Annual Report

2021-2022

OFFICE of the UNIVERSITY

Ombudsperson

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INTRODUCTION

I am pleased to present the 2021-22 Annual Report for the Office of the University Ombudsperson ("Office"), which covers the period from August 1, 2021 through July 31, 2022.

The 2021-22 Annual Report provides a summary of the work of the Office during this timeframe. The Report contains statistics about users of the Office and matters that we responded to, and a review of some of the important work that we did in the past year, including the training we provided, our relationship building initiatives with stakeholders across campus, our continued commitment to Indigenization, equity, diversity, inclusion, anti-racism, and accessibility (I-EDIAA), and a look ahead to 2022-23.

We have now completed our third full year since launching our updated Terms of Reference in 2019, though interestingly enough, due to external factors, mainly the pandemic, the Office has yet to experience what we would consider to be a typical year. The 2021-22 year started again where the last one ended, amid the ongoing pandemic. While progress was made at the beginning of the academic year in terms of allowing in-person learning, the new Covid variant took hold, and students, faculty and staff were once again forced to learn and work remotely from mid-December to the end of February. The Office of the University Ombudsperson remained flexible and adapted our services to ensure we continued to be a valuable resource for community members.

As the Ombudsperson, I am proud of what we accomplished during our third year of operation. I remain grateful and committed to serving all Queen's staff, faculty, and students, and we look forward to being even more embedded in this community when the Office returns to campus.

Respectfully submitted,

Lavonne Hood
University Ombudsperson

WHO WE ARE

In 2019, following an external review and revised Terms of Reference, the Office of the University Ombudsperson was re-launched as an important resource to the Queen's community in helping students, staff, faculty, parents, and alumni understand policies and procedures within the university and identifying opportunities for improvement.

The staff in the Ombuds Office:

- help ensure procedural fairness in decision-making
- provide general advice to Queen's community members about their rights and responsibilities
- provide guidance on procedures to follow
- refer enquirers to relevant university offices or publications
- recommend changes to university policies and procedures
- provide training and educational tools
- identify systemic issues

Lavonne Hood, *University Ombudsperson*
Heather Trojek, *Associate Ombudsperson*
Aimee Burtch, *Communications & Outreach Manager*
Kathryn Morrissey, *Intake Coordinator*

For more information, visit
www.queensu.ca/ombuds

OFFICE of the UNIVERSITY
Ombudsperson

WHAT WE DO

YOUR IMPARTIAL RESOURCE PROMOTING FAIRNESS AT QUEEN'S

The key principles guiding the role of the Office of the Ombudsperson are **independence**, **confidentiality**, and **impartiality**.

The central role of our office is to **help ensure procedural fairness in university decision making**.

The Ombudsperson and all staff working within the Office are precluded from acting as advocates as we have no case management role. Rather, we **facilitate fair processes within the university**. The Office provides general advice to community members about their rights and responsibilities and provides guidance on the procedures to follow. We also proactively review policies, procedures and decision-making frameworks of the university and **identify opportunities for systemic improvement**.

with **confidentiality**, and **impartiality** to concerns about **fair processes** at the university

with advice and **resources** to help understand **policies** and **procedures**

students, staff, and faculty to **navigate** through university decision-making

STATISTICS

August 1, 2021 through July 31, 2022

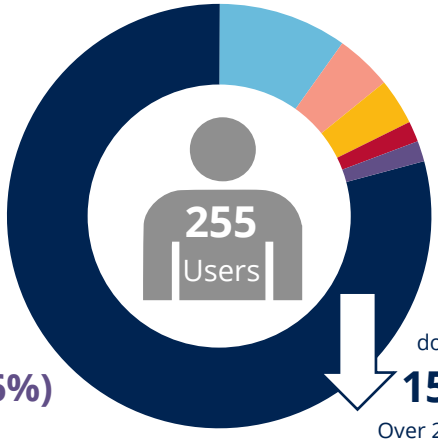
Over the course of the year, we had 255 individuals connect with the Office for direct advice and support. While this is a 15% decrease over 2020-21 year, this was expected due to not only the impacts of the COVID-19 pandemic as the University pivoted from in-person learning, to virtual, then back to in-person over the course of the year, but also due to the work that has been done with Faculties and Schools to update language that references and directs students on how to access our resources in a more consistent manner.

The website data remains consistent and continues to suggest that stakeholders directly accessed the website for information, as opposed to visiting or contacting us directly. The Office uses this data to inform our immediate priorities in terms of creating additional content or resources for our website, and to work with stakeholders to ensure that policies and procedures are clear for students.

The following charts show the breakdown of our Office users, the nature of their inquiries, and the support provided to them:

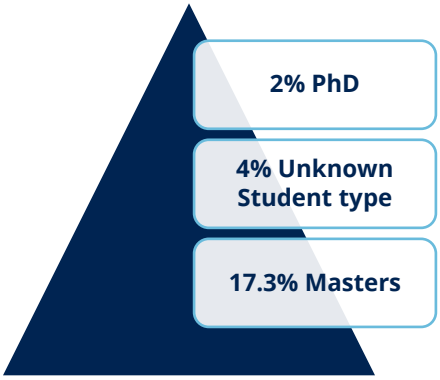
Type of User

- **Student (79.2%)**
- **Parent (9.8%)**
- **Other (4.3%)**
- **Staff (3.5%)**
- **Faculty (1.6%)**
- **Recent Grad (1.6%)**



down **15%** Over 2020-21

Students, and more specifically undergraduates, continue to be the primary users of the Office. It is worth noting that the 'Other' user is external to the Queen's community, ie. lawyers inquiring on behalf of students, prospective students who are seeking admissions information or individuals who are looking to raise concerns about something Queen's related.



77% of students were undergraduate students

87% of users were new to the Office

100% used e-mail as primary contact method

Nature of Inquiry

Academic: Specific Nature of Concern

33.2% Academic Integrity

33.2% Appeals

20.9% Course or Program

5.1% Admissions

4.1% Accommodations

3.6% Other Academic Concerns

Users are classified on the nature of the inquiry for which they contacted the Office and were each assigned a broad category to give a more general overview of the nature of the concern. In some categories, a more specific nature of concern was assigned by using sub-categories.

Academic inquiries continued to be the most frequent topic. Within the academic inquiries received the top two topics of inquiry were academic integrity and appeals.

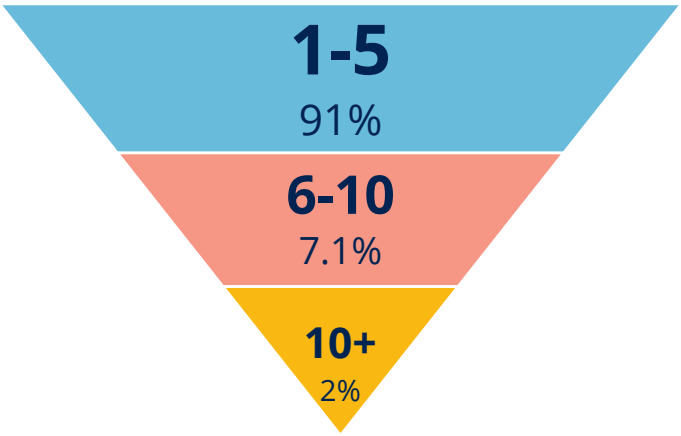
These included questions around what to do upon receiving a Notice of Investigation and associated next steps such as meeting with the instructor or appealing the finding and/or sanction given. The appeal inquiries included seeking guidance on the appropriate appeal process or the appeal letter itself or seeking clarification on a particular policy that applied to the situation.

Student Users by Faculty

Faculty	Office User %	Enrolment %
Arts & Science	38.6%	46.9%
Health Sciences	14.9%	3.4%
Smith School of Business	13.4%	7.3%
Unknown	11.4%	N/A
Graduate Studies	6.9%	14.9%
Engineering & Applied Science	4.9%	12.5%
Law	4.9%	2.2%
Education	4.9%	1.7%

When comparing Faculty percentages with the Fall 2021 enrolment numbers at the University, a few Faculties and Schools were over-represented in terms of those who connected with the Office. Active outreach is undertaken to ensure policies and procedures are clear to students at the outset.

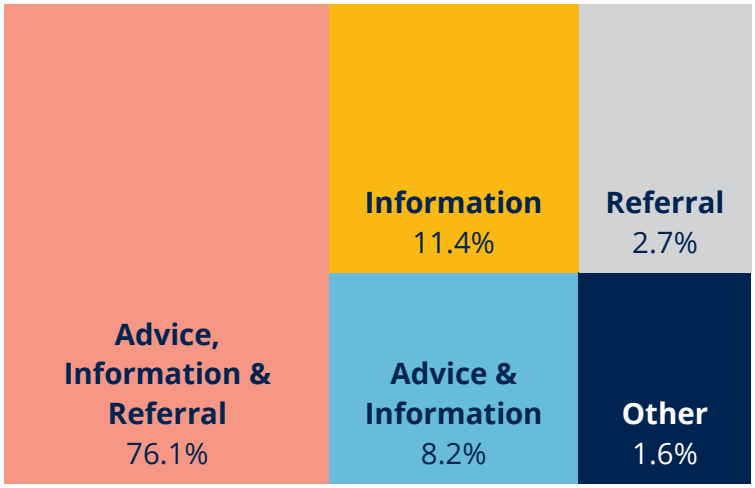
Average Points of Contact per User



While it is sometimes difficult to quantify the points of contact for each user, users were categorized by considering the number of e-mails exchanged as well as the amount of time spent exploring the matter further. This may include virtual meetings with the user, connecting with external stakeholders or researching the applicable policy or procedure.

Most users received general guidance or advice, along with specific information about what policy and/or procedure may apply to their situation, along with a specific contact (referral) who was further able to assist them with more specific questions (i.e., for students, it was commonly a specific person within their Faculty or School). In other situations, some users may only require basic information, such as a link to a policy or procedures, whereas others only required a direct referral to another office.

Actions Taken by Office



Website Quick Facts

Although our direct users were down by 15% the website data continues to confirm that many users directly accessed our website for information, which was a result of our ongoing outreach and communication efforts and efforts to collaborate with some of the largest Faculties and Schools on updating their language, both on websites and templated communications.

YEAR IN REVIEW

FLEXIBILITY & ADAPTABILITY

This was the third full year of operation for the Office of the University Ombudsperson following the external review in 2019. The Ombuds staff continued to work remotely for the entirety of the year due to not only the COVID-19 pandemic which presented its own unique challenges and opportunities, but also due to an upcoming office change.

From developing a new online asynchronous training module to countless virtual meetings with stakeholders across campus, the themes of the 2021-22 academic year continued to be flexibility and adaptability. The Office participated in a variety of virtual events, supported Faculties and Schools following two major policy updates, engaged in a range of I-EDIAA opportunities, and developed and built relationships with a variety of on-campus stakeholders and the broader Queen's community.

The following describes some of the above in more detail:

TRAINING

- **Procedural Fairness & Writing Good Decisions Asynchronous Module**
- **Ombudsperson Office Overview Training (New)**
- **Faculty Fairs**

TRAINING

Providing training opportunities to promote fairness across campus continues to be an annual priority. The goal of this training is to support consistency in decision-making in all Faculties and Schools, and to encourage fairness throughout each stage in the decision-making process. In addition, the following modules were also developed this year:

Ombudsperson Office Overview
An asynchronous module, targeted to staff, faculty and student leaders, was developed to provide a generic overview of the Office, including what we do, who we are, common topics of inquiry, and guidance to stakeholders.

University Student Appeal Board (USAB)
An asynchronous module, in partnership with the Office of the University Secretariat and Legal Counsel, was developed to provide training to members of USAB who are empaneled for a USAB appeal hearing.

YEAR IN REVIEW

FLEXIBILITY & ADAPTABILITY

HIGHLIGHTED PROJECTS

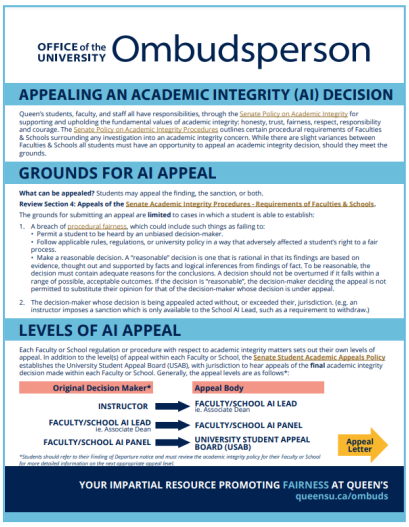
During the 2021-22 academic year, we worked with campus partners on a variety of resources, presentations, training sessions, and events. The following highlights a few select projects.

ACADEMIC INTEGRITY

- **Revised Policy October 26, 2021 – Effective January 1, 2022**
- **Tip sheet updates & new resources**
- **Website updates & new pages**
- **On-going discussions with stakeholders to guide alignment of existing policies**

Focus on Academic Integrity

With the revised Academic Integrity Procedures – Requirements of Faculties and Schools coming into effect as of January 2022, a significant amount of time in 2021-22 was spent on on-going discussions between the Ombuds Office and the Office of the Vice-Provost (Teaching & Learning) with regards to academic integrity. Both offices have worked together in a collaborative manner to help foster consistent messaging with the promotion of academic integrity.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APPEALING AN ACADEMIC INTEGRITY (AI) DECISION

Queen's students, faculty, and staff all have responsibilities, through the Senate Policy on Academic Integrity for supporting and upholding the fundamental values of academic integrity: honesty, trust, fairness, respect, responsibility and courage. The Senate Policy on Academic Integrity Procedures outlines certain procedural requirements of Faculties & Schools surrounding any investigation into an academic integrity concern. While there are slight variances between Faculties & Schools all students must have an opportunity to appeal an academic integrity decision, should they meet the grounds.

GROUNDS FOR AI APPEAL

What can be appealed? Students may appeal the finding, the sanction, or both.

Review Section 4: Appeals of the Senate Academic Integrity Procedures - Requirements of Faculties & Schools.

The grounds for submitting an appeal are **limited** to cases in which a student is able to establish:

1. A breach of procedural fairness, which could include such things as failing to:
   - Permit a student to be heard by an unbiased decision-maker.
   - Follow applicable rules, regulations, or university policy in a way that adversely affected a student's right to a fair process.
   - Make a reasonable decision. A "reasonable" decision is one that is rational in that its findings are based on evidence, thought out and supported by facts and logical inferences from findings of fact. To be reasonable, the decision must contain adequate reasons for the conclusions. A decision should not be overturned if it falls within a range of possible, acceptable outcomes. If the decision is "reasonable", the decision-maker deciding the appeal is not permitted to substitute their opinion for that of the decision-maker whose decision is under appeal.
2. The decision-maker whose decision is being appealed acted without, or exceeded their, jurisdiction. (e.g. an instructor imposes a sanction which is only available to the School AI Lead, such as a requirement to withdraw.)

LEVELS OF AI APPEAL

Each Faculty or School regulation or procedure with respect to academic integrity matters sets out their own levels of appeal. In addition to the level(s) of appeal within each Faculty or School, the Senate Student Academic Appeals Policy establishes the University Student Appeal Board (USAB), with jurisdiction to hear appeals of the **final** academic integrity decision made within each Faculty or School. Generally, the appeal levels are as follows*:

Original Decision Maker*	Appeal Body
INSTRUCTOR	FACULTY/SCHOOL AI LEAD ie. Associate Dean
FACULTY/SCHOOL AI LEAD ie. Associate Dean	FACULTY/SCHOOL AI PANEL
FACULTY/SCHOOL AI PANEL	UNIVERSITY STUDENT APPEAL BOARD (USAB)

Appeal Letter

*Students should refer to their Finding of Departure notice and must review the academic integrity policy for their Faculty or School for more detailed information on the next appropriate appeal level.

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Appealing AI Decision Tip Sheet

Through this collaboration, we have taken a proactive approach to dealing with academic integrity matters through the development of additional resources such as a new tip sheet, as well as additional pages on our website.

Shared Services PerQ Fair

The Office attended the triannual Shared Services PerQ Fair put on by Queen's Human Resources, which targeted staff who had been hired within the last 3-6 months. This session allowed us to introduce the Office and present a brief overview in a virtual format while providing exposure of our office to new staff in attendance as well as the other presenters

YEAR IN REVIEW

FLEXIBILITY & ADAPTABILITY

INDIGENIZATION - EQUITY, DIVERSITY, INCLUSION, ANTI-RACISM, AND ACCESSIBILITY

With a specific mandate to help ensure fairness, Ombuds offices within post-secondary institutions are uniquely positioned to potentially have a positive impact on equity issues. The Office of the University Ombudsperson is committed to actively promoting I-EDIAA principles.

During the 2021-22 year, the Office engaged in activities to advance I-EDIAA objectives across campus, including:

Scarborough Charter: Teaching, Learning, and Student Success

The Scarborough Charter is a sector-wide agreement designed to move post-secondary institutions beyond rhetoric and towards more meaningful, concrete actions to address anti-Black racism and to promote inclusion and thriving of Black staff, faculty, and students.

There are four Scarborough Charter working groups at Queen's, and the Ombudsperson is a co-lead of the Teaching, Learning, and Student Success working group.

ACCUO Ad Hoc EDI Committee

During the 2021-22 year, the Ombudsperson was a Co-Chair of the Association of Canadian University and College Ombudspersons' (ACCUO) Ad Hoc EDI Committee, which has a purpose of "working to develop ways for college and university ombudspersons to collectively take action to address racism and anti-Black racism."

INDIGENIZATION - EQUITY, DIVERSITY, INCLUSION, ANTI-RACISM, AND ACCESSIBILITY (I-EDIAA)

- **Staff training**
- **Committee & policy work**
- **Reciprocal communication with appropriate stakeholders**

YEAR IN REVIEW

FLEXIBILITY & ADAPTABILITY

INDIGENIZATION - EQUITY, DIVERSITY, INCLUSION, ANTI-RACISM, AND ACCESSIBILITY

StandUp Against Street Harassment

Members of the Office attended this bystander intervention online training hosted by the Kingston Frontenac Anti-Violence Coordinating Committee. The training taught participants how to recognize sexual harassment and gender discrimination and provided tools on how to address them without compromising personal safety.

Dean's Action Table – EDII Forum

The Ombudsperson attended this forum hosted by the Faculty of Health Sciences at Queen's. This forum was designed to be collaborative, interactive, accessible, and inclusive and offered a space to learn about the results of the DAT-EDI's work over the past year and allowed attendees to engage the seven (7) DAT-EDI working groups on their findings and learn about current and future EDI initiatives in FHS.

First Generation Presentation

Undergraduate Admission and Recruitment Office to learn more about the pathway, the Office was invited to attend the Queen's First-Generation Student Webinar. The webinar provided first-generation students with targeted information related to navigating their transition into a first year at Queen's. As these students had not yet started at Queen's, the emphasis for the Office was to ensure they knew the Office existed as a resource and to give a generic overview of the types of guidance we could assist with.

YEAR IN REVIEW

FLEXIBILITY & ADAPTABILITY

BUILDING RELATIONSHIPS

The building of strong relationships and ensuring open communication with members of the Queen's community is key in allowing the Office to be able to function efficiently and is even more important while we continue to navigate working remotely. We would like to thank the Faculties and Schools, along with all our campus partners for their ongoing dialogue and support, with special mention to the partners listed below.

Partners that directly support the mandate of the Office:

- Lon Knox, University Secretary and Corporate Counsel
- Audit & Risk Committee of the Board of Trustees
- Ombuds Academic Appeal Advisors
    - Alan Abelson
    - Kate Rowbotham
    - Donald Sackey

In 2021-22, new and continuing initiatives and committee work included:

- Advisory Committee on Academic Accommodations
- Academic Integrity Regulations, Roundtable and Sub-Group
- Commission on Black Medical Students
- Commission on Black Medical Students
- Human Rights Legislative Group
- Non-Academic Misconduct Roundtable (Chair)
- Ombudsperson Advisory Committee
- Policy Advisory Subcommittee
- Safe Disclosure and Fraud Policy Development
- Sexual Violence Prevention and Response Task Force
- Student Services and Operations Sub-Group
- University Council on Anti-Racism and Equity (UCARE)
- Inclusive Community - UCARE Sub-Council

Our student partnerships across campus included:

- Alma Mater Society (AMS)
- Society of Graduate & Professional Students (SGPS)
- Arts & Science Undergraduate Society (ASUS)

BUILDING RELATIONSHIPS

- **Committee Meetings**
- **Standing meetings with key stakeholders**
- **Reciprocal communication with Faculties and Schools**
- **Presentations and events**

YEAR IN REVIEW

FLEXIBILITY & ADAPTABILITY

BUILDING RELATIONSHIPS

Our campus partnerships across campus included:

- Human Rights & Equity Office
- Four Directions Indigenous Student Centre
- Office of Indigenous Initiatives
- University Relations
- University Counsel
- University Rector
- Student Affairs & Student Conduct Office

Professional associations:

- Association of Canadian College & University Ombudspersons (ACCUO)
- ACCUO Ad Hoc Equity, Diversity & Inclusion Committee

Our gratitude to the 2021-22 Ombuds Advisory Committee:

- Lon Knox (Chair)
- Norma Barrett
- Owen Crawford-Lem
- Janice Hill
- Beth Langdon
- Lisa Newton
- Eric Sikich
- Stephanie Simpson

IMPORTANCE OF CREATING AND MAINTAINING RELATIONSHIPS

Another important aspect of relationship building within the Office, is the meetings and discussions with stakeholders across campus. When there is a complicated matter or concern that is brought to the attention of the Ombudsperson, such as a discrepancy with a current policy, or potential student issue, discussions happen between a variety of individuals to help mitigate future problems that may occur because of these concerns.

Typically, this included discussing what sort of process would be followed to ensure fairness is being considered and brainstorming possible options in order to find solutions or ways to move forward.

Although these types of concerns are difficult to quantify and therefore are not currently tracked by our Office, they can take up significant resources as the work often involves researching policies, crafting detailed e-mails, and meeting with multiple stakeholders. They are an important part of the work the Office does and demonstrates the importance of continued relationship building.

COMPLICATED MATTER/CONCERN

- **Potential risk to the University**
- **Significant resources**
- **Multiple meetings with multiple stakeholders**
- **Researching policies**
- **Crafting detailed messages**

WHAT'S NEXT?

Looking ahead to 2022-23

As we move into the 2022-23 academic year, students, staff and faculty are starting to develop what might be considered their new normal – whether that means exclusively working from home, a full return to campus, or a combination of both (hybrid model).

The Ombuds Office will look to transition to a hybrid delivery model as the academic year progresses, which will align with the move to a more accessible, newly renovated office space, in a more central and visible location.

Members of the Queen's community will continue to face unique challenges that come along with navigating the dynamics of learning and working through hybrid models. Continuing to foster relations with all stakeholders will be on-going.

Other goals that align with the work that we are doing are:

- Collaborating with stakeholders across campus to ensure key policy updates (Student Academic Appeals Policy and Academic Integrity Policy) are in alignment with respective policies & procedures within the Faculties and Schools
- Collaborating with the Human Rights and Equity Office and the University Secretariat and Legal Counsel Office to develop an equity-focused training module for decision-makers
  Updating the Procedural Fairness and Decision-Making training modules to include relational fairness
- Developing an outreach and communications strategy to incorporate a re-introduction of the Office to all stakeholders
- Identifying systemic issues affecting individual Faculties and Schools and their students, and provide support and guidance for how these can be addressed

One thing the pandemic taught us that we can be flexible and adjust to any challenges that may come our way, and this is still true as we continue to navigate this new normal. It is clear that the Office of the University Ombudsperson continues to be an important resource for the Queen's community and as we look ahead to 2022-23, we will continue to build on our first three years to provide invaluable support and resources to our students, staff and faculty.

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