it might be preferable to have “comparable courses” and rely more on the reviewing process. Another case this year highlighted that there may be some merit in this approach. Students in two sections of a required course were prepared quite differently for a common exam and the students perceived this as quite unfair.

Recommendation: The University should continue on-going dialogue on how different sections of a course, particularly a required course, should be evaluated to ensure fairness.

Over the last couple of years I have noted reluctance on the part of some graduate supervisors to inform graduate students when the quality of their work is unsatisfactory. In one instance a student reported attending a meeting with her supervisor that seemed to go fairly well, only to return home to find an e-mail that alluded to some more serious problems. My discussions with the supervisor revealed that he had been unhappy with the student's progress for some time and was surprised that the student had not picked up on his concern. The student had informed me that he had passed all his course work but the supervisor viewed "B+'s" (the lowest marks in the classes) as barely passing. This is not the first case where I have noted a discrepancy between how students (particularly foreign trained students) and faculty perceive the grading scale for graduate courses. Graduate students need to be informed in a timely and forthright manner when there are concerns about the quality of their work. Delivering "bad news" is a difficult, but sometimes necessary, part of the supervisory relationship. Annual supervisory meetings provide a setting for this exchange. While students seem to appreciate regular meetings, I have received complaints from students who go to a supervisory committee meeting and are surprised to receive a finding of "unsatisfactory progress". These students report that they do not feel that they are given an adequate opportunity to respond. The latest form of the "PhD Supervisory Committee Report" requires the student to complete a summary of their progress and also states that a student may append additional comments on the Report. In the case where a student is genuinely surprised by a finding of "unsatisfactory progress", it may be appropriate to reconvene to permit a student to reply more fully.

Recommendation: The Graduate School needs to continue to implement evaluation practices that clearly inform graduate students of their progress and provide the students with a fair opportunity to respond. The Graduate School may want to consider instituting progress reports for Masters students where the program is for more than one year. The Graduate School is also in the process of reviewing their Graduate Handbooks with a view to including additional material on the graduate student/supervisor relationship. This should prove to be an excellent resource.

Last year I wrote about the issue of who, other than an instructor, has the authority to change grades or a grading practice in the University. This arose in the context of advising students what remedy they might expect on an appeal to an Associate Dean/Dean or the Senate Board for Student Appeals. The University is currently reviewing this matter.

Recommendation: The University should continue on-going discussion on the issue of who has the authority to alter grades at the University and make whatever policy changes may be necessary as a result of these discussions.

The most common complaint in the area of "teaching practice" involves instructors who read their lectures, in their entirety, from overheads. Other common complaints involve instructors who are perpetually late for class and who appear disorganized in their presentation of material. Instructors and departments could receive more feedback on these problems through better peer and student course evaluations. The Centre for

Leadership and Learning is available to assist instructors who wish to improve their skills.

Recommendation: "The Policy on the Public Release of Students' Ratings of Teaching Effectiveness" stipulated that the policy should be re-assessed in the Fall of 1999. This review is now, three years overdue. A committee needs to be struck to review this policy and also to review the portions of the "Policy on the Encouragement of Teaching Excellence" that deal with student and peer evaluations to consider the effectiveness of these provisions.

The components of a course may be re-weighted as a result of an accommodation plan or in response to a Petition for Special Consideration based on compelling medical, personal or family reasons. Two cases this year illustrate some of the problems inherent in re-weighting. In one case a student missed a mid-term as a result of a religious holiday. The marks were re-weighted to a second mid-term. The average on the first mid-term was "A-"; while on the second mid-term the average was "D". In another case the reverse happened, and a student performed far better on a heavily re-weighted final than would have been suggested by her term work. Since there was some disagreement over the exact method of re-weighting, the student volunteered to re-write a mid-term she had missed. Re-weighting is not a perfect solution but it does allow a student an opportunity to make up the marks for a missed component of a course. Many of the students I speak with would prefer to write a make-up test/mid-term and certainly from an academic integrity perspective, this may be the preferred approach, when possible.

Academic Integrity

The Academic Integrity policy was passed in March 2002 and is scheduled to be implemented starting May 1, 2003. As part of this policy, an Office of Integrity has been developed and Faculty Adjudicators have been appointed. The new Academic Integrity Officer is responsible for administering this policy and developing educational initiatives to assist students and faculty in understanding the procedures. The Ombuds Office will continue to be available to assist students who have been charged with academic dishonesty and faculty and staff who may have questions or concerns. That having been said, it is anticipated that the Ombuds Office will experience a decrease in academic dishonesty cases, particularly those cases that involve purely process questions that may be better addressed through the Academic Integrity Officer.

It has been my observation that many cases of academic dishonesty are committed by students who are under severe stress in other, non-academic, areas of their life. Any educational program should alert students to this correlation and encourage them to seek help if they are feeling overwhelmed.

I continue to see cases where students, both undergraduate and graduate, receive very "mixed messages" about the degree of assistance they may accept in completing their work. In one case an instructor and a TA had developed a practice of assisting students by providing partial solutions to their assignments. The students did not reference the

sources of these solutions. A subsequent academic dishonesty case against the students was dismissed on the basis that it is the instructor or TA's responsibility to clearly inform students if the instructor's/TA's solutions must be referenced. Computer courses are particularly problematic. In some courses TA's assist student in "de-bugging" a code, whereas in other courses, within the same department, students are instructed to discuss only conceptual aspects of a project and any discussions with fellow students involving the code are viewed as academic dishonesty. Students also receive "mixed messages" on the question of whether accessing prior mid-term examinations and lab reports constitutes academic dishonesty. In one case, an instructor, in his effort to clarify his understanding of academic dishonesty, developed what was essentially a supplementary code for his class. While examples are extremely useful, expanding the definition of academic dishonesty beyond what is stated in the University policy is inappropriate. It is my feeling that the University must continue to discuss the "grey areas" of academic integrity to provide students with as much direction in this area as possible.

Recommendation: The University needs to continue to encourage institutional-wide discussion on such difficult academic integrity issues as: (1) the degree of collaboration and assistance students may receive on assignments and (2) student access to prior mid-term examinations and lab reports. Work is also outstanding in the area of prevention, namely: (1) random seating and (2) procedures for non-Registrar invigilated examinations.

Many of the process and educational issues I discussed in previous Reports have now been addressed through the new policy and the Office of Academic Integrity. In addition, I expect the Office of Academic Integrity to prove very valuable in ensuring continued discussions around prevention and detection.

Appeal Processes

The Senate Appeal Procedures were amended this year and, once again, many of the concerns I had expressed in previous Reports were addressed. The Procedures were updated to include the recent amendments to the Statutory Powers Procedure Act. Other amendments included:

- revising the nomenclature to specify the appropriate administrators in the various programs and faculties;
- specifying that an appeal to the Senate Board for Student Appeals includes a full re-hearing of the evidence and argument;
- eliminating the discovery session.

The Senate Board for Student Appeals discussed whether clinical evaluations should be specifically excluded from the "re-read" provisions of the policy, much as Master's and Doctoral theses and Ph.D. comprehensives have been excluded. It was decided that every student should have an opportunity to have his/her work reviewed by an impartial third party who is familiar with the field, and that this right should not be dependent on the format of the work. Re-reading an essay or a test is relatively straightforward but some

thought will need to be given to how other types of work (e.g. that involve the observation of a student's performance) can be fairly reviewed.

Recommendation: In programs where re-reads occur infrequently, or are more problematic from a process standpoint, Faculties need to consider developing some guidelines specifying how these re-reads are to be conducted.

After much discussion, a new policy on "Petitions for Relief for Missed Term Work and for Deferred Examinations" came into force in September 2002. The highlights of the new policy include:

- a clear statement that the authority to grant petitions is discretionary and that supporting documentation (e.g. medical note) will not ensure approval of the petition;
- specific timelines on the submission of petitions;
- clarification that once a student has written an examination, no special consideration shall be granted;
- a list of some factors to be taken into account in deciding whether to grant a petition;
- a statement that relief will not be available for minor illnesses;
- formation of a committee of Associate Deans to consider petitions for missed deferred examinations.

This policy attempts to balance the University's desire to assist students with legitimate difficulties and protect the system from potential abuse. It also attempts to establish more uniformity in practice and consistency in decision-making.

Recommendation: The new policy on "Petitions for Relief for Missed Term Work and for Deferred Examinations" should be evaluated at the end of the 2002-2003 academic year to assess its' operation. The University may want to consider further education on this policy through the Office of Academic Integrity.

A few cases this year highlighted the need to ensure, as a matter of procedural fairness, that letters from decision-makers clearly specify any appeal rights.

Recommendation: All standard letters used in University decision-making processes should be reviewed to ensure that these letters clearly outline the recipient's appeal rights and any time limitations for commencing an appeal.

A student described a situation this year where he attended a Faculty hearing and was presented with a 9-page brief from the instructor, the respondent in the case. Although the hearing adjourned briefly to let the student review the document, the student felt strongly that he had been disadvantaged by not having the material prior to the hearing. Procedural fairness requires that the student have a fair opportunity to respond and this is greatly hampered when the student is not fully apprised, in advance, of the case against him/her. In some cases, adjournments may be necessary but in my experience most students will decide to proceed rather than reschedule. Provisions have been added to the

Academic Integrity policy and the Student Appeal Procedures to encourage the production of documents prior to a hearing.

Recommendation: The appeal processes should be monitored to determine to what extent parties continue to be disadvantaged by the failure of one of the party's to fully disclose his/her case prior to the hearing. If warranted, further amendments to the policies may be necessary.

Building an Inclusive Community

The University has recently raised the profile of equity and diversity issues on campus by forming the “President’s Advisory Committee on Building an Inclusive Community”. The Advisory Committee is an important initiative and will, hopefully, provide a meaningful forum where interested groups and individuals can discuss their concerns and recommend appropriate changes in University practice. One of the first tasks of the Committee is to finalize a University Statement on Diversity.

The Ombuds Office is most likely to run into diversity issues in the context of academic accommodations. Often, the most difficult cases involve mental health issues where students, who may be recently diagnosed, are trying to remove failing grades from their transcripts. In extreme cases, Faculties may agree to retroactively withdraw a student from a class. Normally for this to occur, a student must establish that he/she was too ill to attend classes, submit work, or write exams. Sometimes a problem occurs when a student wants to be “selectively withdrawn”, meaning that the student, who may have passed some courses, only wants to be withdrawn from those classes that he/she failed. Sometimes the Faculty is reluctant to “pick and chose” between courses based on the outcomes. Similarly, students with serious mental health concerns are often advised to take a reduced course load on the basis that this will increase their likelihood of success. This advice is not always followed and students may find themselves in the position of routinely petitioning for special consideration e.g. deferred exams. Once again, Faculties may be disinclined to grant petitions year after year when it appears that the student is not adjusting his/her workload. These cases often involve OSAP issues as well. The episodic and unpredictable nature of some of these illnesses makes these problems very complex and I have observed some variations in how these matters are addressed from Faculty to Faculty. In some cases, students have also reported a general lack of understanding by administrators of the nature of their conditions. Another issue that arose this year was whether a student’s attendance in a class was an essential component of meeting the course objectives. The number of students attending University with mental health concerns is increasing and this may be an appropriate time to begin discussions on how to balance the University’s obligation to accommodate and the need to protect the academic integrity of the University’s courses and programs.

Recommendation: The Faculties should consider discussing how they handle accommodations in the case of chronic mental health and other long-term conditions with a view to establishing some uniformity in practice. These discussions might occur at the Associate Dean’s level with assistance from Centre

for Student Development. The University community could benefit from more education in the area of mental health issues.

Ombuds Offices have traditionally been concerned with the plight of vulnerable populations. During the course of my work, I occasionally come across groups on campus that appear fairly isolated and whose role is not very well defined. It came to my attention that Post Doctoral Fellows (PDF's) might fall into this category and after a meeting with the University, it was agreed to explore the development of a policy that could cover such concerns as: method, length, and nature of appointment; availability of benefits and services; application of University policies and appeal procedures; and remuneration and financial support. This group could also benefit from the designation of a centralized office that could handle their questions and concerns.

Another group on campus that reports feeling largely "invisible" are casual employees. While it is recognized that the University's employment relationship with casual employees is very different than with full-time employees, nevertheless, it is hoped that this group would be respectfully welcomed into the community, and provided with basic employment information. ESL students and staff are another vulnerable group on campus. Some work is currently underway to increase support for this group.

Recommendation: The University needs to identify and continue to reach out to vulnerable populations on campus. Specifically, the work on the policy for Post Doctoral Fellows needs to be completed.

The Undergraduate Academic Accommodation policy was passed in February 2001 and an amendment to include graduate students under this policy is scheduled to go to Senate shortly. There has been some education completed on this policy but more is needed. In one case this year an instructor did not refer a student who requested accommodations to CSD, as required by the policy. As a result, the student did not receive the accommodations that he was, arguably, entitled to. Similarly, some staff this year reported being unaware of the existence of the "McMaster University Policy and Procedures on Employment Accommodation".

Recommendation: The University should consider providing additional education directed to informing students, staff and faculty about the accommodation policies and the University's statutory duty to accommodate.

There has been an increase in the last couple of years in the number of cases dealing with religious accommodation issues. Most of these cases involve obtaining accommodations during tests and examinations. The Registrar's Office has proactively made their system more inclusive this year by no longer requiring students to file proof of their religious affiliation every exam schedule. Multi-faith calendars still need to be made available to academic units. Some cases have involved religious accommodations for employees. The provision of office and prayer space has also been the focus of some discussion on campus this year.

Recommendation: Update the Examination Guidelines and specifically review the section on religious accommodations. The University may want to bring together a group, perhaps through the President's Advisory Committee on Building an Inclusive Community, to discuss on a broader, more comprehensive basis, how and to what extent, the concerns of various religious groups on campus may be accommodated and otherwise addressed.

Employment Issues

Employees visit the Ombuds Office each year with a broad range of concerns. Some of the issues that arose this year included:

- problems getting along with a co-worker or supervisor;
- a chilly reception when an employee returned after an illness;
- change in a job description after a job was already accepted and before the employee started work;
- a delay in processing employment documentation;
- perception that a manager favoured a few senior employees and that little effort was being made to connect with more junior staff;
- poor training for a new employee;
- inappropriate questioning during a job interview;
- persistent lack of performance reviews;
- discipline concerns.

Where possible, these concerns are addressed on a case-by-case basis. However, many employees are reluctant to involve the Ombuds Office directly. In these cases, I am always available to listen and to help employees sort through their options. The Office has a good selection of self-help books dealing with how to get along with people in the workplace - I find that I loan these out fairly frequently.

Climate issues continue to be a concern on campus. The McMaster Campus Ministries Council hosted a retreat, aimed at discussing this issue. As well, SHADO hosted a couple of lunchtime meetings on this topic.

Recommendation: The University may want to consider re-doing the portion of the Staff Survey dealing with "climate issues" to gauge if the climate on campus has improved.

I was visited by a number of employees after their employment had been terminated. Again this year, I was concerned about the manner of termination in these cases. In one instance a long-term employee was given very little time to consider a package that was being offered by the University. When I requested an extension, it was granted, however, it would have been preferable to specify a reasonable timeline at the outset. In another instance, an employee was notified of his termination by two individuals he barely knew. It is always preferable, where possible, to have the direct supervisor or another support person available for the employee. In a previous report, I urged faculty members to obtain

guidance from Human Resources on termination issues. A couple of cases this year reinforced the need for more direct involvement by Human Resources in this area.

I am pleased to report that work has begun on a TMG Grievance Procedure and the MSU Sexual Harassment policy. The Collective Agreement now contains a section on “hostile work environment”. I am still interested in the possibility of a Staff Code of Conduct that could include a section on personal harassment. This might also provide a good opportunity to review and update The Faculty Code of Conduct.

Recommendation: Continue work on the TMG Grievance Procedure and the MSU Sexual Harassment policy. Consider the development of a Staff Code of Conduct with provisions on personal harassment and at the same time consider reviewing and updating the Faculty Code of Conduct.

Work is continuing on the Core Competencies project. This project is designed to help identify the knowledge, skills and behaviours that managers at McMaster will need to develop to assist them in achieving their goals. Many of the competencies identified include what are sometimes categorized as “softer skills” including for example: listening skills; responding respectfully and on time; maintaining confidentiality when appropriate; celebrating diversity; negotiating resolutions to conflict; demonstrating a collaborative management style; and passionately developing and supporting employees. Identifying and valuing these competencies will go a long way to help resolving many of the problems employees bring to the Ombuds Office.

Administrative and Confidentiality Issues

A fair number of students and staff come to the Ombuds Office each year to complain about what I call “red tape”, “customer service” and “communication” issues. This is not surprising given the size and complexity of the institution. I often intervene in these cases to get them sorted out quickly. Here are some examples of the types of issues I see:

- letters, phone calls are not answered, sometimes after repeated attempts;
- students are asked to sign documents to “signify their agreement”, when they have not had sufficient time to consider the document;
- material on-line is not identical to the written material provided to students and this leads to conflicting expectations;
- long delays in dealing with service issues once they are identified;
- individuals are bounced from person to person within an office and are not provided with one primary contact person;
- opt-out provisions are not sufficiently advertised.

One issue that arises frequently is how the University communicates to students e.g. telephone, e-mail (muss account or otherwise), letters, and registered letters. In one instance a student had dropped off a limited enrolment form signed by her instructor at her Faculty office. The Department offering the course should have signed the form, but this had not been clearly communicated to the student. The student waited for an e-mail to verify that she was registered in the course. The student was not aware that she needed

to return to the Office to pick up a pink form that would have indicated that there was a problem with the approval process. The student was eventually admitted to the course on the basis that the instructions she had received were unclear. A lot of time and effort is taken to try to clarify to students how the University will communicate with them. However, mistakes occasionally occur. I expect the time will come when all communication is done through University assigned e-mail accounts and to many, this will be a relief. In the meantime, I would simply encourage Offices to continue to take every opportunity to inform students how they will be communicating decisions and what is expected of the student in terms of follow-up.

The Calendar is the “contract” between the University and the student and contains the academic and financial rules that govern the relationship. However, I have noted a tendency to assume that if something is in the Calendar the student should be aware of it. In a perfect world this might be true but the Calendar is 360 pages of relatively fine print. Sometimes the University presumes that students possess a level of knowledge about administrative issues that is unrealistic. Many departments and offices devote substantial resources to educating students on the more salient points contained in the Calendar – thank you for your efforts. Prevention of problems is half the battle. If an issue keeps cropping up in your area, consider if there is another way to get the message out to students to avoid future problems.

A full-time student for academic purposes is defined in the Undergraduate Calendar as “an undergraduate student who is registered in at least 24 units in the Fall/Winter session. Conversely, a part-time student is defined as “an undergraduate student who is registered in fewer than 24 units in the Fall/Winter session.” The definitions are different however, when it comes to the payment of fees. Undergraduate students who take between 1-17 units pay lower supplementary fees and belong to MAPS, whereas students who take 18 units or more pay higher supplementary fees and belong to the MSU. Students are understandably confused by this distinction – they are told they are “part-time” from an academic standpoint but “full-time” from a fees perspective. Problems have arisen in the context of students whose status has changed partway through the year. To my knowledge, the only department that still uses the definition of academic part-time (at 24 units) is the Financial Aid Office. Sometime in the future the University may want to consider whether there is sufficient justification for retaining the distinction between “academic part-time” and “financial part-time.”

In recognition of the importance of its’ graduants, most Ontario Universities provide a mechanism whereby students who are unable to attend Convocation (immediately following the completion of their program), are permitted to do so at a later date. In some cases students apply to graduate instead of graduating automatically. In other cases, students may apply to delay their graduation and/or convocation. Appropriate reasons for delay may be required or students may be entitled to delay as a matter of course.

Recommendation: In an effort to better serve McMaster graduants, the Registrar’s Office needs to continue their review of convocation procedures and

the system changes that would be required to accommodate requests for delaying a student's graduation and/or convocation.

When I reviewed my cases from last year I was surprised to discover how many involved a confidentiality issue, either directly or indirectly. Some of the issues brought to the Office this year included:

- a student was reluctant to re-attend at a Faculty Office due to concerns that her case had been widely discussed within the Office;
- an employee was upset when her supervisor discussed the reasons for her termination with her co-workers;
- an employee was worried that her application for a job in another department had been shared with her current supervisor;
- a student reported that his medical condition had been discussed in front of his classmates;
- students in a class were concerned when the envelope containing their course evaluations was not sealed;
- a student was upset after an instructor verbally called out the marks in her class;
- a student reported that a telephone message was left with his parents in connection with an academic dishonesty case he was involved in;
- students complain that their marked papers were left in a box outside a Faculty office for pickup;
- a graduate student overheard her supervisor commenting to another graduate on her performance;
- a student had questions about who would see the medical documentation she was planning to submit to the Associate Dean.

Students and employees seem to be expressing more concern about confidentiality issues. Sometimes answers can be found in the University policy on "Guidelines on Access to Information and the Protection of Privacy" but just as often, the answers are obvious if one reverses the situation to consider what one's own reaction would be in similar circumstances.

Recommendation: As the University increases its' commitment to training, it should consider including a session devoted to confidentiality issues.

Two cases came to the Office this year involving graduate students who were concerned about their anonymity in providing feedback on their current supervisor for promotion purposes. The Academic Appointment, Tenure and Promotion policy assures confidentiality, however I have some concerns about whether this can actually be guaranteed if the matter is later reviewed. I am particularly concerned in the case where a supervisor has a very small number of graduate students. I wondered if including former graduate students in the review process might help to protect the anonymity of current students.

Recommendation: In a effort to further safeguard the anonymity concerns of current graduate students, Department Chairs may want to consider contacting

former graduate students for feedback on promotion issues pertaining to their former supervisor.

Professional Development

Last spring, I concluded my term as the President of ACCUO (The Association of Canadian College and University Ombudspersons), although I continue to serve on the Board of Directors. I also actively participated in the planning of our Annual Conference in Winnipeg last June. At the conference, I presented a paper to the group on “Model Terms of Reference for a College/University Ombudsperson”. I am also a member of UCOA (University and College Ombudsperson of America) and FCO (Forum of Canadian Ombudspersons).

Thanks

I would like to thank all those people who supported the Ombuds Office this past year including:

- the individuals and Offices who continue to refer people to the Ombuds Office – thank you for your confidence in this service;
- the various departments, administrators, staff and faculty who have openly responded to my inquiries, assisted the Office in understanding the issues and worked with me to find a fair resolution to a problem – thank you for your patience and good humour;
- my new Management Committee, Dr. Wood and Adam Spence – thank you for your support and encouragement;
- the various committees that welcomed me into their discussions – particularly the Associate Deans’ group and the Senate Board for Student Appeals – thanks for giving me the opportunity to learn more about the University;
- the students, staff and faculty who have visited the Office, shared their concerns, and allowed me to try to assist them - I am encouraged by your spirit and determination.

As well, I would like to thank the MSU staff that assists me on a daily basis –the MSU receptionists, Pauline Taggart, Debbie Good and all the other MSU staff that make coming to work each day fun. A fond farewell to Cindy Player – a thoughtful listener and a quiet leader.

In closing, the Ombuds Office relies on our collective commitment to ensuring that the members of our community are treated fairly. I look forward to assisting in the continued realization of that goal.

Table 1 -Number of Cases/Inquiries During the Period from Aug 1, 2001 to July 31, 2002

	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	TOTAL
Cases	32	30	27	26	24	30	25	29	37	22	23	20	325
Inquiries*	2	3	6	6	7	9	5	12	3	4	9	4	70

* Inquiries involve matters outside my jurisdiction e.g. landlord and tenant, employment, family, civil cases. These matters are often referred to an outside resource.

Table 2 - Status of Inquirer in Cases

Full-time undergraduate	219
Part-time undergraduate	4
Graduate student	31
Staff - McMaster University	47
McMaster Students Union	7
Continuing Education	1
Faculty	24
Other: Miscellaneous	8
University applicants	11
Former students	3
TOTAL	355

** The number of inquirers are greater than the number of cases because sometimes 2 people or a group come in with the same problem

TYPES OF INQUIRIES

Table 3 - Student Cases - Academic

Student cases - Academic	
admission	19
course rules and management	9
program requirements	7
grade appeal	31
Petition	20
academic misconduct	23
interpersonal	9
examinations	14
transcript	3
accommodation	5
teaching quality	12
Withdrawal/reinstatement	9
graduate thesis/supervision	4
other	2
TOTAL	167

Table 4 - Student Cases - Non-Academic

Student cases - Non-Academic	
registration	3
fees/financial	22
residence	11
employment on campus	12
student discipline	6
associations/clubs	5
other services	10
harassment	9
other	13
TOTAL	91

*The total number of student cases is higher than the number of students seen because occasionally students bring more than one issue to the office.

Table 5 - Staff Cases

Staff - University and MSU	
terms of employment (salary/benefits)	7
working conditions (physical/incivility)	13
inter-personal services	2
disability discipline	3
termination	5
MUSA/TMG process/policy	10
issue involving a student	13
other	1
TOTAL	54

Table 6 - Faculty Cases

Faculty	
employment issues	2
services	
Faculty Code of Conduct	2
freedom of info./confidentiality	
policy	9
hearing process	
practices in other programmes	1
role and authority of offices	1
other issues involving student	7
other	2
TOTAL	24

Table 7 - Type of Action on Cases

Information	28
Referral	19
Advice	171
Intervention	107
TOTAL	325

Table 8 - How Office Accessed

Appointment	74
Telephone	117
E-mail	71
Drop in	63
TOTAL	325