VANCOUVER COMMUNITY COLLEGE
ARBITER OF STUDENT ISSUES OFFICE
2020 Annual Report

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2020 A TUMULTUOUS YEAR

2020 produced choppy waters for the entire public post-secondary sector to navigate and Vancouver Community College (VCC; College) was not immune. In its tenth year, the VCC Arbiter of Student Issues Office (ASI; Office) continued to provide ombuds like services with a full conversion to distance/remote servicing in late March amidst the COVID 19 pandemic. The Office continued to remain neutral and impartial and to provide service related to student centred complaints to the College community. Student advocacy around such issues remained the province of the Students’ Union of Vancouver Community College (SUVCC). As always, the ASI persisted in advocating for systemic change in matters related to fairness and equity and for procedural fairness in College action and decision making about student issues.

The Office was grateful to be able to continue to discharge its mandate around specific student complaint and appeal issues in 2020 providing various briefings to both student and non-student clients alike on roles, rights and responsibilities; facilitate alternative dispute resolution; and engage in work and initiatives addressing persistent College barriers.
NEW REPORTING STRUCTURE

The ASI continued to be non-union affiliated in 2020 remaining in the administrator group at VCC but began reporting to the newly minted interim Office of Vice President, Students & Community Development. The Office continues to see an upward trend in reporting structure year after year.

Notwithstanding this move to a new portfolio, the ASI continues to be provided a seat at the student services table, working hand in hand alongside VCC Student & Enrolment Services departments. This proximity and collaboration with allied student services enables a student wraparound approach and enhances dispute resolution.
OFFICE MANDATE & PRINCIPLES

The ASI’s mandate and principles remained the same in 2020 as they have been since inception of the Office in 2011. The Office’s core continues to be supportive of VCC’s values of student success, excellence, reconciliation and diversity and stewardship.

2020 OPERATIONS

- Funded exclusively by the College
- One person office
- Open 4 days/28 hours per week
- Serving Broadway, Downtown and Annacis Island Campuses
NEW MARKETING & COMMUNICATIONS ENDEAVORS

The ASI continued to avail itself of all regular marketing and communication channels in 2020 with new notable highlights:

 EMPLOYEE ONBOARDING: In late 2019 the ASI was asked by VCC Human Resources to represent student services at new employee orientation sessions beginning in early 2020. This marked a move forward for the Office and student services in general as employee onboarding initiatives had heretofore focused on College overviews, academic programming, faculty services and employee centred topics such as benefits etc. The invitation for student services to present during employee onboarding sessions has allowed both the ASI and allied student services to position themselves squarely in front of new employees. The ability to outline for new personnel the various student services available to support students and available to support employees that support students has been invaluable and is part and parcel to preventative work around student issues. The ASI is well placed to provide this segment as it occupies a bird’s eye view of the various student services. The ASI collaborated with the various student services in creating the presentation and delivered the first session in January 2020 with further sessions having been requested of the Office as employee onboarding sessions have been rolled out.

 PANDEMIC GENERATED COLLATERAL & SUPPORTS: The pandemic provided an opportunity for VCC to launch “VCC Connect Student News” a student newsletter/digest and welcome email to new and returning students where the ASI was listed alongside other student services. The Office was also featured in the “COVID-19 – Remote/Online VCC Student Services and Resources” circular made available to students. And finally, the ASI was included as a student resource in the ‘Orientation to Online Learning’ website developed by VCC’s Library, Learning Centre and Counselling. The Office welcomed these new ways to connect with students.
DISCUSSION WITH VCC FACULTY ASSOCIATION PRESIDENT: The president of the VCC Faculty Association (VCCFA) reached-out to and met with the Office in 2020 to better understand the ASI’s role in student complaints and how its services fit into the VCCFA’s approach to student complaints and issues. The ASI took the opportunity to reinforce its impartial and neutral role and to outline services offered to employees such as faculty in student disputes including the function of the ASI in the informal resolution space. The ASI equipped the VCCFA president with the ‘Arbiter of Student Issues| Services to Faculty/Employees’ handout (see Appendix i).
EQUITY-DIVERSITY-INCLUSION

2020 was marked by Equity Diversity & Inclusion (EDI) reflection and efforts by the Office. Amidst an undeniable backdrop of worldwide re-awakening to the detriment faced by Black, Indigenous and People of Colour (BIPOC) communities, the ASI leaned into a number of opportunities to educate its understanding of and practice around EDI issues.

Among the efforts discharged by the Office in service to EDI, the ASI in 2020 advocated for a statement in the renewed VCC Academic Integrity Policy acknowledging that academic integrity is understood differently within different societies and that VCC’s adherence to Western understandings of what constitutes academic integrity is but a social/cultural construct. The ASI posted a ‘Black Lives Matter’ message on its internal and external VCC website pages condemning racism, oppression and colonialism with a commitment to act positively and not passively in order to address inequity within the Office. The Office hosted a western regional meeting of the Association of Canadian College & University Ombudspersons (ACCUO) featuring a speaker researching the Indigenization and decolonization of ombuds work. The ASI embarked on learning about Restorative Justice (RJ) and the potential application of RJ precepts to ombuds work in order to address harm in a more equitable way. The interplay of EDI, RJ, Indigenization and decolonization is unmistakable. A foot in each of these areas supports the Office’s overall reflection on how to make its services more relevant and responsive to the needs of its entire community.

The Office could not but note its privilege in being able to move services remotely without any interruption in ASI servicing throughout the entire year. The ASI recognizes and acknowledges its privilege in a time when many individuals across Canada and the world over lost their lives, lost their jobs and were unable to access safety or shelter from the pandemic. As an office part of the public post-secondary system, the ASI was able to deliver services efficiently and safely from home all while continuing to be remunerated. This type of privilege that is enjoyed by many ombuds offices the world over cannot be overstated.
INDIGENIZATION & DECOLONIZATION

OFFICE LAND ACKNOWLEDGMENT & JOURNEY

The Office recognizes that it works and serves on the unceded and traditional territories of the Coast Salish peoples, namely the–Skwxwú7mesh (Squamish), Stó:lō and Sáliwə?ta?/Selilwitulh (Tsleil-Waututh) and xʷməθkʷəy̓əm (Musqueam) Nations. In 2020 the ASI again pursued its quest to better understand how its ombuds-like services can better align with and serve VCC’s Indigenous Community. The path is not yet clear. But the ASI continues to remain open, inquisitive and reflective on the way forward to decolonizing and Indigenizing its practice.

ACTIVITY UNDERTAKEN:

- Internal collaborative dialogue with the Assistant Department Head of Language Instruction for Newcomers to Canada (LINC) on Indigenization.
- Meeting with the Dean of Indigenous Initiatives on Indigenizing the VCC Student Complaint Policy including moving away from language such as ‘trial of fact’, ‘hearing’ etc. and potentially offering ‘paper’ based appeal processes as options instead of in-person complaint/appeal hearings.
- Office services presentation to the Indigenous Dental Reception Coordinator cohort.
- Reach-out and welcome to Indigenous Education & Community Engagement’s new Associate Directors, Administrative Assistant and Indigenous Engagement Advisor.
- Incorporation of feedback from one of the Office’s Indigenous students by altering the ASI ‘Student Complaint Worksheet’ and reframing ‘win/lose’ ideology, i.e., fleshing out more appropriately the process of substantiating one’s experience as key to attaining a desired resolution.
- Indigenization of Ombuds Offices: Special guest invitation Chantelle Spicer to the Summer 2020 Western Regional ACCUO Meeting hosted by the VCC ASI Office→ research assistant conducting a Simon Fraser University environmental scan into ombuds programming and supports, with a special emphasis on serving Indigenous students. The meeting was held virtually due to the pandemic.
- Discussion with Camosun College ombuds on Indigenization.
- New membership in the Restorative Justice (RJ) & Post-Secondary Collective group, RJ being an approach that dovetails with Indigenous ways of knowing and being.
- Dialogue with the Dean of Indigenous Initiatives on VCC’s Tuition and Fee Waiver for Employees policy for Indigenous employees and interplay with the Indigenous Education Enrollment policy.
- Attendance of the online VCC Day (annual College-wide professional development day) ‘Co-Creating an Indigenization Planning Framework’ session.
The ASI chose to respond to the Black Lives Matter (BLM) movement and moment in history by looking for ways to demonstrate its support for, and solidarity with, Black and Indigenous peoples and People of Colour (BIPOC). The ASI dialogued with colleagues about pathways forward amidst the current historical reckoning for BIPOC peoples. After some enquiry and self-reflection, the ASI chose to post a BLM message on its internal and external VCC ASI webpages with a list of action items the Office committed to undertaking.

[Previous Messaging on ASI VCC.ca & VCC.ca Webpages]

BLACK LIVES MATTER

The ARBITER OF STUDENT ISSUES OFFICE condemns racism, oppression and colonialism and understands that words without action are meaningless. As an Office concerned with fairness & natural justice, the ASI:

- Acknowledges its white privilege
- Has a responsibility to educate itself about racism in general and its own racist practices in particular, and to address these elements in the Office’s service to the VCC Community
- Is not a subject matter expert and is tasked first and foremost with listening to VCC Community Members’ lived experience and experts on anti-racism, anti-oppression and anti-colonialism
- Will seek admittance to VCC’s Diversity, Equity and Inclusion Working Group to share lived experience discrimination, advocate for fairness and systemic change around racism at VCC discovered through the Office, and learn about reflective, responsive and substantive action to take
- Will collaborate with other Institutional Ombuds to develop an understanding of substantive action to take.

The ASI is collaborating with College stakeholders on the drafting and recommendation to College Leadership of an Equity, Diversity and Inclusion policy.
In 2020 the ASI:

- Sought and was admitted to VCC’s ad hoc EDI Working Group.

- Attended trainings/workshops:
  - Online VCC Day (annual College-wide professional development day) ‘Fostering Anti-Racism and Systematic Inclusion at VCC’ session.
  - “Developing An Anti-racist Organization: A Model”: webinar presented by Dr. Traoré, put on by the Society for Intercultural Education, Training and Research (SIETAR BC) and hosted through Langara College.

- Worked collaboratively as a member of the Equity, Diversity, and Inclusion ad hoc Committee of the Association of Canadian College & University Ombudspersons (ACCUO) to develop a statement of solidarity with BLM and recommended action items for members which were approved by the ACCUO Executive Committee (see Appendix ii). The ad hoc committee additionally struck a working group to develop a member-wide equity, diversity and inclusion survey to canvas the level of commitment to EDI within individual ombuds offices and within the post-secondary institutions they serve. The ASI was happy to work shoulder to shoulder with fellow members in this sub-group.

The ASI advocated strongly that the survey and statement include inquiry into how ombuds offices themselves provide service equitably; that ombuds not remove themselves from inquiry into whether their processes, methods and delivery models are inequitable or hold any bias or prejudice. The ombuds field as an institution must be willing to fully engage in self-reflection; that ombuds business is about fairness does not in and of itself inoculate it against discrimination, bias or prejudice.

- Concluded collaboration with various College stakeholders that was begun in 2019 and led by the VCC Coordinator of Library Services on the development and submission of an EDI policy draft and other EDI recommendations to the College’s Senior
Leadership. As outlined in the ASI’s 2019 Annual Report (15), to properly engage in the work the Office insisted that the EDI policy working group model equity in its approach to developing the policy by:

- Diversifying the working group membership to encompass a variety of cultural backgrounds;
- Including parity of membership among various union and non-union stakeholders;
- Exercising sober consideration of College resources when recommending to Senior Leadership types of offices or activities to support EDI;
- Ensuring that policy be drafted in such a way that it be applicable equally to all College members (students and employees - union and non-union- alike); and
- Ensuring that policy cover equally academic and non-academic issues.

The draft policy documents and attenuate recommendations on a College EDI strategy were presented to Senior Leadership in 2020, the College subsequently appointing an EDI lead at the College and formalizing the ad hoc EDI Working Group into a VCC EDI Committee on which the ASI now sits.

RESTORATIVE JUSTICE

In 2020 the ASI joined the Restorative Justice (RJ) & Post-Secondary Education Collective, a Canadian RJ group of individuals from across public post-secondary and other sectors. The practice group examines RJ approaches to many areas i.e., student conduct, academic integrity and sexual violence/misconduct.

RJ precepts are anchored in a foundation common to Alternative Dispute Resolution (ADR) and are thus commensurate with the Office’s mandate to offer informal resolution options to student complainants. RJ precepts additionally reflect more closely Indigenous ways of resolving conflict and may speak to more diverse approaches to sorting student complaints.
Among other projects, an Academic Integrity sub-group will be putting together a Power Point tool kit around a restorative approach to academic integrity which will sit as a living tree document open to additions and changes as the kit builds. The resource will be made available to all members to use within their institutions. The ASI is pleased to be part of this sub-group.

In 2021, the ASI will complete “Restorative Justice - Facilitating Dialogue” training through the Crisis and Trauma Resource Institute. An ever better understanding of RJ principles supports the ASI’s ADR work, its journey to decolonize and Indigenize its services and its reflection on more equitable practice. An RJ approach will be better explored in the coming year’s systemic work.

**DUTY TO ACCOMMODATE & DUTY TO INQUIRE**

Increasingly the College infuses its structures and decision making with an eye to accessibility for people with disabilities. As but one example, in 2020 the newly minted Space Allocation and Room Booking policy reflected accessibility as one of the priorities for decision making and space allocation at the College.

**DUTY TO INQUIRE:** The ASI and Disability Service (DS) began in earnest in 2020 to collaborate on the development of a Duty to Inquire (DTI) toolkit for the College. Discharging the DTI is often felt by individuals to be a very difficult conversation in which to engage. The ASI and DS aim to compile a guide for College employees that will provide both a ‘dos and don’ts’ of how to suss-out with students whether they are labouring under a disability that is negatively impacting their learning environment and to showcase language that can be leveraged in doing so. The goal is to mitigate the burden often felt by personnel when discharging the duty.

**ASI DUTY TO ACCOMMODATE/INQUIRE RESOURCES:** In 2020 the ASI updated its internal MyVCC website page with a section on the Duty to Accommodate (DTA), posting the Office’s DTA presentation delivered to the College Community between 2017 and 2019. The ASI also posted a tip sheet on how to discharge the duty to inquire pending more fulsome work being completed on the duty to inquire in collaboration with disability services. The ASI followed-up with 2017-2019 participants of the Office’s DTA sessions providing a summary email of links and resources to the presentation information.
**VCC ACCESSIBLE FIELDTRIP RESEARCH PROJECT:** The ASI continued to contribute to the VCC Accessible Fieldtrip Research Project initiated in 2019. The ASI contributed to the design and beta testing of the VCC student survey on disability and fieldtrips. The ASI also contributed to the submission of the VCC Research Ethics Board application to conduct the research. The ASI additionally provided to the Lead Researcher a briefing note summarizing the key information from the Office’s DTA presentation (including the DTA legal framework; variations of the duty (e.g., retroactive accommodations); concepts of ‘undue hardship’ and ‘duty to inquire’; the pitfalls of over or under accommodating; and source citations) for incorporation into the project’s literature review. And finally, the Office provided final review and recommendations on the ‘Duty to Accommodate’ section of the literature review.

Under the leadership of the Lead Researcher, the working group is now seeking to survey external post-secondary institutions’ students on fieldtrip accessibility.

**INTER-DEPARTMENTAL COLLABORATION ON DISABILITY ISSUES:** The Office continued to collaborate with various College divisions on the duty to accommodate in 2020 by:

- **DISABILITY SERVICES**
  - Providing recommendations on the revamping of the Students with Disabilities Policy to Disability Services.
  - Collaborating with Disability Services on how to approach students with temporary disabling conditions.

- **HUMAN RESOURCES**
  - Upon request from the human resources department, looking into and relaying potential online learning programs and resources for employees to consider in order to improve their skills and understanding of supporting students with disabilities.
  - Connecting the department to VCC’s Disability Services to gain further insight on internal programs being developed and other potential opportunities.

- **EARLY CHILDHOOD CARE & EDUCATION DEPARTMENT**
  - Presenting on the Duty to Accommodate to the Early Childhood Care & Education Department faculty and staff.
VCC CAFETERIA ACCESSIBILITY FOR THE VISUALLY IMPAIRED

Taking part in a small working group discussion with a number of stakeholders (including faculty from the VCC Visually Impaired Program, personnel from our Facilities department and members of the Supporting Students with Disabilities Committee) on how to ameliorate access to the College’s Broadway Campus cafeteria for the Visually Impaired.

ASL INTERPRETATION OF ASI MATERIALS

As student services moved to a remote servicing model in 2020 due to the pandemic, the 2018/19 work begun to develop American Sign Language (ASL) versions of ASI materials was paused as the need for face-to-face interaction with internal partners and resources is required to complete the initiative. Prior to the pandemic, two ASL videos of ASI materials were completed and have now been posted on the ASI’s internal MyVCC.ca webpage. ASL videos interpreting the Office’s ‘Student Guide to Filing Complaints & Appeals’ and the ASI’s ‘Student Complaint Worksheet’ are now available on the Offices internal MyVCC.ca website page. The last two ASL videos interpreting the ASI brochure and the ASI guidelines for alternative dispute resolution meetings will likely be completed in 2021.

GENDER BASED VIOLENCE EDUCATION & PREVENTION

In 2020, the ASI again enjoyed membership in the VCC Gender Based Violence Education & Prevention Committee (GBVE&P).

VCC SEXUAL VIOLENCE & MISCONDUCT POLICY RENEWAL: In 2020, and pursuant to the College’s obligation under the British Columbia Sexual Violence and Misconduct Policy Act’s review schedule, the ASI supported the renewal of the VCC Sexual Violence & Misconduct policy. The policy renewal was led by the Manager of Safety, Security & Risk Management who additionally chairs the GBVE&P. The ASI reviewed the existing policy and provided comment and recommendations to the Manager of Safety, Security & Risk Management which included:
Outlining to receivers of sexual violence or misconduct disclosures the purpose of receiving disclosures and the extent of responsibility attached to disclosures in order to facilitate the receiver’s understanding of their role and to alleviate any apprehension that might accompany not knowing what is required of them after a disclosure.

Identifying resources a disclosure receiver might access in order to help support their role while concomitantly preserving the privacy and confidentiality of the survivor.

Fleshing out the context in which a witness can report an incident of sexual violence or misconduct, and what they can expect from the report.

Ensuring that there is no conflict of interest between any person supporting a survivor in making a report and persons involved in the investigation or adjudication of the incident.

Referring the complainant to a more relevant policy for their complaint if the allegation does not fall within the scope of the policy.

Outlining that interim measures or accommodations in no way determine a respondent’s culpability and that such measures will be deployed in such a way as to be least disruptive to the respondent.

Segregating interim measures from accommodations.

Ensuring that the survivor and the respondent may elect to avail themselves of an advocate.

Reinforcing in the procedures that a balance of probabilities is the burden of proof upon which decisions are made.

Delineating that survivors will be provided with as much detail about the outcome of their case as is permitted considering the respondent’s right to privacy and confidentiality.

More distinctly articulating the limited circumstances under which a survivor’s privacy must be breached in order to avoid any chilling effect this might have on survivors coming forward.

Outlining the existence and purpose of the VCC Gender Based Violence Education & Prevention Committee.

GBVE&P FUNDING OPPORTUNITIES: The ASI was part of a sub-group that reviewed potential funding options for projects/initiatives/activities coming out of the GBVE&P Operational Plan. The sub-group reviewed in earnest Government of British Columbia Civil Forfeiture grants. Unfortunately, Civil Forfeiture funds were not a good fit for the committee’s purposes. The hunt for funding sources continues.

REVIEW OF VCC SEXUAL VIOLENCE SUPPORT SERVICES WEBPAGE: The GBVE&P was provided by VCC Marketing access to a dormant VCC ‘Sexual Violence Support Services’ webpage that has the potential for re-activation and management by the GBVE&P. The ASI was happy to provide feedback on the page including reframing information to be more survivor focused/centric and practical. The page has yet to be re-activated.

GENDER RELATED
ASI PROFESSIONAL DEVELOPMENT ENGAGEMENT IN 2020

“Gender Equality” presentation delivered by West Coast LEAF provided during a regular monthly VCC Leaders Forum meeting.

LGBTQ2S+ AWARENESS & APPRECIATION
The ASI continues to be a member of the VCC Positive Space Committee (PSC). While the committee was fairly quiet in 2020 a few actions were taken:

♀ The committee appointed a new committee chair.
Discussion was had on revamping the PSC terms of reference where the ASI undertook to develop a new draft based on the discussion; the draft now in the hands of a committee member and the PSC chair for further review.

Members celebrated 2020 Vancouver Pride Week (even amidst the pandemic) by taking a virtual group photo. While the gesture was small, the activity created a moment of pride for the members.

FLEXIBLE AND ADAPTABLE ENVIRONMENTS-THE COVID 19 LESSON

The pandemic revealed the varied benefits of flexible learning and servicing environments and unveiled that many long-held ideologies around what is and is not permissible in the learning environment are in fact flawed. For example, attendance and participation requirements often held as immutable before COVID 19 were subsequently often made flexible if not obsolete with the advent of asynchronous learning, inability to ‘force’ a student to keep their cameras on during a Zoom class and deployment of alternative assignments as workarounds.

Many EDI or fairness barriers felt in the in-person learning environment all but disappeared when going remote. Distance learning provided adaptable and adjustable settings that accommodated a host of equity considerations such as disability; parenting; work schedules; introversion; etc.

The ASI has long insisted that students attend in-person on-campus intake and follow-up appointments in order to fully understand and appreciate the facts of a student’s case, review policy and procedures with students and action plan with them. This insistence has likely handicapped a number of students facing equity barriers. While the ASI continues to insist that students must book intake and follow-up appointments with the Office for support, the ASI will now offer these meetings in person or via online platform (Zoom, etc.).
Lastly, the ASI discovered that it was much better able to direct and guide students through dispute processes via the online/virtual environment as technology permitted students to track in real time how and where to obtain resources, policies, templates, directories, information, etc. The ASI will look to move this virtual capability to campus once in-person servicing resumes and to incorporate technology that mimics this distance servicing advantage when servicing students who prefer to meet in person.

While the virtual environment did not suit all students, many lessons learned will compel us to approach education and servicing differently so that we may continue to redefine and increase fair and equitable treatment of students.

AN ETHIC OF CARE

The ASI, alongside other College stakeholders, was invited in 2020 to deliver a short presentation and to then sit on a panel outlining the way in which the Office connects to an ethic of care when supporting students. In a segment entitled “Why Should We Care? The ethics of care and our responsibility to support our learners” (developed and organized by Sara Yuen, VCC English as an Additional Language Instructor and Student Support Instructor for Hospitality Management), offered during the annual VCC Teaching & Learning Symposium, the ASI was able to demonstrate the link of such an ethic to the core of ombuds work, namely, relational and procedural fairness. The ASI additionally highlighted its key value of boundary setting and its use of the development approach to outline the importance each plays in student wellbeing. The items presented by the ASI at the symposium are routinely promoted when presenting on services to new student cohorts.

SUMMER 2020 WESTERN REGIONAL ACCUO MEETING HOSTED BY THE VCC ASI OFFICE

The ASI was fortunate to host the Association of Canadian College & University Ombudspersons’ (ACCUO) virtual Western Regional Meeting in August of 2020. The agenda was developed in consultation with meeting participants. Attendees included ombuds from the University of Victoria, University of Alberta, University of Calgary, Athabasca University, Simon Fraser University, University of British Columbia and the Kwantlen Student Association. The meeting’s special guest speaker was Chantelle Spicer, Graduate Student in Anthropology, Specializing in
Indigenous Sovereignty, Self-Determination and Parks at Simon Fraser University. Topics included: the Simon Fraser University ombuds office environmental scan into ombuds programming and supports, with a special emphasis on serving indigenous students; the potential for a specialized report on graduate students and fairness; academic integrity amidst covid 19; and round table updates. Each segment was led by various institutions or the special guest speaker. The virtual meeting space provided a rich exchange and produced some action items to take forward.

HUMAN RIGHTS ET AL

As is customary every year, the ASI presented on Human Rights to incoming Health Care Assistant students. The ASI also routinely includes in its Office presentations to all new students a segment on relevant Rights Concepts such as the Reasonable Person Standard; Power Differential; Equity; etc.
EDI TRAINING AND DEVELOPMENT

The Office notes the number of opportunities provided by VCC to further EDI within the College including carving out space during College-wide events or meetings to host learning and engagement opportunities for employees. The Office is very thankful for the varied training and development support provided by VCC.

REMAINDER OF EDI RELATED ASI PROFESSIONAL DEVELOPMENT ENGAGEMENT IN 2020

“Making Outcome Decisions: Legal, Institutional and Other Factors to Consider” webinar on: procedural fairness considerations when imposing sanctions or outcomes; how institutional culture and practices influence outcome decisions; and infusing trauma-informed care and harm reduction into outcome decisions. Presented by: Karen Busby, Joanna Birenbaum, Deborah Eerkes and Zanab Jafry. Put on by the Courage to Act Project to address and prevent gender-based violence at post-secondary institutions in Canada.

“Systemic Investigations: A presentation for University and College Ombuds” online presentation/webinar presented by the British Columbia Office of the Ombudsperson.

OFFICE SERVICE REVIEW & RENEWAL

In 2020/21 the Office, alongside other scheduled College service areas at VCC, underwent a qualitative service review pursuant to VCC policy and procedures D.1.1 Education Services Renewal. These routine periodic reviews are ordered by the College according to a student services renewal schedule and include both internal and external review components to the process. This was the first review of the Office pursuant to policy since the Office’s inception in 2011. While the process was onerous, the ASI appreciated the opportunity to truly examine the ASI’s service to the VCC community.
As outlined in the ASI’s final summary and action plan report:

Given that the Office is more akin to an ombuds office than any other service found within the post-secondary arena and that it operates more or less as a post-secondary institution (PSI) ombuds office, the self-study evaluated the ASI against ombuds offices in the post-secondary sector.

The ASI renewal review consisted of a full self-study, a 3-person external review panel and a final consultation with the VP, Students & Community Development (VP, S & CD). The ASI renewal self-study comprised information taken and/or adapted from the ASI’s past annual reports from the years 2014 to 2019; data from past ASI student Office evaluations; a 2020 ASI College-Wide Survey; and research conducted by an external consultant on methodology of evaluating ombuds Offices at large and metrics/data at comparator institutional ombuds offices. The external review was conducted by the ombuds offices of Camosun College, University of British Columbia and Simon Fraser University. The external review comprised a preliminary meeting with the ASI; external review panelists’ review of 13 documents including the ASI’s education service renewal self-study and VCC college-wide student and employee survey results; a ‘virtual site visit’ via Zoom; and a report of external review panelists’ findings, recommendations, concerns and identified gaps and risks.

[The] education service renewal summary & action plan report [was] prepared for the Vice President, Students & Community Development and Education Council. [The] report captur[ed] many lessons learned through the self-study and recommendations made by the external review panelists. While not every recommendation coming out of the VCC ASI educational service renewal [was] addressed in [the] report, a number of elements that the ASI, in consultation with the VP, S & CD, ... deemed integral and paramount [were] put forward. (ASI Service Renewal Summary & Action Plan Report 3)

The final action plan aims to be implemented over the next 5 years or so in time for the next scheduled Office renewal. The ASI looks forward to reporting out to the community its progress on actioning the various timed goals included in the plan.

The ASI is very grateful to the following ombudspersons who served as external review panelists→ Laura Reid from Simon Fraser University, Rob Thompson from Camosun College and Shirley Nakata from the University of British Columbia; to Jane Shin, Vice President Students & Community Development for the support and resources provided to the ASI for this fulsome process; to the Department Heads of Counselling -Nona Coles and Interpreting Services -Nigel Scott for their briefings on how to conduct the self-study and what elements to include in the summary and action plan report; and to VCC’s Institutional Research arm, in particular Sherry Pidperyhora- Research Analyst and Janet Latter -Manager, Institutional Research for their patient help in surveying the College community about ASI services.

The ASI will seek to make the reports and surveys public on the Office’s external VCC.ca and internal MyVCC.ca webpages to ensure full transparency and accountability.
“Policy alone cannot shift an institution's culture. However, policy can act as a springboard in addressing student complaints, systemic issues and institutional risk. All of these elements—systemic barriers, student disputes, institutional character, risk and policy—brush against and play with one another to continually improve College fairness.

The ASI has been privileged to be invited year after year in supporting this interplay by sitting on a variety of committees including VCC's policy committees as 'voice no vote', providing policy recommendations, and supporting all stakeholders (students and personnel alike) to interpret policy.” (Annual Report 2019 10)

ASI STUDENT POLICY SUPPORT IN 2020

The Office continued to provide comment, consultation and recommendation on student centred College policy and protocol development in 2020. The ASI is sought after to advise on existing, new and evolving College policy & procedures approved through VCC governance processes and department handbooks/manuals and protocols. The ASI continued to: provide interpretation of student policy to all VCC stakeholders; alert student services of policies open for feedback and provide liaison support around comments; relay new or renewed student policies to student services outlining relevant changes or enhancements; and to sit on committees as a 'voice no vote' member. This engagement by the Office is the most significant work undertaken to impact systemic issues at the College thereby supporting VCC to treat students fairly and to engage in fair decision making about student matters. The goal is always to address potential student concerns before they have an opportunity to become complaints.
2020 ASI Policy Review, Comment & Recommendations

- Space Allocation & Room Booking
- Sexual Violence & Misconduct
- Students with Disabilities
- Tuition and Fees
- Rental of College Facilities
- Unclaimed Funds
- Inclusion (New/Draft Policy)
- Honoraria
- Diversity, Equity, and Educational Affiliations
- Education Service Contract
- Tuition and Fee Refund

Policy Committees & Working Groups

**Education Council**
- Education Policy Committee
- Appeals Oversight Committee
- Equity, Diversity & Inclusion Policy Working Group

**ASI SAT AS**
- "Voice No Vote"

**Operations Council**
- Administrative Policy Committee
POLICY LIAISON TO RELEVANT STAKEHOLDERS

The ASI continued to surface and highlight relevant policies available for feedback or newly minted to Student Success division leadership and other relevant College actors in order to support a broader understanding of student rights and responsibilities.

ASI COMMENT ON PROGRAM/DEPARTMENT/STUDENT HANDBOOKS/MANUALS/PROTOCOLS

The Office is routinely accessed to provide recommendations on academic department “house” rules. As in previous years, the ASI’s comments in 2020 most often revolved around:

- Attendance & participation requirements;
- Apprehension of biased, discriminatory, gendered or sexist language or concepts;
- Need for grading transparency or development of rubrics to substantiate subjective assessment of ‘soft skills’ academic components (e.g., professional conduct, communication skills, teamwork, etc.); overall clarity and specificity of the academic threshold students are expected to meet; student grading, progression and withdrawal to align with College policy expectations;
- Necessity to segregate program operational needs away from educational requirements (e.g., refraining from imposing attendance requirements as a means to ensuring that sufficient numbers of students are present to support class group work);
- Privacy issues;
- College risk and responsibilities;
- Student rights; and
- Other fairness issues.

In 2020 the ASI reviewed the following documentation:

- Dental Technology Sciences Program Student Handbook
- Health Sciences Exam Guidelines
- Health Sciences COVID 19 Student Clinical Guidelines
- VCC Learning Centre Student Zoom (‘Etiquette’) Tips for Online Classes
- Welcome to LINC (Language Instruction for Newcomers to Canada) at VCC Power Point Presentation

In 2020 the Office provided a department briefing to:

- Disability Services → Student Withdrawal for Health Reasons/Tuition Refund Processes

ASI COMMENT ON BSN PROGRAM MOVE TO COMPETITIVE ENTRY

In 2020 the School of Health Sciences undertook to move the VCC Bachelor
of Science in Nursing program (BSN) to a competitive entry model where an applicant’s grade point average (GPA) and an aptitude test score would determine the applicant’s entry to the program.

The ASI was canvassed by the BSN department about this new move. The Office supported the move in general as a number of issues have existed with the current structure primarily revolving around waitlisting students. The ASI has fielded purported fairness issues from students who have not understood the waitlist process.

Moving to a competitive model would allow for very clear, transparent, precise and manageable information about a student’s application status, with students having the ability to know fairly quickly if they have been admitted to the program or not or if they must re-apply. Doing away with waitlists in the program would allow for students to firmly and instantly understand their status as applicants into the program.

However, the new model’s potential to negatively impact various student applicants belonging to various equity groups cannot be denied. GPA and aptitude test scores are often imprecise measurements of an individual’s capabilities. In particular, this system of determining admission often favours those who are privileged and who have access to a variety of opportunities that are not available to those without privilege. GPA and aptitude tests, additionally, tend to reflect a cultural/experiential bias especially where aptitude tests are concerned.

The ASI provided the following commentary and recommendations to offset this potential negative impact:

- A competitive entry model is not uncommon (Law/Medical School entry, etc.). But the model is often inclusive of a third entry requirement such as an interview or essay component that works to offset the equity issues involved in admission based on GPA and aptitude test scores. This third element allows a student to express reasons why their scores may be lower and allows for other considerations related to fitness for the program to be expounded on and assessed. This third component is necessarily evaluated against a transparent rubric to ensure fairness.

- Whereas the College is now fully engaged in EDI work with an EDI policy presented to Senior Leadership for review and an EDI committee being struck, an essay or interview component added to a competitive entry model would go a distance in supporting equity practices within the institution.

The ASI does note the level of capacity and resources that would be required to evaluate such interview or essay components and that neither the BSN department nor the Registrar’s Office currently have such capacity.

The BSN department and the ASI discussed whether there would be an opportunity to have these components assessed by another arm of the College, i.e., through the VCC
Assessment Centre. However, capacity issues are likely also existent there.

The ASI and the BSN department generated an email exchange with the Registrar’s Office and the ASI received input from the Dean of Indigenous Initiatives to suss-out the viability and capacity at VCC to include these components in a competitive entry process. The conversation will likely continue into 2021.

COVID 19 COLLEGE PROTOCOLS

COLLABORATION

The ASI collaborated extensively with College stakeholders and student support services on various COVID 19 protocols during 2020 including:

- Collaborating with the Supporting Students with Disabilities Committee and the Director of Safety, Security & Risk about VCC COVID 19 protocol impact on students with disabilities.

- Discussing the possibility of proper notice/collateral being created and distributed to admitted/registering students about the pivot to distance/online learning due to the pandemic inclusive of:
  - Why distance/online education is the alternative during COVID 19;
  - What to expect;
  - Pitfalls;
  - Tech supports & requirements;
  - Computer literacy;
  - Best practices;
  - Etc.

The ASI suggested crafting a one-pager to support: student self-assessment about whether distance education is a good fit; smoother student onboarding; and proper notice. The Office initiated a first draft of a COVID 19 student enrollment/admission notice which was edited and amended by a host of College stakeholders and then left with the Associate Vice President, Student Success to further explore with VCC Marketing et al.

- Providing recommendations to Disability Services on their new ‘Disability Services Exam Regulations and Student Responsibilities: Online Invigilation during the COVID-19 Outbreak’ protocol.

- Engaging in collaborative discussions with the VCC Centre for Teaching Learning & Research about academic freedom, academic integrity, Universal Design for Learning (UDL), etc. relative to online learning.
COVID 19 PLANS

Alongside all other College divisions and departments and upon request from the administration the ASI additionally produced extensive COVID 19 office plans on Risk Mitigation, Area Response, Alternative Delivery and Return to Campus and subsequent iterations as provincial guidelines for the post-secondary sector around COVID 19 evolved. The ASI furthermore submitted a Temporary Remote Working Arrangements Agreement to Human Resources and weekly Occupancy Reports to VCC Facilities.

VIRTUAL CLASSROOM AGREEMENTS

In a working group sponsored by the Vice President, Academic and led by the Dean of Arts & Sciences, the ASI in 2020 collaborated with the Centre for Teaching, Learning and Research, the Dean of Arts & Sciences, the Director of Safety, Security & Risk, the Office of Student Conduct & Judicial Affairs, Disability Services and faculty to develop the ‘Online Learning: Classroom Agreement’ encompassing the rights and obligations of learners and instructors in the virtual classroom. The agreement posits a universally accessible learning environment as its foundation and speaks to issues around privacy. Among others, the following sections of the agreement demonstrate a commitment to build fairness, equity and flexibility into the virtual learning environment (see Appendix iii):

- **Students with issues around the virtual learning environment**
  - should discuss these issues with their instructor or the department leader outside of scheduled class time. Students who are uncomfortable discussing the matter with their instructor(s) are encouraged to seek out the support of relevant student services such as the Arbiter of Student Issues Office, the VCC Privacy Officer, or Disability Services, etc.

- **The student, instructor, department leader, and student service area may generate potential solutions to address students’ issues with participating in the virtual learning environment by providing alternatives to meet course requirements (e.g., for participation credit, students may submit additional assignments or be asked to demonstrate participation via the Zoom chat feature).** ...

- **... Students with misgivings about the expected means of assessment invigilation (related to privacy, access to technology, etc.) may request an alternative method through their instructor and/or department head. Alternative method requests will be reviewed on case-by-case bases.** (1-2)

The agreement was rolled out to faculty accompanied by a cover letter explaining its purpose and context and providing a link to further assistance in order to support faculty engagement in its deployment.
ASI PRESENTATION TO HEALTH CARE ASSISTANT STUDENTS ON COVID 19

The Office was invited by the Health Care Assistant program to come and address student concerns around COVID 19, emerging barriers and concomitant College responses to COVID 19 engendered issues. The ASI presented on, among other things, concepts such as the ‘reasonable person’ standard and approach to responding to issues emanating from COVID 19; accommodating students with disabilities during COVID, i.e., those with respiratory illnesses; and transparency around, and authority over, COVID 19 directives.

STUDENT GRIEVANCE POLICY RENEWAL

ASI RECOMMENDATIONS

In 2020 the ASI concluded work on the new Student Complaints Policy (formerly Student Grievance Policy) begun in 2018, a policy covering student complaint issues that are not more specifically addressed under other policies. The student complaint/grievance policy has been invoked for student complaints not otherwise covered under other policies since 1997. The ASI had been tasked with developing a final draft of the policy to be submitted through governance processes for review and final approval.

The ASI was asked to present the draft to Education Council Policy Committee and Administrative Policy Committee where it was reviewed and debated on 8 separate occasions between 2019 and 2020.

As certain VCC policies indicate how to pursue a dispute relevant to matter under that policy, there were repeated appeals from the committees to eliminate the student complaint/grievance policy all together and to allow, rather, for students to find their own pathways for lodging complaints if and when pathways are silent.

The ASI, however, continued to strongly recommend that students continue to have access to a stand-alone complaint policy and that the
new Student Complaints Policy be structured to:

- Provide an informal resolution option; a formal original finding of fact/adjudication phase; and access to a final appeal based on procedural fairness or new, previously unavailable substantive information.
- Encourage and bolster the use of the informal resolution space by allowing for informal resolutions to be documented, whereby the department and the student agree that further future escalation of the matter into the formal complaint space be removed as an option; thus honouring the amount of work going into the agreement and promoting careful deliberation over its terms.
- Reserve tribunal hearings uniquely for final appeals of formal complaint decisions based on lack of procedural fairness or new substantive information previously unavailable at the adjudication of facts phase of the complaint.
- Ensure that the ASI is invited to tribunal hearings as a silent observer.
- Move away from Academic Deans being assigned as the adjudicators for student complaints and to, instead, direct student complaints to the most relevant actors sitting at a Dean/Director level.
- Recognize the multi-cultural nature of VCC’s student body and to strive to provide a culturally safe and supportive environment throughout the complaint process.
- Incorporate Indigenous dispute resolution practices when relevant.
- Include a definition of procedural fairness and natural justice.
- Outline resources available to both students and respondents to a complaint.

**PAPER BASED APPEALS**

In 2020 there was discussion initiated by the Dean of Indigenous Initiatives around introducing ‘paper’ processes to the appeal phase of a complaint as an option for students to select instead of an in-person hearing. This is viewed as a less traumatic or anxiety filled approach to an appeal than the formal face-to-face adjudication forum. The suggestion was further weighed as an alternative for all formal hearings found in student policies at VCC.

The committee chose to defer the idea
to allow for the time and capacity needed to fully flesh out how such an alternative would work in practice. The Student Complaint Policy can always be ‘re-opened’ for inclusion of a ‘paper’ based appeal at such time when the logistics of the concept are more fully understood.

LEGAL REVIEW

Late into the renewal of the student grievance/complaint policy the Administrative Policy Committee became concerned that the policy as stated could incur College risk. The policy was subsequently tagged to go out for legal review in and around April 2020. The policy has yet to be reintroduced into the VCC governance processes for final approval.

STUDENT ACADEMIC INTEGRITY

ASI POLICY RENEWAL RECOMMENDATIONS

In 2020 the Office provided substantial comment and recommendation on the renewal of the Educational Conduct/Academic Integrity Policy, including the need:

- To incorporate a statement in the policy acknowledging that academic integrity is a social construct and that different cultures bring different values to bear on the topic; in particular that the policy is based on a Westernized value system of academic integrity.

- For academic misconduct decisions to be fleshed out and inclusive of a rationale.

- For a timeline of processes.

- For a section covering online and/or open book/open web assessments.

- For a better fleshed out section on involuntary withdrawal procedures.

- To ensure that student conduct files are kept separate from educational/academic conduct files.

- For student appeals of decisions of fact under the policy to be processed under the existing Appeal to
Education Council on Educational Matters Policy rather than introducing appeal processes within the renewed policy.

**ASI PROFESSIONAL DEVELOPMENT**

In 2020 the ASI attended the *Going Remote with Integrity 2.0: Technological Tips & Techniques* webinar to gain better insight into issues surrounding academic integrity within the online learning and assessment environment. Takeaways included:

- The erroneous assumption that academic integrity breaches occur more frequently online.
- The number of privacy issues associated with the insistence that students keep cameras on during online classes/assessments.
- The fact that attendance requirements in distance education amidst the pandemic are unsustainable and that educators must thus look at asynchronous means of providing lectures and in-class content.
- The importance of building a culture of integrity including the use of class integrity agreements.
- The need to move to authentic based assessments as the ideal for assessing a student’s mastery of a subject.
- The potential of having students record and submit short audio/video clips of some of their answers immediately post assessment to allow for the comparison of the student’s ‘voice’ to the work produced.
- The need to move away from trick questions.
- The need to diversify assessments in order to recast focus on the student’s knowledge as opposed to the methodology of testing.
- The potential of having students record and submit short audio/video clips of some of their answers immediately post assessment to allow for the comparison of the student’s ‘voice’ to the work produced.
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- The potential of having students record and submit short audio/video clips of some of their answers immediately post assessment to allow for the comparison of the student’s ‘voice’ to the work produced.
- The need to move away from trick questions.
- The need to diversify assessments in order to recast focus on the student’s knowledge as opposed to the methodology of testing.

**EXTERNAL COLLABORATION**

The ASI engaged in robust discussion around a variety of academic integrity issues with external association members. The Student Conduct Administrator’s Roundtable (SCAR) formed a bi-weekly touch-in group to
canvas academic integrity issues amidst the pandemic; and the Association of Canadian College & University Ombudspersons (ACCUO) and SCAR listservs were alive with back-and-forth discussion and information on academic integrity issues in 2020.

**STUDENT ATTENDANCE REQUIREMENTS**

As in previous years, student attendance requirements in an adult environment continued to be misunderstood and/or misinterpreted and/or misapplied at VCC in 2020.

VCC’s Requirements for Student Attendance and Participation Policy outlines that academic departments must provide a rationale for instituting a program/course attendance requirement. The ASI has interpreted this to mean that programs/courses must be able to demonstrate a direct link between an attendance requirement and an academic outcome as opposed to simply relying on general andragogical data correlating student attendance with student success as the bases upon which attendance is mandated.

As outlined previously, the COVID 19 era has revealed just how flexible an approach can and should be taken when it comes to attendance requirements. Amidst distance and online learning environments during the pandemic, students throughout programs could not always be accounted for given that many students kept their cameras off during Zoom classes; that asynchronous teaching and learning was often offered; etc. Notwithstanding, students still completed courses and programs in 2020. This in part demonstrates that the emphasis placed on attendance in an adult learning environment is often misplaced.

The deemphasising of attendance requirements in an adult learning environment is additionally in keeping with a commitment to fairness and equity as many EDI barriers prevent a student from fulfilling such requirements (e.g., episodic disability issues; Indigenous grieving traditions/practices; etc.).

All told, it is important that the VCC Community continue to reflect on the deployment of attendance requirements in academic programming to fully understand the purpose and motivation behind them.

In 2020, the ASI provided consultation
on program/course attendance requirements to the following department personnel:

- Culinary Arts
- Auto Collision and Refinishing

In 2020 the ASI presented on program/course attendance requirements to:

- Culinary Arts Department Faculty/Staff

**APPEALS OVERSIGHT COMMITTEE TO EDUCATION COUNCIL (AOC) & TRIBUNAL TRAINING**

**AOC WORKING GROUPS**

The ASI led two AOC working groups in 2020, namely the Tribunal Protocol group and the Tribunal Tracking group.

**Tribunal Protocol Working Group**

Members of this task group worked on developing a protocol kit for individuals tasked with putting together a tribunal hearing panel and/or presiding over or taking part in the panel pursuant to a student complaint or appeal and as directed by relevant policy.

Pulling from, and adding to, existing materials, the kit aims to include:

- Soup to nuts steps for a student tribunal hearing including:
  - Circulation of student hearing documentation to all participants.
  - Empanelling of a tribunal hearing according to relevant policy.
  - Development of a tribunal hearing package agenda.
  - Development of a tribunal hearing agenda.
  - Access to a post-hearing debrief session for the panelists/chair with the ASI.

- A protocol for the initial meeting of the tribunal panel called by the tribunal chair to confirm that:
  - The student tribunal hearing request is within the stated policy deadline and, if not, the exercise of the tribunal panel’s discretion to extend such a deadline.
  - The student tribunal hearing request rests on proper grounds as defined by the relevant policy.
  - All tribunal panelists have been tribunal trained and how to proceed if not.
  - There is no apprehension of panelist bias or conflict of interest.

- A tribunal chair protocol including:
  - Steps to be taken by a tribunal chair including
The chair’s review with panelists of salient elements to be kept in mind when hearing and adjudicating the student’s case.

An example of a tribunal chair’s opening and closing statements at a hearing.

A chair’s ‘charge’ to tribunal panelists prior to their decision deliberations.

A sample student hearing decision letter/template for the chair to use in drafting the panel’s decision.

Metrics being considered include:

- Which Policy the Complaint/Appeal was Filed Under
- Whether the Case was Reviewed or Referred on to Another Process
- Whether the Case is About an Original Finding of Fact or an Appeal to an Original Decision
- Date Of Original Case/Decision
- Program the Case is Attached to (if relevant)
- Course the Case is Attached to (if relevant)

The next phase of the task group’s work will be to operationalize the tracking sheet, ensuring that relevant actors know that tracking is desired, where the repository sits and how to populate the sheet with the data. In preparation for this phase, the group will look to audit existing student-centred policy to glean established communication touchpoints throughout tribunal hearings processes as potential means by which to further facilitate the collection of the data.

Once the sheet is fully developed and operational the group will focus on a
roll-out plan for the new tool.

The work has also led the AOC to consider whether tracking aggregate data on all formal student complaint and appeal outcomes including those that do not find their way to a tribunal hearing would be beneficial for the College and informative of student issues and systemic barriers. To that end, the AOC looked to expanding its scope and Terms of Reference to include matters beyond appeal tribunal issues where the committee could then extend the repository to track all formal student complaints and appeals. The discussion will likely span into 2021.

**TRIBUNAL TRAINING**

**In-Person Session**

The ASI again took part in providing in-person tribunal training in 2020. Put on and organized by the AOC, training was delivered in February 2020. Among the ASI’s contribution was a Student Final Grade Appeal/Appeal to Education Council fact pattern/scenario inclusive of an answer key for the “Case Studies Segment” of the day.

The ASI also collaborated with fellow AOC members to deliver a presentation on procedural fairness concepts including:

- Notice
- Disclosure
- Opportunity to Present One’s Case
- Opportunity to Respond
- Duty to Consider All the Evidence
- Right to an Advocate
- Right to an Interpreter
- Legitimate Expectations
- Right to an Impartial Decision Maker & Freedom from Bias
- Institutional Independence & the Requirement that the Person Who Hears the Case Must Decide the Case
- Delay
- Right to Reasons

Student procedural fairness rights were discussed in the context of decision impact and inherent power imbalance. The level of negative impact a decision might have on a student and the level of power imbalance present in the relationship between the student, the College and the decision maker were presented as factors determinative of the extent to which procedural fairness would be warranted. The greater the negative impact or disproportionality of power
the greater the need to invoke the various elements of procedural fairness.

The all-day training provided by the AOC additionally included an overview of student demographics and diversity at VCC; a terms/definition activity; small group discussion and debrief on case studies; a review of policy development at the College; a policy treasure hunt activity; and an overall tribunal training quiz.

Abridged ASI ‘Spot’ Tribunal Training

The ASI provided two separate condensed on-demand tribunal training sessions for specific tribunal hearing panelists in 2020.

Online Tribunal Training Moodle Course

The online tribunal training course developed and piloted at VCC in 2018 and fully launched in 2019 was promoted in 2020 through the Human Resources ‘VCC Suite of Learning Initiatives’ series.

OBSERVED HEARINGS

The Office observed one tribunal hearing in 2020. Since 2018 the ASI has only been able to observe a handful of hearings and sat in on two pre-hearing meetings convened to adjudicate the ‘grounds test’ phase of the student’s hearing request.
The Office started gaining observer status to select tribunal processes/hearings in and around 2013 when the ASI began to be written into student tribunal hearing policy as silent observer.

In 2021 the Office will look to standardize the reporting out of observations to the AOC to provide the opportunity for the committee and the Office to track and address any systemic or fairness issues uncovered.

**PRIVACY & CONFIDENTIALITY OF STUDENT INFORMATION**

The ASI continued the discussion begun in 2019 with Counselling and Disability Services on the boundaries, requirements, rights and obligations of keeping student information private and confidential within each department.

As the ASI is not an independent office from the College as is the case for other post-secondary ombuds offices, a full understanding of student privacy and confidentiality parameters is necessary to ensure that students are put on proper notice about the ability of the Office to maintain their privacy and confidentiality in the face of student file information requests from the College. To date the ASI has resisted all such requests and the College has been accommodating.

Likely, *Freedom of Information & Protection of Privacy Act* (FOIPPA) sections outlining the ‘purpose’ of collection of information will ultimately provide the Office with a clear understanding of its right to maintain a student’s privacy and confidentiality.

The conversation is ongoing. Once the ASI is clear on its ability to resist information requests outside of duly executed FOIPPA initiated requests, the ASI will alter its intake processes to reflect the Office’s limits to privacy and confidentiality.
ASI COMMITTEE & WORKING GROUP ACTIVITY

VCC COMMITTEE(MENTEE)ES & WORKING GROUPS

- ACCESSIBLE FIELDTRIP WORKING GROUP
- COMMITTEE CONCERNED WITH STUDENT BEHAVIOR
- GENDER BASED VIOLENCE EDUCATION & PREVENTION COMMITTEE
- POSITIVE SPACE COMMITTEE
- SUPPORTING STUDENTS WITH DISABILITIES COMMITTEE
- VIRTUAL CLASSROOM AGREEMENTS WORKING GROUP

Photo by Brad Weaver on Unsplash
EXTERNAL COLLABORATIVE ACTIVITY

Bolstered in part by the advent of virtual meeting capabilities, 2020 saw extensive collaboration and relationship building with the new ombudsperson at Camosun College on Vancouver Island. This alliance and cooperation bode well for gleaning best practices as the two institutions are the only public community-based Colleges in British Columbia undertaking ombuds matters. Both offices encounter many similar student issues and the ability to consult amidst a college-based context as opposed to a university-based context has been invaluable.

In addition to the routine matters discussed amongst various association members, the Office enjoyed extensive collaboration and exchange with external colleagues about a number of student issues that arose out of the pandemic.

In 2020 the ASI attended the following online events put on by external associations:

- ACCUO | Resilience in Covid-19: A webinar for ACCUO members
- SCAR | Bi-weekly scrum sessions given the unique challenges of COVID-19
- ENOHE (European Network of Ombuds in Higher Education) | Webinar: Comparing concerns in COVID-times
- CCOG | Practice Group Meetings
STATISTICS

- Addiction Counselling Skills Certificate
- Administrative Assistant
- Adult Basic Education
- American Sign Language and Deaf Studies
- Bachelor of Applied Music
- Bachelor of Science in Nursing
- Baking and Pastry Arts
- Business and Project Management Post-Degree Diploma
- College & Career Access - CCA
- Culinary Arts
- Culinary Arts Diploma (International Cohort)
- Dental Assisting - Certified
- Dental Hygiene Diploma
- Dental Technology Diploma
- ESL Pathways Certificate
- Fashion Design & Production Diploma
- Graphic Design
- Hairstylist
- Hair & Esthetics Certificate Program
- Health Unit Coordinator
- Provincial Instructor Diploma Program (PIDP)
- Jewellery Art and Design Diploma
- Legal Administrative Assistant
- Language Instruction for Newcomers to Canada (LINC)
- Medical Office Assistant
- Music Diploma
- Paralegal Certificate
- Personal and Professional Development Course
- Pharmacy Technician
- Practical Nursing Diploma
- Revit Level 1 & 2 Course
- TEFL Certificate (Teaching English as a Foreign Language)
- University Transfer Arts Certificate
- University Transfer Science Certificate

Photo by Tim Mossholder on Unsplash
In 2020 the Office received students from all Academic Schools at the College in addition to the Centre for Continuing Studies. As in previous years, the vast majority of student engagement with the ASI came from the School of Health Sciences.

The School of Health Sciences personnel continue to be very alive to the support offered to students by the Office and provide routine linkage between students and the ASI. The School’s Dean and faculty also continue to collaborate extensively with the Office on student fairness matters that arise within the School. This collaboration is welcomed by the ASI and demonstrates an authentic approach by the School of Health Sciences to resolving student issues.
Student complaints manifested themselves as Individual Student Complaints or Groups of Students consisting of two or more students (including entire Cohorts of Students). [Note: each individual student is counted in the tally.]

The ASI tracked:

- Student Contacts: Students who connected with the Office but did not pursue their issue further through the Office (note: count is approximate);
- Student Intakes/Cases: Students with whom the ASI completed an intake, including students who accessed the Office for more than one case (note: each new case/intake is counted); and
- Student Follow-Ups: Number of follow-up meetings (held in-person, over the phone, using Zoom or via email [where emails constituted a complete, comprehensive and fulsome briefing]) conducted with or on behalf of the student.

<table>
<thead>
<tr>
<th>TYPE OF RESOLUTION Sought or Open To</th>
<th>2020</th>
<th>Relative to 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formal</td>
<td>58</td>
<td>68</td>
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<tr>
<td>ADR</td>
<td>17</td>
<td>19</td>
</tr>
<tr>
<td>Both</td>
<td>32</td>
<td>48</td>
</tr>
<tr>
<td>Not Applicable/Information Only</td>
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<td>2</td>
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</table>

Student interest in the **Formal Dispute Resolution** process in 2020 continued to outpace that in **Alternative Dispute Resolution (ADR)**.

Final outcomes of student case resolutions are not tracked by the Office as it has no ability to compel the final decision maker to report back to the Office on resolutions. The ASI thus tracks the student’s initial interest in either a formal or informal resolution, or both (including decisions to start ‘informal’ and progress to ‘formal’ arenas should ADR not culminate in a resolution).

Two students accessed the Office in 2020 for information about their rights as opposed to lodging complaints. This is a good reminder that the ASI additionally serves as a ‘sounding board’ for students and provides a safe space for students to develop their understanding of rights, roles and responsibilities.
As always, students in 2020 routinely expressed several compounding issues in one intake session. The Office continued to support students by helping them parse out their varied **types of issues** in order to channel them into the proper formal or informal resolution processes. To note: a student case, while potentially representing a slew of different issues, is only tabulated as one case at intake.

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<tr>
<th>TYPE OF ISSUE</th>
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<tbody>
<tr>
<td>Final Grade Appeals</td>
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<td>Assessment Testing</td>
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<td>'Incomplete' Contract</td>
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<td>Grievance/Complaint</td>
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<tr>
<td>Employee Conduct/ Professionalism/ Ethics/Conflict of Interest</td>
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<tr>
<td>Human Rights/Bullying</td>
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<tr>
<td>Freedom of Expression</td>
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<td>Not Available in 2019</td>
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<td>Duty To Accommodate</td>
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<td>9</td>
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<td>Appeal To Education Council</td>
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<td>Freedom of Information &amp; Protection of Privacy (FOIPPA)</td>
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<tr>
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</tr>
</tbody>
</table>
While the majority of students accessing the Office in 2020 were enrolled in courses delivered online, the ASI continued to track the ‘home campus’ of student programming.

The majority of students taking advantage of ASI services continued to come from courses/programs originating from the Broadway Campus in 2020. Number of cases coming from courses/programs originating from VCC’s Downtown Campus dropped by about 10% in 2020. And there were no Annacis Island Campus students accessing the Office in 2020.

<table>
<thead>
<tr>
<th>STUDENT HOME CAMPUS</th>
<th>2020</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broadway</td>
<td>76</td>
<td>78</td>
</tr>
<tr>
<td>Downtown</td>
<td>34</td>
<td>57</td>
</tr>
<tr>
<td>Annacis Island</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Off Site (Enrolled in VCC</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Program Delivered with</td>
<td></td>
<td></td>
</tr>
<tr>
<td>External Partner Outside VCC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Campuses)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As part of the Office’s quality assurance, the ASI again administered student evaluations of ASI services in 2020. Evaluations returned continue to demonstrate high rates of satisfaction with the Office. However, as in previous years, the extreme small numbers of returned evaluations cannot provide any real understanding of students’ satisfaction with the Office.

The Office provides consults to VCC personnel (faculty, staff, administrators) about specific students independent of those provided to students. In 2020 the ASI also provided such consults to the SUVCC.

- The Office uses the concept of ‘ethical wall’ building in order to maintain the rights and privacy of all parties involved. These consults usually occur as part of the investigation, resolution or advancement of a student situation by personnel and so are triggered by personnel vs. the student. They typically happen in advance of a student booking an appointment with the ASI but not necessarily. Sometimes two streams intersect where both the student and the employee access the Office for the same situation. However, Office consults are provided to the specific client (personnel OR student) and appropriate confidentiality and disclosure measures are deployed in each circumstance where, unless specific permission is granted by the client, one is not made aware that the other accessed the Office and information gleaned from one client is not used for, or disclosed to, the other client.

The ASI also provides briefings to personnel on issues not related to a specific student but within the ASI’s scope and mandate. These briefings provide opportunities to shore up procedural fairness within the institution.
FINAL THOUGHTS

This pandemic year was very clarifying for rights, roles and responsibilities. It demonstrated that fairness is ever more important during a crisis and that it is possible under all circumstances. The COVID 19 era is surfacing options once thought impossible which must impact how student issues are resolved in the future.

The divide among those that are privileged and those that are not truly crystalized in 2020. The work that the Office engages in, while important, is very privileged work. With that in mind, the ASI must continue to strive to use resources wisely and continue to lean into all manner of student disputes and fairness issues to impact the privileged-underprivileged divide.

The ASI is ever grateful for the support of the VP, Students & Community Development; the investment in the Office by the College Senior Administration; and the students and personnel it serves and with whom it collaborates.

The ASI looks forward to serving Students, Faculty, Staff and Administrators on student centred issues again in 2021.
Arbiter of Student Issues | Services to Faculty/Employees

The Arbiter of Student Issues office (ASI) provides support to faculty, staff and administration around dispute resolution arising at VCC where the student is at the centre. As part of the VCC Student Development division, the ASI is a dedicated resource available regarding VCC policy interpretation and procedure, and providing an understanding of rights, roles and responsibilities of all parties to a policy breach. The ASI is a neutral and impartial party, does not advocate for parties and does not have the power to impose a resolution.

**Services for faculty/staff/administration:**

You should connect with the ASI when you need:

- Information regarding your rights/responsibilities around a student issue
- Action planning
- Rights and obligations language for written communications
- Documentation best practices: student conduct notes, PCC materials, course outlines, program handbooks, etc.
- Policy navigation (e.g., student educational and non-educational conduct, duty to accommodate/enrol, human rights, formal grievances, grade appeals, etc.)
- Policy/Procedure/Protocol formulation
- Formal and informal dispute resolution options
- Referrals to appropriate/relevant student services
- Mapping of systemic issues & recommendations for change

**Contact Information**

Tanny Marks
Arbiter of Student Issues
Tel: 604.871.7000, ext. 7040
Email: tmarks@vcc.ca
Office: BWY, building A, room 4017
Serving BWY & DTN & Annacis Island campuses
ACCUO Statement of Solidarity with Black Lives Matter

After listening to the views of its members in support of the Statement of Solidarity with Black Lives Matter, as expressed at the ACCUO AGM meeting on June 17, 2020, the executive committee fully supports the following statement:

“ACCUO stands in solidarity with the Black community andcondemns anti-Black racism. We understand your pain and anger. Black lives matter. ACCUO is committed to promoting fairness in higher education. We know that our members in their capacity can bring meaningful change as peacemakers, gatekeepers of fairness and conflict resolvers in their institution. We know that this is not always easy.

For ACCUO members:

As ACCUO members, we believe you have the unique opportunity and capacity to act in a constructive meaningful way to address and voice concerns about racism. You are influencers in your institution. Here are some actions you can undertake:

- Audit your institution to know what they are doing to fight racism, and to address equity, diversity and inclusivity;
- Identify the programs or initiatives that are undertaken to address racism and read the reports related to these matters from your institution; and
- Education is key to fight racism, when engaging in conversations to identify systemic, individual issues and raise awareness, see if you can collaborate with:
  - Student Associations, Faculty, Instructors, administrative units, managers etc; and
  - Human Rights Office or office of responsibility

Furthermore, we are happy to announce the creation of an ad hoc committee on equity, diversity, and inclusivity that will allow us collectively to take action to address racism and anti-Black racism in a constructive way. If you would like to take part of this committee and have not already expressed your interest, please communicate your interest by email to the attention of Julie Boncompain at julie.boncompain@concordia.ca.
Online Learning: Classroom Agreement

VCC strives to create a universally accessible and supported online learning environment that respects privacy and other VCC policy and encourages respectful dialogue/discussion. This classroom agreement aims to support a positive and effective online learning environment for instructors and students, in particular for online live sessions (regardless of sessions being recorded not).

Classroom agreement between students & instructors

LEARNING ENVIRONMENT

- To support a rich learning environment, students and instructors should observe VCC’s guidelines around Zoom Tips for Online Classes.
  https://learnimagecentre.vcc.ca/offices/ZoomTipsforOnlineClasses.pdf
- Online live lectures (e.g. delivered via Zoom) which are recorded support universal design for learning and accessibility. However, recordings must yield to privacy and confidentiality requirements.
- To foster open dialogue and to protect the privacy of students and instructors, activities such as interactive group work and group discussions will not always be recorded. Instructors will use their discretion to decide when it is appropriate to stop and start recording based on the nature of the online class activities. These considerations also apply to breakout rooms.
- VCC’s educational policies and procedures apply to the online learning environment. Nothing in this agreement replaces VCC Policy and/or collective agreements. Issues that fall outside the classroom agreement will be dealt with according to VCC Policy. Examples of relevant policies or procedures include the following:
  o A.4.3 Student Code of Conduct (non-academic matters)
  o A.4.5 Student Educational Conduct
  o A.3.6 Standards of Employee Conduct & Conflict of Interest
  o A.3.9 Records Management
  o A.3.3 Freedom of Information and Protection of Privacy (FOIPPA)
  o A.3.4 Students with Disabilities
- Students with issues around the virtual learning environment should discuss these issues with their instructor or the department leader outside of scheduled class time. Students who are uncomfortable discussing the matter with their instructor(s) are encouraged to seek the support of relevant student services such as the Arbitrator of Student Issues Office, the VCC Privacy Officer, or Disability Services, etc.
- The student, instructor, department leader, and students services may generate potential solutions to address students’ issues with participating in the virtual learning environment by providing alternatives to meet course requirements (e.g. for participation credit, students may submit additional assignments or be asked to demonstrate participation via the Zoom chat feature).
- Participants should not share course materials such as tests, quizzes, and recordings with people not registered in the course.

PRIVACY

- VCC follows privacy legislation, which is subject to change.
- Informed consent must be obtained from students by the instructor prior to each individual class being recorded.
- If a student does not provide consent to be recorded, access to the content must be provided, for example, via a link to the recording, or access to power points and/or handouts.
- Students must not record the session (and breakout room sessions) using any medium unless the instructor and all students provide explicit permission.

REAL-TIME ASSESSMENTS

- The instructor will inform students of the means of assessment (e.g. exams, tests, quizzes, etc.) immediately (e.g. via Zoom) at the beginning of the course.
- Students with issues about the expected means of assessment implementation (related to privacy, access to technology, etc.) may request an alternative method through their instructor and/or department head. Alternative method requests will be reviewed on a case-by-case basis.

PURPOSE & USE OF RECORDED RECORDS

- If assessments are recorded, recordings will be stored for two years at the college and then discarded, as per the records management policy.
- Recordings of assessments will only be accessible to the student, the instructor, and the department leader of the program.
- All recordings (online lectures and assessments) may be used for student educational conduct or individual non-educational conduct purposes.
WORKS CITED & REFERENCED

HANDOUTS & LETTERS


IMAGERY


Brown Wooden Plank Fence with ‘This Way’ Signboard “I do like what is obviously, well, the obvious. And this sign at my favorite new brewery, just a few feet from the door, is delightfully obvious” by Jamie Templeton on Unsplash, published on October 28, 2017, retrieved from https://unsplash.com/photos/6gQPgGx1uQw. Accessed September 2021.


Churchman, Tyler. VCC Positive Space Members Zoom Screen Shot Celebrating Pride Week. 23 July 2020.

Clear Glass Bottles on Table with Leafy Branch Stems by Mikel Parera on Unsplash, published on December 14, 2020, retrieved from https://unsplash.com/photos/iWWlfcGHgM. Accessed September 2021.


“Habitat for Humanity project with undergraduate students working during spring break” by Brad Weaver on Unsplash, published on March 15, 2021, retrieved from https://unsplash.com/photos/7Ibmf8uH4WY. Accessed September 2021.


MISCELLANEOUS


POLICY & TERMS OF REFERENCE & LEGISLATION


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**POWER POINT PRESENTATIONS & WEBINARS**


REPORTS


SOFTWARE USED
