



Office of the Provost
& Vice-President
(Academic)

I am pleased to present the comprehensive reports prepared by the four working groups that were convened in response to the 2022-23 Ombuds Office Annual Report.

The working groups were tasked with addressing recommendations related to key areas of our academic and administrative framework: (1) Course Management, Policies, and Academic Accommodations, (2) Academic Integrity, (3) Student Conduct, and (4) Graduate Student Issues.

The work in these reports reflects the dedication and expertise of our faculty and staff who participated in the working groups, which were convened in the Fall 2023 term. A PhD student was also a member of the group responding to the recommendations on Graduate Student Issues.

Each report offers detailed responses to the Ombuds recommendations, providing thoughtful analysis and actionable steps aimed at enhancing our policies, processes, and overall student experience.

Together, the reports represent a significant step forward in our ongoing efforts to ensure that McMaster University remains a supportive, fair, and transparent environment for all members of our community. I encourage you to review these documents carefully and to consider the recommendations within the context of your own work and interactions with our students.

I would like to express my sincere gratitude to all those who contributed to these reports. Your commitment to improving our institution is commendable.

Sincerely,

A handwritten signature in black ink that reads "Susan F. Tighe".

Provost and Vice-President (Academic)
McMaster University

Course Management, Policies, and Academic Accommodations Working Group Report

Responses to the 2022-23 Ombuds Recommendations Relating to Course Management, Timeliness, Decision-Making Authority, User-Friendly Policies, and Academic Accommodations

Table of Contents

PREAMBLE	3
Course Management (Ombuds Report)	3
Final Assessment Marks (Ombuds Report)	3
Ombuds Recommendation	3
Working Group Response.....	4
Midterms Outside Scheduled Class Hours (Ombuds Report)	4
Ombuds Recommendation	4
Working Group Response.....	4
Unfair Grading Scheme (Ombuds Report)	5
Ombuds Recommendation	5
Working Group Response.....	6
Timeliness (Ombuds Report)	6
Explicit Timelines (Ombuds Report)	6
Ombuds Recommendation	6
Working Group Response.....	6
Uniform Language (Ombuds Report)	7
Ombuds Recommendation	7
Working Group Response.....	7
Decision-Making Authority (Ombuds Report)	7
Delegation (Ombuds Report)	7
Ombuds Recommendations.....	7
Working Group Response.....	8
User-friendly Policies (Ombuds Report)	8
Flowcharts (Ombuds Report)	8
Ombuds Recommendation	8
Working Group Response.....	8
Forms (Ombuds Report)	9
Ombuds Recommendation	9
Working Group Response.....	9
Academic Accommodations (Ombuds Report)	9
Definition of Retroactive Accommodation (Ombuds Report)	9
Ombuds Recommendation	9
Working Group Response.....	10

Retroactive Accommodation Process (Ombuds Report).....11
Ombuds Recommendation11
Working Group Response.....11

Jurisdiction (Ombuds Report)11
Ombuds Recommendation12
Working Group Response.....12

PREAMBLE

In Fall 2023, a working group was convened to address the recommendations raised in the [OMBUDS 2022-23 Annual Report](#) relating to course management (final assessment marks, midterms outside of scheduled class hours, unfair grading scheme), timeliness (explicit timeline, uniform language), decision-making authority (delegation), user-friendly policies (flowcharts, forms), and academic accommodations (definition of retroactive accommodation, retroactive accommodation process, jurisdiction).

Working Group Members

- Brad Coburn, Policy Advisor & Projects Officer, University Secretariat
- Kim Dej, Vice-Provost Teaching and Learning
- Nancy McKenzie, Associate Director, Academic Projects and Reviews, Provost Office
- Rob Whyte, Vice-Dean, Education (FHS)

Academic Accommodations Consultants

- Arlene Fajutrao Dosen, Executive Director and Assistant Dean of Student Success
- Mei-Ju Shih, Director, Student Accessibility Services

The working group began meeting in December 2023. For each Ombuds' recommendation the working group offers a response for consideration. The report is structured such that the context and recommendation from the Ombuds report proceeds the working group's response.

Course Management (Ombuds Report)

Course management issues are the second most common academic issues reported by undergraduate students, second only to grading issues. The [Undergraduate Course Management Policy \(the "Policy"\)](#) summarizes instructor responsibilities in regard to undergraduate courses. Occasionally, students feel that the rules or management of a course are unfair in ways that are not explicitly addressed in the Policy.

FINAL ASSESSMENT MARKS (OMBUDS REPORT)

Several students have reported that their final assessment or examination marks are not provided to them in Mosaic along with their other grades. According to one visitor, students were told they could "reverse engineer" their grade, meaning that they could use the other grades they were given to calculate the missing mark. One instructor I contacted about this issue told me that the department has a policy against releasing final examination grades.

Students should be given their final assessment or examination grades for several reasons, including so they can determine if the overall grade is correct and, in the case of final examinations, so they can decide whether to request to view their examination paper should they have concerns.

Ombuds Recommendation

That the Policy include a requirement that the grades for all components of a course be released without students having to make a specific request.

Working Group Response

Ideally, marks should be posted ahead of the final exam on Avenue to Learn (A2L) or other course management system, but this might not be possible for all courses due to the timing of assignment deadlines. The responses below apply to A2L or the system in use.

There is a lot of variation of when instructors disable their A2L course, and consideration should be given to how long marks are made available after the course has ended. It would be helpful to include some language regarding grades and the timeline in the Undergraduate Course Management Policy (e.g., the A2L course includes grades for all assessments, including the final exam and should remain open “x number of weeks or months” after the course has ended).

It would also be helpful to include some language around unofficial grades (e.g., there are several approvals before official grades are released, so grades posted on A2L should be noted as unofficial) and what students should do if there is a discrepancy between their A2L grade and final grade (e.g., a process outlining to contact the instructor).

A formal review of the Undergraduate Course Management Policy will be undertaken in the 2024/2025 academic year and *Section E: Returning Marked Work and the Posting of Grades* will be revised to include additional information.

MIDTERMS OUTSIDE SCHEDULED CLASS HOURS (OMBUDS REPORT)

When selecting courses, students pay particular attention to potential scheduling conflicts. In some cases, however, the course conflicts are not apparent until after receiving the course syllabus that indicates one or more midterms is scheduled outside of regular class time. As a result, the assessments may conflict with another lecture, assessment, tutorial, or with obligations outside of their studies.

Ombuds Recommendation

That courses that have assessments outside regular class time make this information available on Mosaic so that conflicts are identified for students before finalizing their course selection.

Working Group Response

The instructor may not know the specific day or time, but they should indicate in their course outline if a term test will be scheduled outside of the course hours. As students need to plan their schedules, the instructor should inform students of the testing details two weeks in advance via A2L/class announcements so they can prepare accordingly. Putting this on MOSAIC in advance of the start of the course would be very challenging and unrealistic.

It would also be helpful to include language that if a conflict arises with a non-academic matter, the assessment should take priority. However, in the cases where the assessment conflicts with an assessment from a different course, it may not be clear to the student how they should proceed. Mandated by a revision to the Undergraduate Course Management Policy, direction to students should be included in the course outline regarding how they should manage conflicts with assessments that occur outside of class time.

Further, the revised McMaster Student Absence Form (MSAF) Policy (to be approved at Senate in June 2024) includes the following text regarding absences that are known in advance, and, conceivably could be revised slightly and used to direct students in the cases where assessments are known in advance to conflict with one another:

Absences for Other Known Obligations

1. Students are directed to contact their Faculty/Program Office to seek guidance on absences for obligations that are known about in advance (“known obligations”).
2. Known obligations may include the following: mandatory legal obligations (e.g., jury duty, court dates); planned surgeries; and mandatory military obligations.
3. The granting of relief for known obligations is at the discretion of the Faculty/Program Office and are not appealable. These offices will use the MSAF tool for communications.

Consideration should be given to gathering information about how many tests are scheduled outside of class time and the rationale for this. Use of a centralized testing space, where possible, could mitigate conflicts by allowing instructors to conduct assessments during class time.

The language around “students” in *Section A: Course Outlines* in the Undergraduate Course Management Policy also needs to be updated. For example, is the course outline available to all students or just enrolled students? The intent of the policy was to have course outlines available to all students at least two weeks ahead of the term.

A formal review of the Undergraduate Course Management Policy will be undertaken in the 2024/2025 academic year and Section A: Course Outlines will be revised to include additional information.

UNFAIR GRADING SCHEME (OMBUDS REPORT)

Several students have complained about courses where the mark breakdown is provisional subject to passing a component of the course, often the examination. For example, a student who receives an overall passing grade according to the mark breakdown in the syllabus and where one component is a failed exam, will receive an “F” in the course.

Ombuds Recommendation

That the Policy specifically references this grading scheme, and either prohibits it or limits it to non- required courses where the information is available to students prior to registering for the course.

Working Group Response

There are examples in healthcare spaces (e.g., medical radiation sciences) where a key competency of a course might be part of an accreditation requirement, and failure of that component results in failure of the course. Limiting the “unfair grading scheme” to non-required courses would not be possible, as the known examples are all required courses specific to a particular program.

A formal review of the Undergraduate Course Management Policy will be undertaken in the 2024/2025 academic year and consideration will be given to adding additional information in *Section A: Course Outlines* regarding these grading practices, so students are informed.

Timeliness (Ombuds Report)

EXPLICIT TIMELINES (OMBUDS REPORT)

To ensure fairness for students, it is important that their concerns are resolved as expeditiously as possible. One of the themes in the casework concerns the length of time it takes for a process in which a student is engaged to be completed.

Some policies have multiple steps in a process but may only include timelines for some aspects of the process. In one case, a student who was engaged in a process that they felt was taking too long, decided to transfer to another university rather than continue to wait for the outcome of their complaint.

What is a reasonable amount of time for a university office to informally resolve a dispute, investigate a matter, or hold a hearing should be considered from the perspective of a student who may experience delays in their studies pending the outcome of a process.

Ombuds Recommendation

That for every policy involving students that is being revised or developed, specific attention be paid to ensuring that each aspect of the process includes specific timelines that support the goal of the expeditious resolution of the process.

Working Group Response

The notion of timelines was also raised in the Ombuds report in the context of interim measures in the Student Code of Rights and Responsibilities. As each situation is unique, it is important to have language that affords flexibility and not specify defined timelines.

For grade appeals, timelines are meant to be tight, and students are supposed to get responses quickly. Sometimes investigations last for three months for complex clinical issues. There are examples where a learner is waiting for the outcome in order to determine if they can move forward with their fall courses. Although appreciating the significance from the student perspective, timelines may be difficult to adhere to due to case complexities.

The working group appreciates that it is important for students' concerns to be resolved in a timely manner. Given the individualized approach and complexities of certain situations, putting specific timelines in policies would not be realistic and would be difficult to enforce. Rather, as each policy undergoes review, consideration should be given if appropriate, to adding language that *the goal is to have this resolved before 'x'*.

UNIFORM LANGUAGE (OMBUDS REPORT)

The language used to indicate timelines is inconsistent across policies. For example, there are references in various policies to “working days,” “business days,” and “weeks”: in one policy, students are asked to contact their instructor “immediately.”

Ombuds Recommendation

That for every policy that is being revised or developed, specific attention be paid to the use of consistent and clear language when referring to timelines.

Working Group Response

There has been a lot of discussion about this in the context of the McMaster Student Absence Form (MSAF) Policy. There is a need for consistent language, clear communication, and the use of flowcharts, whenever possible. Progress is being made in this area as various policies are opened for review/revision. This is an ongoing effort that is currently underway, and student groups will be engaged to aid in these efforts.

Decision-Making Authority (Ombuds Report)

DELEGATION (OMBUDS REPORT)

One of the basic rules of fairness is that the authority to make decisions be properly vested in the decision-maker. To that end, policies should always specify who the decision-maker is, and decision-makers should only delegate their authority to whom and when it is expressly permitted by the policy.

Ombuds Recommendations

- 1) That every policy involving students indicates the decision-maker (or decision-makers) by job title for every stage in a process, including in circumstances where a review of a decision is permitted.

- 2) That where a policy authorizes a decision-maker to delegate their decision-making authority, it also includes a statement of to whom decision-making authority may be delegated, and limit delegation to those at the same level as the named decision-maker or higher.
- 3) That in cases involving delegated authority, the student who is the subject of a decision be informed to whom the matter has been delegated.

Working Group Response

If a decision-maker can only be one of three people, consideration could be given to listing them by title, but it would depend on the specific policy and what Faculty the student is enrolled in.

Limiting delegation to those at the same level as the named decision-maker or higher could impact timeliness as waiting for one specific authority to give approval and not having alternate delegates may impede the process.

The working group appreciates that some consistency across the different Faculties in the application of delegation would be beneficial to students as well as to the implementation of the process in supporting offices and as each policy undergoes review and revision, this will be taken into consideration.

User-friendly Policies (Ombuds Report)

FLOWCHARTS (OMBUDS REPORT)

Some processes under university policies that involve multiple stages or options may be difficult for some students to follow. While some policies include flowcharts that assist students in navigating the process, others do not.

Ombuds Recommendation

That every policy involving students that is being revised or developed include a flowchart to provide students with a visual representation of the process.

Working Group Response

The MSAF policy was recently reviewed and revised and the task force agreed that the university should provide clarity to students on the implementation on the policy including visual aids, such as flow charts, be made available outside of the policy. In its newest revision, a table has been included that contains program contact information. A website is being developed which will hold a link to the policy, the flowchart, tipsheets, and associated forms.

As other undergraduate policies are being reviewed and revised that similar consideration will be given to a flow chart. Flowcharts are not required to reside inside of the policy

documents, but they are a useful tool for communicating processes to students. We must also be attentive to AODA compliance and the broader accessibility of the communication tools.

FORMS (OMBUDS REPORT)

Some policies require students to fill out forms to initiate the process. In some cases, these forms are not available unless requested by a student. The need to request a form to initiate a process creates an unnecessary barrier for students.

Ombuds Recommendation

That all forms required to initiate a process be made available to students in an accessible way that does not require having to make a request to an administrator.

Working Group Response

There should be more consistency in forms that are used across Faculties and service provision units, but in some cases distinctions are required. McMaster's decentralized model has shortfalls in this aspect. Providing accessible links to forms is important and with the MSAF, some Faculties have the form on their webpage.

As policies are reviewed, the forms will be collected and consideration will be given as to how to best link them. This will be made a priority for the MSAF Policy, which is currently being reviewed. It is important to know how students are finding information and a small student group has been engaged to investigate this aspect. The information learned from the MSAF Policy review, will be helpful for other policies. A longer-term goal will be to consider the creation of a central hub website that includes links to the policies and relevant forms.

Academic Accommodations (Ombuds Report)

DEFINITION OF RETROACTIVE ACCOMMODATION (OMBUDS REPORT)

Retroactive accommodation is defined in the Academic Accommodation of Students with Disabilities Policy (the "Policy") as a request for accommodation that is made "after the fact . . . as a result of the discovery or diagnosis of a disability."

In some cases, however, students are aware of their disability but not necessarily of their right to request accommodation. This is sometimes the case even where students have explained their situation to a university official but have not been referred to Student Accessibility Services ("SAS").

Ombuds Recommendation

That the Policy include other circumstances in which a student may request retroactive accommodation such as when a student does not become aware of their right to ask for

accommodation until after a course has been completed or where there are difficulties with the implementation of approved accommodations.

Working Group Response

Although the current definition of Retroactive Accommodation is not explicit, it is important to note that the Student Accessibility Services (SAS) team exercises the duty to inquire within the intake process, identifying students who may have been affected by a disability however were not accommodated. Once students are connected with SAS, the duty to accommodate may be triggered retroactively in the intake process.

Moving forward, it is essential to reflect on the language used in the *Academic Accommodation of Students with Disabilities Policy* to ensure clarity and simplicity for students to understand the definition and process of retroactive accommodation. This clarity is crucial for ensuring that all students, regardless of their disabilities, have equal access to accommodation and support.

Work is underway to develop and enhance coordinated organizational systems, structures and processes and to enhance communication, collaboration, training and outreach for students, staff and instructors to support an accessible teaching and learning environment.

Over 2023-2025, under the leadership of the Vice-Provost, Teaching and Learning, through funding from the Strategic Excellence and Equity in Recruitment and Retention (STEER/R) Program, the university is developing and advancing a five-year plan to better facilitate accessible learning experiences at McMaster through the development of organizational systems, structures and processes which mobilize and sustain an institutional commitment to accessibility through leadership, proper resourcing, and accountability. The plan is underpinned by the early adoption of the [Accessibility for Ontarians with Disabilities Act Postsecondary Education \(AODA PSE\) Standard Final Recommendations](#) to best serve students with disabilities and foster an accessible teaching and learning experience.

This proactive approach to educational accessibility led centrally in collaboration with McMaster Faculties and administrative units, including Student Accessibility Services, the Equity and Inclusion Office, the MacPherson Institute and the Student Success Centre, aims to reduce time expenditure on individual adjustments to redirect efforts in support of universal design. It will also aim to improve access to post-secondary education and academic outcomes for McMaster students with disabilities through a holistic, systemic approach.

The STEER/R Accessible Teaching and Learning Roadmap project will be complemented by the implementation of the key recommendations of the [Student Accessibility Services – Academic Accommodations Review](#) released in November 2023. These recommendations include: (i) Clarify roles and responsibilities in a shared and collaborative academic accommodation process; (ii) Develop and enhance holistic and targeted supports for diverse students with disabilities (graduate, international, Black and Indigenous learners); (iii) Enhance communication, collaboration, training and outreach (for students, staff and instructors); and (iv) Reconsider and resource the social disability service model.

Student Accessibility Services (SAS), in partnership with the School of Graduate Studies (SGS), is also advancing work to formalize a Graduate Student Academic Accommodation Process for graduate student learners registered with SAS. This process will inform the update of the Academic Accommodation of Students with Disabilities Policy.

RETROACTIVE ACCOMMODATION PROCESS (OMBUDS REPORT)

According to the Policy, SAS is responsible for assessing the duty to accommodate and developing an accommodation plan; however, the Policy is silent on whether this duty applies to retroactive accommodation requests, including those by former students. In some cases, those seeking retroactive accommodation have been advised to make their request to the Equity and Inclusion office or the student's faculty office.

Ombuds Recommendation

That the Policy make clear all aspects of the process or processes related to retroactive accommodation requests and, if more than one process exists, that the Policy include the criteria used to determine the appropriate process.

Working Group Response

There is an operational gap in the retroactive accommodation process for individuals who have either graduated from or have withdrawn from an academic program. The pathway to access the Retroactive Accommodation Process is unclear in these cases. It is also important to review and align the *Academic Accommodation of Students with Disabilities Policy* with other McMaster University policies to allow learners access to academic accommodation support within an appropriate timeline following graduation or withdrawal from an academic program.

Utilizing a consultative approach to complex requests for retroactive accommodation is important to enable the University to develop and enhance coordinated organizational systems, structures and processes and to enhance communication, collaboration, training and outreach for students, staff and instructors to support an accessible teaching and learning environment.

SAS will engage with members of the OMBUDS Working Group to inform updates to the Retroactive Accommodation Process within the *Academic Accommodation of Students with Disabilities Policy*, define the appropriate intake office for students, and, more explicitly, outline the detailed process to access retroactive accommodation.

JURISDICTION (OMBUDS REPORT)

The Policy states that it applies to students in "shared institutional programs e.g. Mohawk College and Conestoga combined programs where they are registered as a McMaster student." For McMaster students in these joint programs, however, the Policy is unclear on which institution administers the Policy. One student in a joint program reported that they were required to request accommodation through both the university and the college accessibility offices which created an

additional burden on a student who was experiencing disability-related challenges. In another case, a student reported that they were told to request retroactive accommodation from the college but when they did so, their request was denied on the basis that the college did not allow for retroactive accommodation, even though it is explicitly mentioned in McMaster's Policy.

Ombuds Recommendation

That the Policy clarifies the process for McMaster students in joint programs, including whether their accommodation requests are to be handled by SAS, and, if not, how the university will ensure these students receive equitable treatment.

Working Group Response

Accommodation is not an academic process and is managed by the college or university the student is enrolled in. If the accommodation was not properly implemented and if it affected the student's performance in the course, then it is an academic process.

Programs that have MOUs with partnering colleges include Nursing (FHS), BTech (Engineering), Medical Radiation Sciences (Science) and several Psychology Neuroscience and Behaviour (Science) programs. Language related to accommodation requests and the process should be included in the MOU. In addition, the Academic Accommodation of Students with Disabilities policy language could also be clearer.

This issue was recently raised outside of the context of the Ombuds report and is currently being addressed by the various program leads as they undergo reviews of their MOUs. The Vice-Provost, Teaching and Learning is aware that this is an important issue that needs to be resolved and will be involved with the review of the revised MOUs.

Academic Integrity (Penalties) Working Group Report
Responses to the 2022-23 Ombuds Recommendations Relating to Academic Integrity
(Penalties)

Table of Contents

PREAMBLE..... 1

Academic Integrity (Ombuds Report) 1

Penalties (Ombuds Report)1

 Ombuds Recommendation2

 Working Group Response.....2

PREAMBLE

In Fall 2023 a working group was convened to address the recommendations raised in the [OMBUDS 2022-23 Annual Report](#) relating to academic integrity (penalties).

Working Group Members

- Brad Coburn, Policy Advisor & Projects Officer, University Secretariat
- Kim Mason, Academic Integrity Officer, Deputy Provost Office
- Nancy McKenzie, Associate Director, Academic Projects and Reviews, Provost Office

The working group began meeting in November 2023. For the Ombuds’ recommendation the working group offers a response for consideration. The report is structured such that the context and recommendation from the Ombuds report precedes the working group’s response.

Academic Integrity (Ombuds Report)

PENALTIES (OMBUDS REPORT)

Several students expressed concern that if they were to appeal an instructor or adjudicator decision under the [Academic Integrity Policy](#) (the “Policy”), they could receive a harsher penalty than the one imposed at the previous level. As a result, a student who believes a decision is unfair may, nonetheless, choose to forego their right to appeal rather than risk a worse outcome.

Ombuds Recommendation

That the Policy makes it clear that a student will not receive a harsher penalty if they appeal a decision and are unsuccessful.

Working Group Response

In the Academic Integrity Policy, Item 1 in Appendix 4: General Penalty Guidelines states:

Each case of academic dishonesty is investigated, heard and decided upon the merits of the case. The following penalty guidelines are general and can be adjusted by the Faculty Adjudicator hearing the case, according to the merits of the case to be harsher or more lenient.

As noted in the Academic Integrity Policy, a student may receive a harsher penalty if they appeal. This happens in exceptional cases (e.g., where an instructor deviates from the typical practice and applies a minimal penalty to a severe case, or when new evidence is brought to light during an appeal hearing that may affect the outcome of the hearing).

A re-read appeal under the Student Appeal Procedures, though not under the Academic Integrity Policy, is another example where a harsher outcome may be applied. Although infrequent, when a student questions their grade or the assessment of their performance on a piece of work or a program component and alleges error in the academic assessment of their work on part of an instructor or a committee, their grade can be reduced upon re-read.

The working group appreciates that it is important for students to be well-informed about the process and that penalty guidelines can be adjusted on appeal. There could be enhanced communication around the process, so students can make a more informed decision. We propose including additional language on the Office of Academic Integrity website and in the Appeals Form regarding the possible penalty adjustments, as well as continuing to inform students of the process when they contact the Academic Integrity Office. The recommended revision below to Item 1 in Appendix 4: General Penalty Guidelines will also help clarify that a harsher penalty is not common. The revised text will be brought forward to the Committee on Academic Integrity in late March/early April 2024 for consideration.

Each case of academic dishonesty is investigated, heard and decided upon the merits of the case. The following penalty guidelines are general and can be adjusted by the Faculty Adjudicator hearing the case, according to the merits of the case to be more lenient and, in exceptional cases, more severe.

Student Conduct Working Group Report

Responses to the 2022-23 OMBUDS Recommendations Relating to Student Conduct (Interim Measures; Jurisdiction; Student Employees; Code Appeals)

Table of Contents

PREAMBLE	2
Interim Measures (Ombuds Report)	2
Ombuds Recommendations:	2
1) Greater clarity on the circumstances under which Interim Measures may be imposed, such as where a serious threat of violent behaviour exists.	2
Working Group Response	3
2) A statement that the Interim Measures are not intended to be punitive and, therefore, must be directly related to the allegations and as minimally restrictive as possible to achieve the goal of harm prevention..	4
Working Group Response	4
3) A statement indicating the maximum period for which Interim Measures may be in place, and a requirement that the expiration date of the Interim Measures be communicated to the student when they are informed that Interim Measures are being imposed.	4
4) A protocol for circumstances where the maximum period for Interim Measures has been.....	4
exceeded. For example, if there is a need to extend the Interim Measures beyond the period	4
specified in the Code, the student should be informed of the new timeline and given the right to an expeditious review by an appropriate decision-maker outside the Code process.	4
Working Group Response	4
Jurisdiction (Ombuds Report)	6
Ombuds Recommendation:	6
That the Code clarify whether and/or how it applies to incidents that are alleged to have occurred when an individual is not enrolled at the university at the time of the alleged incident(s) but is eligible to continue in their program should they choose to register in the future.	6
Working Group Response	6
Student Employees (Ombuds Report)	6
Ombuds Recommendations:	7
1) That the Code clarifies the criteria used to determine jurisdiction when students who are also employees are facing allegations of misconduct.	7
Working Group Response	7
2) That the Code specifies a decision-maker regarding issues of jurisdiction involving students who are also employees.	7
Working Group Response	7
Code Appeals (Ombuds Report)	7
Ombuds Recommendation:	8
That the Code allows appeals to the SBSA for any disciplinary decision or process alleged to be unfair unjust or unreasonable.	8
Working Group Response	8

PREAMBLE

In Fall 2023 a Student Conduct Working Group was convened to address the recommendations raised in the [OMBUDS 2022-23 Annual Report](#) relating to student conduct (interim measures; jurisdiction; student employees; code appeals).

Student Conduct Working Group Members

- Tim Cameron, Director, Student Case Management Office, Student Affairs
- Brad Coburn, Policy Advisor and Projects Officer, University Secretariat
- Nancy McKenzie, Associate Director, Academic Projects and Reviews

The working group began meeting in November 2023. For each OMBUDS' recommendation the working group offers a response for consideration. The report is structured such that the context and recommendation from the OMBUDS report proceeds the working group's response.

INTERIM MEASURES (OMBUDS REPORT)

We are occasionally approached by individuals who are alleged to have breached community standards as codified in university policies. If the allegation involves student non-academic misconduct, the matter is normally dealt with under the [Student Code of Rights and Responsibilities](#) (the "Code"). One aspect of the Code involves interim measures defined as "steps that are taken where the health and safety of the student or members of the University Community are compromised or at risk, and/or in order to safeguard the environments of individuals alleging violations of the Code and of individuals whose conduct is being questioned." The measures are put in place before a fair process has occurred to determine the facts of a case and an appropriate outcome.

Because of the potential for interim measures to significantly affect a student's rights, including by issuing a persona non grata order, they should be both necessary in the circumstances and in place for as short a period as possible while the investigation and/or hearing process is conducted. To that end, the Code should provide a framework to ensure that Interim Measures are judiciously applied.

Ombuds Recommendations:

That the Interim Measures section of the Code include the following:

1) Greater clarity on the circumstances under which Interim Measures may be imposed, such as where a serious threat of violent behaviour exists.

Working Group Response

In the Code of Student Rights and Responsibilities, Item 1 in Appendix B: Interim Measures and Ongoing Support of All Parties states:

At any stage in this Code it may be necessary to take interim measures in order to safeguard the environment of Complainants, Respondents, and/or Community Members who are involved or may be affected.

This statement is intentionally broad because there are many circumstances in which an interim measure may be required. Ultimately, all interim measures fall under the wording used above to safeguard the environment of those involved in a code process and/or community members.

There are several types of situations that require very unique interventions. While the example mentioned in the OMBUDS report may certainly require interim measures, there are also situations where a student may at first appear benign. In many cases, the interim measures protect the respondent in a code process as much as anyone else, especially if their anxiety levels are heightened and continued communication could lead to further erosion of relationships with individuals that are important to their academic progress.

Attempting to specify the types of situations where an interim measure may be used is anticipated to lead to more confusion amongst respondents as they may perceive their behaviour was not “severe enough” to warrant them. As is all too often the case, we may know information about the vulnerability of a complainant and know that a condition of “no contact” is essential to help them feel as safe as possible on campus. At times, it may be a question of compliance with the University’s legal obligation to provide a workplace that is safe and free from harassment.

Respondents also receive a letter outlining the details of the specific interim measure and have the opportunity to further discuss when they meet with a member of the Office of Student Case Management to hear their perspective on what has occurred. By instituting interim measures, we always take into account a student’s academic progress and seek to ensure continuity wherever possible (e.g., online courses, ability to attend campus but for academic purposes only).

The working group appreciates that it is important for students to be well-informed about interim measures and the circumstances under which interim measures may be imposed. The working group believes that the information provided in the Code of Student Rights and Responsibilities along with more specific information conveyed in letters to respondents achieves this and suggests that no additional information be added to either the Code and/or respondent letters.

2) A statement that the Interim Measures are not intended to be punitive and, therefore, must be directly related to the allegations and as minimally restrictive as possible to achieve the goal of harm prevention.

Working Group Response

In the Code of Student Rights and Responsibilities, Item 1 in Appendix B: Interim Measures and Ongoing Support of All Parties states:

Interim measures shall not be construed as evidence of either guilt or a finding of violation of this Code, or as an affirmation of innocence/finding of non-violation of this Code.

In addition to what is stated in the Code of Student Rights and Responsibilities, this point is also emphasized in a letter a respondent receives. It is noted that the interim measure is invoked to help restore a sense of safety amongst all community members.

The working group believes the information provided in the Code of Student Rights and Responsibilities and letters to respondents clearly states that interim measures are not intended to be punitive and suggests that no additional information be added to either the Code and/or respondent letters.

3) A statement indicating the maximum period for which Interim Measures may be in place, and a requirement that the expiration date of the Interim Measures be communicated to the student when they are informed that Interim Measures are being imposed.

4) A protocol for circumstances where the maximum period for Interim Measures has been exceeded. For example, if there is a need to extend the Interim Measures beyond the period specified in the Code, the student should be informed of the new timeline and given the right to an expeditious review by an appropriate decision-maker outside the Code process.

Working Group Response

In the Code of Student Rights and Responsibilities, Item 2 in Appendix B: Interim Measures and Ongoing Support of All Parties states:

Interim measures will be reviewed on an ongoing basis throughout the process to ensure the measures remain necessary and appropriate in the circumstances. Interim measures are temporary and do not extend beyond the final resolution of a complaint.

This item clearly states that interim measures are reviewed regularly and adapted accordingly, meaning that they can increase or relax as more information is made apparent. It also states that interim measures cannot extend beyond the resolution of a code process. It would not be possible

to put a specific timeline on an interim measure as the length of an investigation cannot be defined at the onset. Every investigation has its unique nuances. Interim measures are intended to address matters of safety and well-being. If those matters have not been addressed, it would be inappropriate for an interim measure to expire because of a previously chosen arbitrary time limit.

During the meeting with a member of the Office of Student Case Management, respondents are also informed that the interim measures will remain in place until the conclusion of the investigation, so they are well-informed.

In addition, given that the Code process aims to proceed rather quickly, only exceptional situations involve lengthy interim measures. The two most common exceptional situations are 1) when a student is currently not enrolled and the initiation of a code process is dependent on their decision to re-enroll at a future time, and 2) if a student is facing criminal charges for the alleged offense. In both cases, safety and well-being of community members will always be the reason for the interim measures. Most commonly, that involves some form of threat, harassment or physical violence.

In other parts of the Code, the duration of an imposed measure may be determined by the time it takes for a respondent to meet a predetermined condition, rather than a fixed length of time. For example, a suspension from the University can be for a specified period of time and/or until the condition of imposed conditions are met.

The working group believes that the information provided in the Code of Student Rights and Responsibilities, letters to respondents, and meetings with a member of the Office of Student Case Management results in a student being well-informed about the logistical details of an interim measure. The working group suggests that specific details about the timeline not be defined as to maintain flexibility in the process. The code allows for the length of sanctions or outcomes to be dictated by “conditions met” rather than simply length of time. The Student Case Management Office will continue to enhance the clarity of this information in letters to the students. This item will be further clarified the next time the policy is reviewed in 2025.

JURISDICTION (OMBUDS REPORT)

Students often take breaks during their studies prior to graduation but may still engage in university-related behaviour that can result in allegations of misconduct. In these circumstances, it is unclear whether or in what way the Code may be applied.

Ombuds Recommendation:

That the Code clarify whether and/or how it applies to incidents that are alleged to have occurred when an individual is not enrolled at the university at the time of the alleged incident(s) but is eligible to continue in their program should they choose to register in the future.

Working Group Response

A student who is not currently enrolled is not processed under the Code unless or until they re-enroll. When Student Case Management receives a complaint about a student who is not currently enrolled in classes, and the complaint meets a threshold where an intervention is deemed necessary (they always have to do with safety and well-being concerns of community members – usually staff/faculty), the unregistered student is notified of the complaint and the ensuing code process. They are also notified that the process will remain paused until the individual indicates they wish to return to their studies. Given that these tend to be more serious cases, an enrollment block is placed on the student's Mosaic account with a direction to contact the Student Case Management Office. Once the student notifies McMaster of their wish to resume their studies, the code process is initiated. In most cases, given the nature of these types of cases (safety and well-being issues) we will complete the code process before a student returns to campus life. This is our best means of ensuring the safety and well-being of all community members. This has been our practice with the support of Office of Legal Services for at least five years.

The working group suggests that when the Code undergoes its next review/revision cycle in 2025 that consideration be given to adding information about when a student is not enrolled at the University at the time of an alleged incident.

STUDENT EMPLOYEES (OMBUDS REPORT)

I am occasionally approached by graduate students who are teaching assistants or research assistants and are facing allegations of misconduct that are not related to their employment. In some cases, they are treated as employees and the allegations are handled by Human Resources rather than by the Student Support and Case Management Office under the Code. Graduate students who are also employees are normally employed for a maximum of ten hours a week and are only employees by virtue of their status as graduate students. The Code is a preferable process in most cases because it provides greater procedural safeguards as well as the possibility of educational and restorative justice outcomes. When the matter is unrelated to employment

duties, processing all students under the Code regardless of whether they are teaching assistants or research assistants would ensure greater equity among students.

Ombuds Recommendations:

1) That the Code clarifies the criteria used to determine jurisdiction when students who are also employees are facing allegations of misconduct.

Working Group Response

These decisions are made in consultation with Employee Labour Relations (ELR). Typically, the primary process is determined by the role that the student/staff was fulfilling when the incident occurred. There are sometimes cases where the behaviour of a student/staff transcends both their role as a student and a staff member and a single investigation is conducted under multiple policies. In all cases, once the primary process is complete, consideration is given to whether there could be impacts to both the student and employment relationship.

If there is any clarification made in the Code, it should be as general as possible. When we get into cross jurisdictional issues they are always tied to safety and well-being issues for all parties involved. Furthermore, each situation is so nuanced with their own unique host of protective and risk factors, that there needs to be flexibility to be able to respond quickly and in the best interests of all parties.

The working group suggests that when the Code undergoes its next review/revision cycle in 2025 that this recommendation is explored with ELR and OLS.

2) That the Code specifies a decision-maker regarding issues of jurisdiction involving students who are also employees.

Working Group Response

The decision is typically recommended by the Director of Student Case Management for student matters and by the Executive Director, Health, Safety, Well-being & Labour Relations for employment matters. In cases where a student/staff may be facing interim measures that affect both student and employment terms, the Associate Vice-President (Students and Learning) & Dean of Students and Associate Vice-President & Chief Human Resources Officer are the decision makers.

The working group suggests that when the Code undergoes its next review/revision cycle in 2025 that consideration be given to including information about the decision makers.

CODE APPEALS (OMBUDS REPORT)

A student found in violation of the Code may only appeal a decision of the Dean of Students (or Provost) to the Senate Board for Student Appeals (“SBSA”) in circumstances where the outcome is that the student is suspended or expelled. The SBSA is the highest level of appeal for students within the university and provides students with greater procedural protection than other processes. The three-person SBSA hearing panel includes a student member and the decisions are reported to the university senate and available publicly. The ability to appeal to the SBSA should be accessible to any student facing disciplinary action who wishes to question the outcome and/or process of a lower-level decision.

Ombuds Recommendation:

That the Code allows appeals to the SBSA for any disciplinary decision or process alleged to be unfair unjust or unreasonable.

Working Group Response

The Student Code has appeal mechanisms in place for all levels of decisions. It is not appropriate nor necessary to provide the SBSA level of appeal for all decisions. An SBSA hearing is lengthy, can be expensive and stressful, and should be reserved for decisions with serious impact, i.e., suspensions or expulsions.

The working group suggests that the current process remain in place.

Graduate Student Issues Working Group Report
Responses to the 2022-23 OMBUDS Recommendations Relating to
Graduate Student Issues (Regulations)

Table of Contents

Preamble..... 1

Graduate Student Issues (Ombuds Report)..... 1

Regulations (Ombuds Report).....1

 Ombuds Recommendation2

 Working Group Response2

Preamble

In Fall 2023 a Working Group was convened to address the recommendation raised in the [OMBUDS 2022-23 Annual Report](#) relating to graduate student issues (regulations).

Graduate Student Issues Working Group Members

- Max Altman, PhD Student, PNB
- Stephanie Baschiera, Senior Associate Registrar and Graduate Secretary, SGS
- Brad Coburn, Policy Advisor and Projects Officer, University Secretariat
- Nancy McKenzie, Associate Director, Academic Projects and Reviews

The working group began meeting in November 2023. For the OMBUDS’ recommendation the working group offers a response for consideration. The report is structured such that the context and recommendation from the OMBUDS report proceeds the working group’s response.

Graduate Student Issues (Ombuds Report)

REGULATIONS (OMBUDS REPORT)

Several cases in the past year have centred on disputes involving the [School of Graduate Studies Regulations](#) (the “Regulations”). Any decision based on the Regulations that could potentially have negative consequences for a graduate student attracts the duty to provide procedural fairness: a student should have a reasonable opportunity to present their case, and the decision-

maker has a duty to listen fairly to both sides before rendering a decision. Where the impact on the student is significant, the decision should be in writing and include reasons. Even though a decision may be appealed, the right to procedural fairness exists at every level of decision-making.

Ombuds Recommendation

That the Regulations explicitly include the duty of decision-makers to provide procedural fairness.

Working Group Response

The working group puts forward the following nine recommendations for consideration that highlight potential areas for improved clarity and detail. These recommendations extend beyond addressing the original OMBUDS recommendation of procedural fairness with the goal of implementing proactive measures that will make students more informed and aware of guidelines and policies.

The School of Graduate Studies Calendar (the “Calendar”) and regulations are reviewed annually.

SGS Website Additions - Summer 2024

1. Despite Graduate Program Handbooks referencing the Calendar, graduate students are not as fluent in the Calendar and additional information on the SGS website would be helpful. Some of the notes under sessional dates in the Calendar should be posted on the website, under “did you know”, to specifically highlight key messages related to start of term and final dates for submission as well as on specific pages of the SGS website. Additional information on accommodations (i.e. RISO) should also be included and permission has been granted by Acting Registrar, Sarah Robinson, to use the same verbiage from the undergraduate calendar.

Creation of Tip Sheets/Flow Charts - Ongoing

2. Oftentimes it is unclear to graduate students who they should reach out to for assistance in certain situations and the services and supports that are available to them. The Calendar should be reviewed and consideration should be given to building a set of student tip sheets/flow charts for how to navigate a variety of situations including how to change supervisors. These tip sheets will be available on the SGS website and reference specific regulations for the student and supervisor to follow.

Clarity on Student Statuses and Academic Standing - Approved at Graduate Council May 2024

3. Due to program nuances (e.g., research-based versus professional Master's), the various graduate student statuses need to be clearly defined as well as the corresponding processes relating to updating the status. For example, if an international student wants to return to their home country on a vacation, it should be clear what form they should use.

Sections 2.5.6 (Full-Time on Campus), 2.5.7 (Leaves of Absence) and 2.5.8 of the Calendar was reviewed and updated to clarify full-time off campus status, vacations and leaves of absence. Over the coming months, SGS will create tip sheets for how the process works for each and will clearly highlight potential impacts to funding and OSAP.

4. SGS has created a formalized Academic Standing guide in the Graduate Calendar. Corresponding communications regarding progression issues will be updated to reflect the standing so that students are aware of how particular grades and activities impact student standing and enrollment. This relates to the following sections in the Calendar: 2.6.1 (Definition of 'Good Academic Standing'), 2.6.11 (Failing a Course or Milestone), 2.6.12 (Repeated Courses) and 2.6.13 (Withdrawal). For example, withdrawn in good standing applies to several instances (e.g., student withdraws by choice, or student exits their degree). Being required to withdraw from a program is different and further clarity on the rights and responsibilities a student has will also be noted.

Responsibility of Graduate Students

5. Section 1.3 (Responsibilities of Graduate Students to the University) of the Calendar should be reviewed in the context of disciplinary action, student code and procedural fairness and additional information should be added, as appropriate.

Responsibility of Supervisors and Other Key Stakeholders – Academic year 2024/25

6. Sections 1.2.4 (The Supervisory Committee or Supervisor) and 1.2.5 (The Faculty Advisor) of the Calendar will be reviewed in depth and updated for clarity (in tandem with the development of the new policy for supervision).
7. The note regarding changing supervisors in section 3.1 (General Regulations on Supervision) of the Calendar will be reviewed and revised to provide more detail on how a student can best engage with a graduate supervision team and the role of the supervisor.

8. Guideline documents should be created for supervisors, graduate advisors and chairs (3.1 General Regulations on Supervision) and SGS should consider regular training or updating the documentation as necessary.

Clarity on Appeals and Petitions

9. Clarification will be considered for section 2.5.9 (Appeals and Petitions for Special Considerations). There is potential to reformat into different sections with clear steps and outcomes and review associated forms to ensure they are clear in terms of use and impact. Graduate students are oftentimes unaware that petitions are non-appealable, so additional clarity around the rules and process would be helpful. Also, updating the forms to include additional information should be considered.

Further exploration will be undertaken on how to best communicate the concept of procedural fairness to students. A common understanding between graduate careers should also be investigated to determine what additions to the Calendar might work.