



Office of the Ombudsperson for Students

Let's talk about:

- who works at the Ombuds Office,
- what we do (including what we cannot do),
- our fairness mandate,
- who we serve, and
- what we hear.

Meet the Team



Shirley Nakata is UBC Vancouver's first **Ombudsperson for Students**.

Shirley was called to the B.C. Bar in 1989 after obtaining a Bachelor of Arts degree followed by her LL.B from the University of British Columbia. She practiced law at Russell & DuMoulin (now Fasken Martineau) before moving to the Canadian Human Rights Commission where she worked as a Human Rights Officer. From 1996 to 2009, she was the Director of Professional Conduct at the British Columbia College of Teachers, where she gained extensive experience in investigations and the conduct of hearings and expertise in the area of administrative law.



Michelle is the **Associate Ombudsperson** for the UBCV campus.

Michelle did both her undergrad and law degree at UBC and was called to the B.C. Bar in 2007. In addition to an immigration law private practice, she has worked as a staff lawyer and program coordinator for the Access Pro Bono Society of BC and as an International Student Advisor at Vancouver Island University. Her recent volunteer work has focused on helping stateless people in Canada obtain citizenship. She's happy to have found a home in Ombuds to continue championing fairness, problem-solving and compassion.



Cindy is the **Associate Ombudsperson** for the UBCO campus.

She brings experience from a long-serving career in the education sector. Cindy graduated with a B.Ed. from the Campus Saint-Jean, a French-language faculty of the University of Alberta in 1995. There, she developed the skills required to serve in many school boards and teach various French as a Second Language programs across Canada. While still holding a Professional Teaching Certificate in both BC and Ontario, she has made a natural transition to UBC Okanagan to fulfill her desire to continue supporting students as well as a culture and spirit of fairness.

Pillars of Ombuds Work

Confidential. We do not share without permission.

Impartial. We don't take sides.

Independent. We are not influenced by the university.

Our Role

► We can...

- Identify and explain relevant UBC policies and procedures
- Explore options on how best to proceed and make effective referrals
- Provide guidance to help plan strategies
- Clarify goals and promote problem-solving
- Empower students to deal directly and effectively with their concerns
- Facilitate discussions and use informal channels to seek resolution
- Give sound, practice advice
- Listen and provide an objective perspective

We cannot...

- Decide who is right or wrong
- Take sides
- Receive complaints unrelated to the university
- Provide legal advice or counselling services
- Advocate for an individual case
- Compel actions or overturn decisions

Mandate: Dimensions of Fairness

The process used to
make a decision



How a person
is treated

SUBSTANTIVE
What was decided?

The decision itself

Mandate: Principles of Fairness

A FAIR DECISION- MAKING **PROCESS** REQUIRES:

- an impartial and unbiased decision maker
- providing reasonable notice of the decision
- providing information about the decision-making criteria and process
- a meaningful opportunity to be heard
- clear and understandable reasons for the decision
- information about review or appeal options

A FAIR **DECISION** IS:

- made with appropriate legal authority
- made by following the applicable rules, laws and policies
- based on complete and relevant information
- based on the individual context and circumstances
- understandable, transparent and justifiable
- based on fair rules

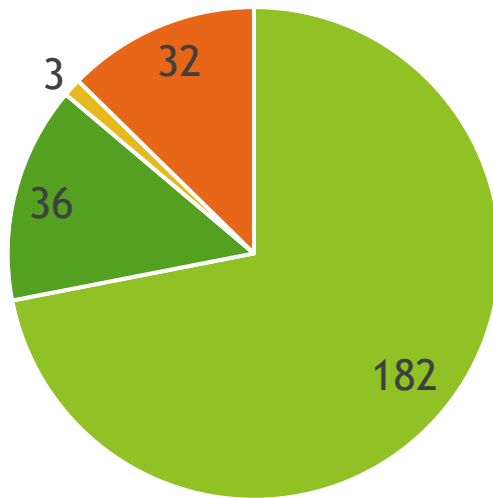
FAIR **SERVICE** INCLUDES:

- respectful treatment
- active listening and effective communication
- accessible information, programs and services
- transparency and accountability
- respecting confidentiality
- fixing errors and mistakes and apologizing when warranted
- continuous service improvement

Who We Serve

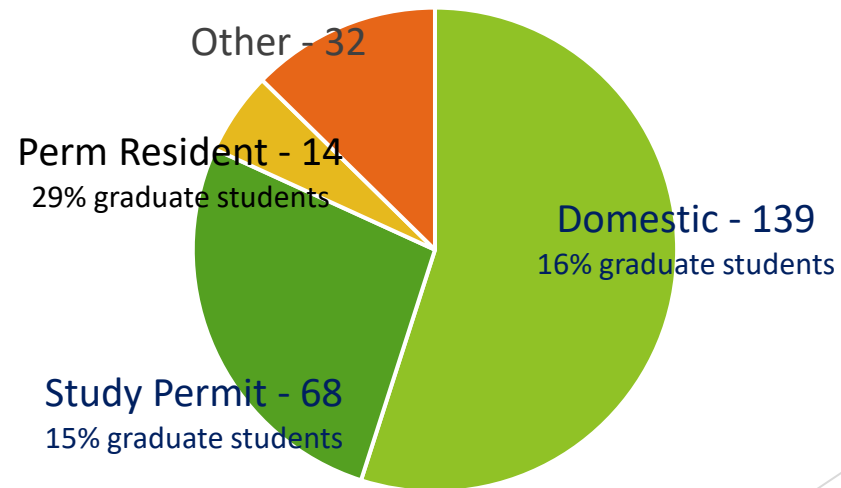
- **mostly** students, and
- some faculty and staff.

Types of Visitors – Okanagan 2024



■ Undergraduate ■ Graduate ■ Post Baccalaureate ■ Other

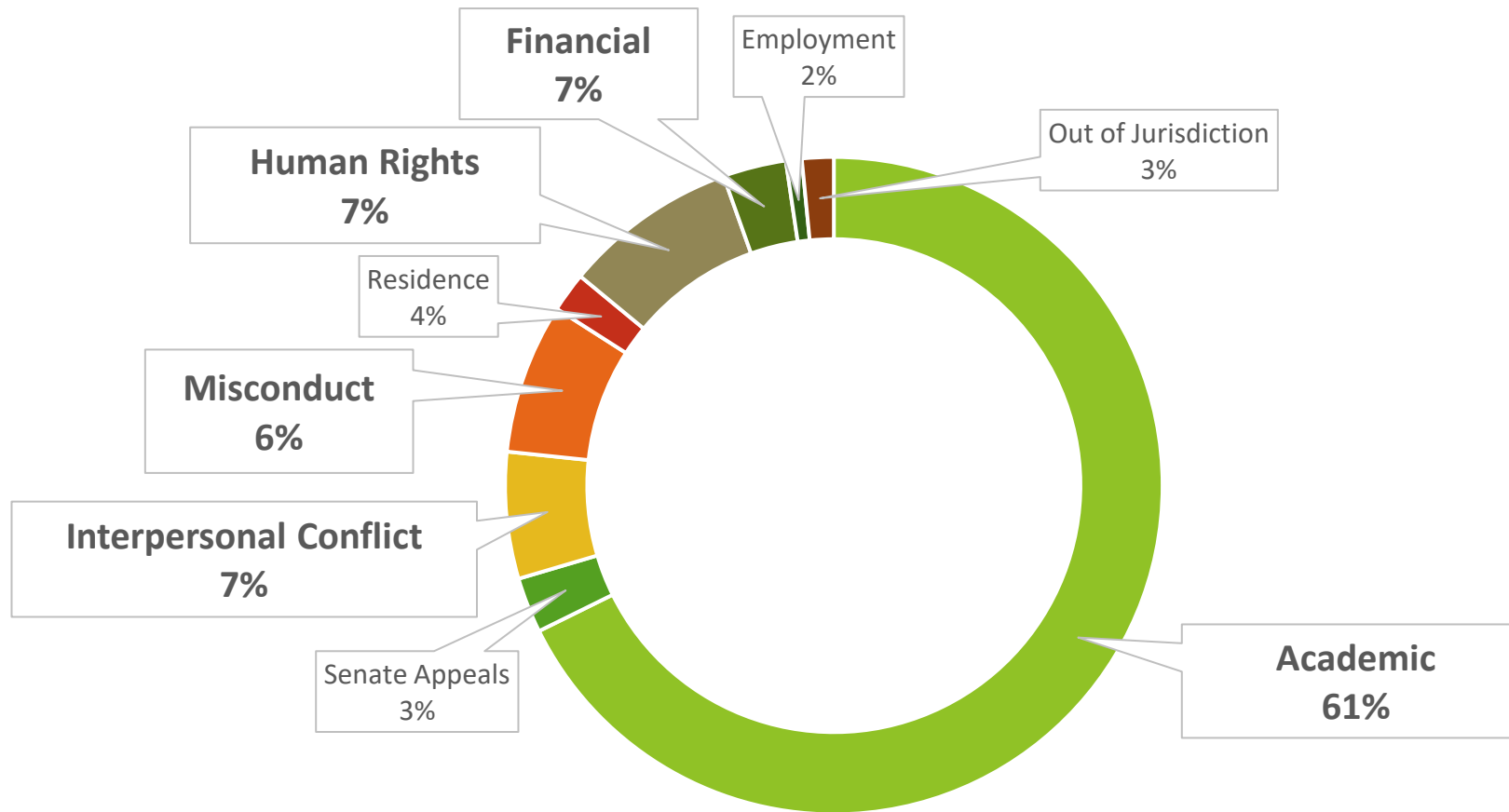
Visitor Status – Okanagan 2024



Other may include prospective, certificate diploma and unclassified students, parents, med residents, post-doctoral fellows, 3rd person and anonymous visitors.

What We Hear

Nature of Concerns - Okanagan



Further breakdown of **TOP 5** concerns in **bold** can be found in the soon-to-be released 2024 OO Annual Report itself.

Human Rights Advising Team at the EIO

- Provides confidential, impartial and trauma-informed information and advice about discrimination
- Facilitates informal resolutions of concerns, and assists with formal discrimination complaints
- Works with students, faculty, staff and community members - Anyone can reach out for a confidential consultation about discrimination at UBC!
- 536 confidential consultations for the period of July 1, 2023 to June 30, 2024



Discrimination – SC7 Policy Definition

Discrimination...”is **intentional or unintentional conduct**, which can be individual or systemic, **that imposes burdens, obligations, or disadvantages on or limits access to opportunities, benefits... and advantages to specific individuals or groups** as defined by the *BC Human Rights Code* and for which there is no bona fide and reasonable justification.”

Section 4.4 of SC7



In other words...

Discrimination is a **negative impact** that is caused in part by a **personal characteristic or identity** that is **protected** by the **BC Human Rights Code**



Protected Characteristics – BC Human Rights Code

- Indigenous identity
- Race
- Colour
- Ancestry
- Place of origin
- Religion
- Marital status
- Political Belief *
- Family status
- Physical or mental disability
- Sex
- Sexual orientation
- Gender identity or expression
- Age
- Criminal conviction ***
- Source of income ***



The Test for Discrimination - Simplified

1. A protected characteristic is involved
2. There is a negative impact (ex. burden, obligation, disadvantage)
3. The protected characteristic is a factor in the negative impact

Human Rights Advisor:
humanrights@equity.ubc.ca



What Do Human Rights Advisors Do?

- Confidential consults on human rights and discrimination issues
- Provide information, resource referrals, and advice
- Facilitate consent-based informal resolution of concerns where possible
- Assist with filing a formal complaint under the discrimination policy



Informal vs. Formal Resolutions

Formal

- Goes to the Investigations Office
- Must meet a threshold based on law and policy
- Less control over outcome*
- Takes time

Informal

- Facilitated by Human Rights Advisor
- Less rigid adherence to law and policy
- Consent-based
- Can be quick



What DON'T Human Rights Advisors Do?

- Make findings of discrimination
- Advocate for any party
- Provide legal advice
- Require anyone to formally report





What does it look like?

How is it different from the Ombuds Office & Human Rights Advising?





SUO Advocacy looks like:
Supporting Graduate & Undergraduate students by providing guidance and navigating University processes.

Examples of **university processes** and **ways we can help.**

Communicating directly
with professors, faculties
and/or UBC
administration

Participate in meetings;
mediation, taking meeting
minutes, support

Providing feedback on
written communication

Grade appeals

Academic and non-
academic misconduct
hearings

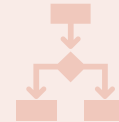
Failed standing appeals

Concession requests

What is the difference between the SUO Advocacy Office, the Ombuds Office & Human Rights Advising?



The SUO advocates for **students**.



The Ombuds Office advocates for **fairness**.



Human Rights Advising advocates for **upholding UBC discrimination policies**.



Let's discuss the intricate differences between these three resources and why this matters when you are seeking support. We are similar, but we are not the same!

Key Differences

After all that, have you identified how our offices differ?

Advocacy Office	Ombuds Office	Human Rights Advising
<ul style="list-style-type: none">• advocate for students	<ul style="list-style-type: none">• impartial; advocate for fairness	<ul style="list-style-type: none">• impartial; advocate for upholding UBC Discrimination Policy (SC7)
<ul style="list-style-type: none">• separate organization from UBC	<ul style="list-style-type: none">• confidential and independent; funded by UBC	<ul style="list-style-type: none">• confidential UBC office
<ul style="list-style-type: none">• serves students only	<ul style="list-style-type: none">• serves students and faculty/staff with student-facing policies	<ul style="list-style-type: none">• serves UBC students, faculty, staff, and community members
<ul style="list-style-type: none">• participates in student meetings and hearings	<ul style="list-style-type: none">• soft interventions (anonymized clarification of processes, relaying information and conflict coaching for visitors)	<ul style="list-style-type: none">• facilitates informal/early resolution

How We Can Help

If you have a concern or question about any of the following, come see us!

Issue	Examples of Issues	Examples of Types of Support
Academic Misconduct	plagiarism, cheating, unauthorized use of materials	Meeting with instructor or Dean, hearings, etc.
Non-Academic Misconduct	breach of the Student Code of Conduct, property damage, intimidation	Meeting with Campus Security or Student Conduct Manager, hearings, etc.
Senate Appeals	disciplinary, admissions, re-admission or academic standing decisions	Support with materials or hearing preparation
Grade Appeals	incorrect evaluation, biased assessment	Support with Review of Assigned Standing process
Fairness	delays, biased decision-maker, limited opportunity to reply, etc.	Policies and practices, academic and non-academic issues, supervisory conflicts, faculty or staff conduct, etc.
Discrimination	race, gender, disability, place of origin, etc.	Confidential consultation, facilitating resolutions, assisting with formal complaints under policy SC7
Funding Issues	emergency funding, scholarships, stipends, bursaries, financial aid, etc.	Unexpected financial hardship, award appeals, payroll issues, etc.
Accommodations	religious/cultural, disability, family status, sex, etc.	Unmet accommodation needs, decision appeals, etc.
Academic Concessions	late withdrawal, deferred standing, course drop, etc.	Missed exams, extensions, unforeseen circumstances, conflicting responsibilities, medical reasons, etc.
Bullying & Harassment	demeaning or intimidating comments, gossip, yelling, name-calling, etc.	Policy guidance, support in escalating concerns, resource referrals, etc.

Q & A

► How to Get in Touch

Students' Union Okanagan of UBC (SUO of UBC) - Advocacy Office

Monday to Friday | 8:00am – 4:00pm, by appt

Room 133 University Centre (UNC)

Phone: 250-807-8345

Email: advocate@suo.ca or rachel.fortin@suo.ca

Website: <https://www.suo.ca/suo-advocacy-office/>

UBC Equity & Inclusion Office – Human Rights Advising

Room 100C Administration Building (ADM)

Drop-ins – Mondays only from 9:00am – 12:00pm in ADM 100B

Email: humanrights@equity.ubc.ca

Website: <https://equity.ok.ubc.ca/resources/discrimination-harassment/>

Office of the Ombudsperson for Students

Room 328 University Centre (UNC) – In-person on MWF, by appt

Phone: 250-807-9818

Email: ombuds.office.ok@ubc.ca

Website: <https://ombudsoffice.ubc.ca/contact-us/>

Sticky Situation

Lee stops attending class because their DRC-approved accommodation to audio record the lectures has been denied by the professor. The add/drop deadline has passed, and they end up with a failing grade. Lee must re-take the class, pay international tuition fees for a second time, and extend their degree by a semester to fulfill their last degree requirement.

- ▶ **If Lee shares their story with you, how might you help? What advice might you give?**