

Report of the Committee  
to Review the Office of the University Ombudsperson  
2012-13

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## **Summary of Recommendations**

1. THAT the Office of the Ombudsperson continue to be structured in such a way so as to maintain the focus of the Ombudsperson on systemic issues while enabling responsiveness to day-to-day inquiries and ongoing management of cases.
2. THAT the Office of the Ombudsperson develop a communications strategy and an annual communications plan, consistent with the mandate of the Office, with assistance from institutional communications professionals.

## Part I. Background and Context

### The Office of the University Ombudsperson

The Office of the University Ombudsperson has been offering confidential advice and assistance to students, faculty and staff at the University of Toronto since 1975.

According to Section 1 of the *Terms of Reference of the Office of the Ombudsperson*:

“The University of Toronto provides the services of an independent and impartial University Ombudsperson to assist the University: in protecting the rights of its students, faculty and staff; in fulfilling its obligations to its students, faculty and staff; and in achieving its mission to be an internationally leading public teaching and research university.

The Office of the Ombudsperson provides an impartial and confidential service to assist members of the University who have been unable to resolve their concerns about their treatment by University authorities. The work of the Office is devoted to ensuring procedural fairness and just and reasonable outcomes. While the Ombudsperson does not have the authority to over-rule decisions, she/he can consider complaints, make informal enquiries, carry out formal reviews, draw conclusions and recommend changes to decisions and to University policies and procedures.”

### The University Ombudsperson

The Ombudsperson is appointed by the Governing Council on the recommendation of the President and is accountable to the Governing Council, as per Section 2 of the *Terms of Reference*.

At its meeting of January 21, 2010, the Governing Council resolved:

THAT Professor Emeritus Joan E. Foley be re-appointed as University Ombudsperson, effective July 1, 2010 and continuing for a further three year term to June 30, 2013 and until her successor is appointed and takes office.

### Review of the Office of the University Ombudsperson

Section 7.2 of the *Terms of Reference of the Office of the Ombudsperson* states that the Office “...shall be reviewed on a regular basis. At least eight months before the end of the term of the Ombudsperson, the Executive Committee of the Governing Council will commission a review, state its terms of reference and appoint its membership. The report of the review will be presented to the Governing Council through the Executive Committee, and the recommendations will be considered for approval by the Governing Council, upon their endorsement by the Executive Committee.”

At its meeting of December 13, 2012 the Governing Council resolved:

- (1) THAT a Committee be established to review the Office of the University Ombudsperson, to submit its report to the February 15, 2013<sup>1</sup> meeting of the Executive Committee and, subject to the endorsement of the Executive Committee, to the February 28, 2013 meeting of the Governing Council;
- (2) THAT the Committee to Review the Office of the University Ombudsperson be charged:
  - (a) to review the status and progress of the Office of the Ombudsperson in the light of the recommendations of the Report of the Committee to Review the Office of the University Ombudsperson, 2009-10, approved by the Governing Council on January 21, 2010, in particular: the awareness of the Office by members of the University community across the three campuses; the communication of its services on the student portal and in electronic newsletters, as well as through vehicles maintained by the academic divisions;
  - (b) to review the effectiveness of the operations of the Office of the University Ombudsperson from July 1, 2010; and
  - (c) to make recommendations concerning the appointment of an Ombudsperson.
- (3) THAT the membership of the Committee to review the Office of the University Ombudsperson be:<sup>2</sup>

Alexis Archbold (Administrative staff governor)  
Aidan Fishman (Student governor)  
Gary Mooney (Lieutenant-Governor-in-Council governor)  
Andrea Sass-Kortsak (Teaching Staff governor)  
Maureen Somerville (Alumni governor, Chair)  
Angela Hildyard (Administrative Advisor)  
Sheree Drummond (Secretary)

The Committee invited submissions from: members of the Governing Council and its Boards; Principals, Deans, Academic Directors and Chairs; Professional, Managerial and Confidential Staff; the University of Toronto Faculty Association; employee unions; and the representative student governments.<sup>3</sup>

The Committee also invited submissions by means of notices in the University's *Bulletin* (electronic newsletter), in the International Students' Centre e-newsletter, on Student Life digital signs (on the St. George Campus) and through Peer-to-Peer Twitter and Facebook.

The Committee met twice, including a meeting with the Ombudsperson, Professor Emeritus Joan E. Foley and the Assistant Ombudsperson, Mr. Garvin E. De Four.

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<sup>1</sup> The timeline was subsequently extended with the approval of the Executive Committee.

<sup>2</sup> Governors absented themselves during the discussion of and vote on the motion to establish the membership of the Committee.

<sup>3</sup> Memorandum attached as Appendix A.

## Part II. Effectiveness of the operations of the Office of the University Ombudsperson

One aspect of the Committee's mandate was to review the effectiveness of the operations of the Office from July 2010. Following the 2006 Review the Office had been re-structured whereby the Ombudsperson was appointed on a part-time basis and was supported by a full-time Assistant Ombudsperson and a part-time Office Assistant. The intent of the structure was to enable the Ombudsperson to focus on systemic issues while the Assistant Ombudsperson would address the day-to-day case work. It was the view of the 2009-10 Review Committee that this restructuring had been successful and that it "...had enabled the Ombudsperson to make highly effective interventions."<sup>4</sup> This view is shared by the current Review Committee.

The Administrative Advisor to the Committee reported that the Ombudsperson has been appropriately proactive in areas that required the attention of the Administration. Professor Emeritus Foley's extensive experience at the University and her understanding of its structures has enabled her to raise awareness of matters and to work collegially towards potential solutions. Members affirmed the importance of keeping a clear distinction between the scope of the Ombudsperson and the scope of the Administration.

The *Report of the University Ombudsperson for the Period 1 July 2011 to 30 June, 2012* provides a comprehensive overview of the systemic issues that the Office engaged in as well as an update on the status of recommendations accepted by the Administration in past years.<sup>5</sup> As noted in the *Administrative Response to the Report of the University Ombudsperson for the Period 1 July 2011 to 30 June, 2012*,

"... the Report describes an increasingly discernable pattern of constructive and effective catalysis, involving improvements to both process and policy, led by the Ombudsperson's work with stakeholders and diverse parts of the University's administration."<sup>6</sup>

Some of the matters were ones that had been raised in earlier reports of the Ombudsperson but due to their complexity, among other reasons, had taken a number of years to address.

Members of the Review Committee share the view that is expressed by the Administration in its *Administrative Response* that

"...the University of Toronto has been well-served by our Ombudsperson and her team, and by their balanced approach to addressing individual cases while setting them in a wider, system-focused context."<sup>7</sup>

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<sup>4</sup> *Report of the Committee on the Office of the University Ombudsperson, 2009-10*, p. 6.

<sup>5</sup> *Report of the University Ombudsperson for the Period 1 July 2011 to 30 June, 2012* attached as Appendix B.

<sup>6</sup> *Administrative Response to the Report of the University Ombudsperson for the Period 1 July 2011 to 30 June, 2012*, p. 1.

<sup>7</sup> *Ibid.*, p. 2.

## Recommendation 1

THAT the Office of the Ombudsperson continue to be structured in such a way so as to maintain the focus of the Ombudsperson on systemic issues while enabling responsiveness to day-to-day inquiries and ongoing management of cases.

### Part III. Implementation of the Recommendations of the 2009-10 Review

Another aspect of the Committee's mandate was to review the progress of the Office of the Ombudsperson in implementing the recommendations approved by the Governing Council on the recommendation of the 2009-10 Review Committee. The specific focus was on: (a.) the *awareness of the Office by members of the University community* across the three campuses; and (b.) the *communication of its services* on the student portal and in electronic newsletters, as well as through vehicles maintained by the academic divisions.

#### Awareness of the Office by members of the University community

A recurring theme in previous reviews was that it should not be an objective of the Office to "drum up business". This view was expressed once again by the current Ombudsperson and was affirmed by the current Review Committee. The distinction was made between wanting to ensure that there is awareness of the Office and its services among members of the University community versus looking to increase the case load of the Office.

There was a sense among Committee members that many members of the University are still largely unaware of the availability of the services of the Office. This was a sentiment expressed in the one piece of feedback received as a result of the call for submissions. In her presentation to the Committee the Ombudsperson also indicated that the issue of awareness of the Office continued to require attention.

Professor Emeritus Foley indicated that this case-load was low relative to other institutions. The case-load of the Office had remained fairly stable since the 2009-10 Review. In 2010-11 the Office dealt with 332 requests for assistance from individuals and in 2011-12 it dealt with 282 requests. As of December 2012 the Office had opened 176 new files and based on the pattern of previous years was on track to 300 cases for 2012-13.

The Committee notes that it may be that the reasons for the comparatively low case-load could be because of a potential lack of awareness and/or because the increased systemic focus over the last several years has led to enhanced responsiveness of the University.

### **Communication of its Services**

Professor Emeritus Foley reported that, further to the recommendation of the 2006 Review, the Office continually looks to try to find new ways to ensure awareness of its services. She noted that information is provided by various means, including sections in the academic divisions' official Calendars, links on University websites, and in Orientation materials (e.g., UTSU Orientation packs). She also commented that some targeted actions had been taken, for example, participation in a workshop for graduate students on issues related to graduate supervision.

The Committee commended Professor Emeritus Foley and her team for their ongoing efforts to raise awareness of the Office. Members suggested that there would be value in developing a formal communications strategy, including an annual plan for communications. In addition, this might include finding ways to measure the impact of communications vehicles.

### **Recommendation 2**

THAT the Office of the Ombudsperson develop a communications strategy and an annual communications plan, consistent with the mandate of the Office, with assistance from institutional communications professionals.

## **Part IV. Recommendations concerning the appointment of the Ombudsperson**

The Review Committee has provided its recommendation to the Executive Committee for endorsement and forwarding for approval by the Governing Council at its meeting on April 9, 2013.

**Memorandum to:**

Governing Council  
 Academic Board  
 Business Board  
 University Affairs Board  
 Principals, Deans, Academic Directors and Chairs  
 Professionals, Managers and Confidential Staff  
 President of UTFA  
 Presidents of Employee Unions  
 Presidents of APUS, GSU, SCSU, UTMSU and UTSU (SAC)

**From:** Maureen Somerville  
 Chair, Committee to Review the Office of the University Ombudsperson

**Date:** January 29, 2013

**RE: Committee to Review the Office of the University Ombudsperson**  
**(a.) Review**  
**(b.) Call for Submissions**

**(a.) Review**

The *Terms of Reference for the Office of the Ombudsperson* (2010) state that “The Office of the Ombudsperson shall be reviewed on a regular basis.”

Professor Emerita Joan E. Foley was appointed as University Ombudsperson for a three-year term from July 1, 2007 to June 30, 2010 and re-appointed for a subsequent three-year term to June 30, 2013.

At its December 13, 2012 meeting, the Governing Council established a committee of members of the Governing Council to review the Office of the University Ombudsperson, with the following terms of reference:

- (a) to review the status and progress of the Office of the Ombudsperson in the light of the recommendations of the *Report of the Committee to Review the Office of the University Ombudsperson, 2009-2010*, approved by the Governing Council on January 21, 2010, in particular: the awareness of the Office by members of the University community across the three campuses; the communication of its services on the student portal and in electronic newsletters, as well as through vehicles maintained by the academic divisions;



(b) to review the effectiveness of the operations of the Office of the Ombudsperson from July 1, 2010; and

(c) to make recommendations concerning the appointment of an Ombudsperson.

The membership of the review committee consists of the following members of the Governing Council:

- Alexis Archbold (Administrative staff governor)
- Aidan Fishman (Student governor)
- Gary Mooney (Lieutenant-Governor-in-Council governor)
- Andrea Sass-Kortsak (Teaching Staff governor)
- Maureen Somerville (Alumni governor, Chair)

Professor Angela Hildyard will serve as an administrative advisor. Ms Sheree Drummond, Deputy Secretary of the Governing Council will serve as Secretary to the Committee.

#### **(b.) Call for Submissions**

Members of the University are invited to submit their advice to the Committee on:

- the awareness of the Office by members of the University community across the three campuses;
- the communication of its services on the student portal and in electronic newsletters, as well as through vehicles maintained by the academic divisions;
- the effectiveness of the Office;
- the future directions and priorities appropriate for the Office.

The Terms of Reference of the Office can be viewed at <http://www.utoronto.ca/ombudsperson/reports/termref.html>

The most recent annual report of the Ombudsperson can be found at [http://www.utoronto.ca/ombudsperson/reports/reports/AnnualReport\\_2011-12.pdf](http://www.utoronto.ca/ombudsperson/reports/reports/AnnualReport_2011-12.pdf)

Please send your written advice in confidence to Ms Sheree Drummond, Secretary of the Committee to Review the Office of the University Ombudsperson, by e-mail at [sheree.drummond@utoronto.ca](mailto:sheree.drummond@utoronto.ca).

The deadline for submissions is **Tuesday, February 12, 2013**.



# REPORT OF THE UNIVERSITY OMBUDSPERSON

**1 July 2011 TO 30 June 2012**

## *Fairness*

*The University of Toronto is committed to fairness in its dealings with its individual members and to ensuring that their rights are protected.*

*In support of this commitment, the Office of the Ombudsperson has been offering confidential advice and assistance to students, faculty and staff on all three campuses since 1975.*

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## Executive Summary

The University Ombudsperson reports annually to Governing Council and the University community. This report is for the academic year 2011-2012.

In the course of the year, the Office dealt with 282 requests for assistance from individuals. In responding to these requests, the Ombudsperson acts in an impartial fashion, acting neither as an advocate for a complainant nor as a defender of the University, but rather assisting in achieving procedural fairness and reasonable outcomes. All matters are held in strict confidence unless the individuals involved provide written consent to talk about their cases with relevant administrators. This report contains statistical information about the users of our services, the kind of matters for which our assistance was sought, the type of assistance provided, and the outcomes.

The resolution of individual complaints is of high importance, not only to the complainants, but also to the institution itself as it strives to achieve excellence as a place for students to learn, and for employees to work. However, beyond that, an individual complaint may reveal a broader problem. A core role of the Office is to identify and address *systemic issues*, those issues that potentially affect many members of the institution, not only an individual complainant. In this way, the Ombudsperson functions as a catalyst for improvements in policies, processes, and procedures. Such improvements are often stimulated through informal discussion without need of formal investigations and recommendations. Nevertheless, on occasion, the Ombudsperson may make formal recommendations in the context of a written report. Such recommendations are not binding on the responsible administrator(s), but they will receive consideration and a formal response.

Systemic issues that engaged us in 2011-2012 included among other things, the need to raise awareness of the international fee exemption for which some students may be eligible, the refund schedule for program fees, the review of the *Code of Behaviour on Academic Matters*, and the development of procedures for the guidance of students with complaints relating to prohibited discrimination and discriminatory harassment. Although student health plans are not a direct responsibility of the University, we also continued to take an active interest in how students who need a reduction in course load as an accommodation for a disability are impacted by the multiplicity of plans for students in undergraduate and professional programs.

We have assisted in the delivery of training courses for new ombudspersons and have also responded to requests for information and advice from new ombudspersons in universities elsewhere, as well as from a district school board considering the establishment of an ombudsperson office. We also continue efforts to ensure as far as possible that members of the University are aware of our services, understand the mandate of the Office, and know how to reach us in case of need.

## **Report of the University Ombudsperson for the Period July 1, 2011 to June 30, 2012**

In 1975, Governing Council established the Office of the University Ombudsperson to support the University's commitment to fairness in dealings with its members. The Office is accountable directly to the Governing Council, hence is independent of the administration. It has unrestricted access to all University authorities. Its services are available to individual staff/students/faculty members on any campus.

A core role of the Office is to identify and address issues that potentially affect many members of the institution, not only an individual complainant (*systemic issues*). The Ombudsperson functions as a catalyst for improvement in the University's policies, processes and procedures, whether through informal discussion or formal recommendations. While not bound by the Ombudsperson's recommendations, the Administration does provide a written response to those that are formally presented.

In considering individual complaints, the Ombudsperson acts in an impartial fashion, acting neither as an advocate for the complainant nor as a defender of the University, but rather as a neutral party assisting in achieving procedural fairness and reasonable outcomes. All matters are held in strict confidence unless the individual involved approves otherwise, in writing. The Ombudsperson does not make decisions for the University; these remain with the responsible administrator.

This report contains three sections:

- 1) *Systemic Issues*. Issues that engaged the Office in the past year and an update on the status of recommendations accepted by the Administration in past years.
- 2) *Handling of Requests for Assistance*. Information about the caseload of the Office in 2011-12.
- 3) *Other Activities of the Office*: Professional and outreach activities.

### **Systemic Issues**

Systemic issues are those that potentially affect many members of the institution, not only an individual complainant. In this section, I discuss the main issues that engaged us in the course of the past year. As well, I continue to monitor some matters that do not fall under the direct responsibility of the University, but that I believe will be of interest to governors.

I would like to acknowledge the assistance of the administrators who have been generous with their time to discuss systemic issues and have worked to find ways to address them to the benefit of the University community. We thank them for their cooperation, without which we could not fulfil the mandate of the Office. Because of the initiatives taken by administrators at an early stage in our discussions, no formal recommendations are brought forward in this report in connection with the issues described.

### ***International Fee Exemption Eligibility***

The office has been approached a number of times by international students who have discovered too late that they would have been eligible for exemption from the international fee--in some cases several years too late. It is not possible for the University to provide the exemption after critical dates, hence these situations cannot be corrected retroactively. Information about the exemption and the qualifying criteria are published on the Student Accounts web site. Even so, the existence of the exemption was easily overlooked--as one complainant put it, "In order to find this information, you have to know to look for it". The School of Graduate Studies references the exemption on its web site and provides a link to the Student Accounts material, but in the past, many other divisions have not done so.

I brought the difficulties students were having to the attention of the Executive Director, Enrolment Services and University Registrar. He and the Director of the Centre for International Experience (CIE) have devised additional ways of drawing the attention of international students (whether undergraduate, professional, or graduate) to the information provided by Student Accounts, using *Join U of T* portal, the CIE web site, and direct email. As well, divisional and college registrars will be encouraged to refer their international students to the CIE site.

### ***Refund of Program Fees.***

In 2009-10, program fees (as distinct from per-course fees) were introduced for full-time students in regulated programs in the Faculty of Arts and Science. Program fees as such were not new, having applied in the past to professional and graduate programs, and also to Years 2 and higher for deregulated programs offered by all three arts and science divisions. However, the application of the University's general methodology for administering the tuition refund schedule for program fees to this new population of students brought certain problems to the attention of our Office for the first time. Students in this new and very large group pursue a great variety of programs and enrol in more heterogeneous combinations of courses than is generally true in professional and graduate programs, or even in the upper years of undergraduate deregulated programs. They are also more prone to change course load from full- to part-time during the course of the year.

As explained in my report for 2010-11, the way the refund schedule affected students under the program fee who withdrew entirely from their studies during a certain period part way through the academic year depended on the mix of full- and half-courses they were enrolled in: During this period, students taking all Y, or all F+S courses, were eligible for a 50% refund, while those with any mix of Y and F courses were not. In the last case, the effective withdrawal date to be eligible for a 50% Program Fee refund was actually early in October when course loads were "frozen", rather than the late January date that appeared on the Student Accounts website.

As an interim solution, the Faculty has responded with measures that have ameliorated the impact for students in certain situations:

- 1) Students in regulated programs who withdrew before the late January date on the University refund schedule with a Y+F course load of 3.0 or more were identified and provided with a refund of 50% of their program fee *unless* they had completed 3.0 full-course equivalents made up of F courses, in which case they were charged the full program fee (as would have been the case had they distributed these courses across the Fall and Winter sessions). These adjustments were made manually, as currently the system cannot handle them automatically.
- 2) Those who withdrew in the same period with a Y+F load below 3.0 but who remained on the program fee beyond the freeze were changed to per-course status and given the appropriate refund under that regime. These adjustments were also made manually.
- 3) ROSI is being reprogrammed so that it recognizes Late Withdrawals (LWDs) and Withdrawals (WDRs) as evidence that the student is no longer in the course, rather than treating them as though the course has been completed. This will enable some students who have not previously been able to do so to cancel their registration and eliminate the need for manual adjustments in certain cases.
- 4) A fuller explanation of refunds from program fees has been given on the Student Accounts website.

In the longer term, the refund schedule for program fees in Arts & Science needs to be considered in the context of University policy and along with the schedules for other academic divisions.

The current *Tuition Refund Policy* was approved by Governing Council in 1995. The *Policy* first enunciates objectives that should be considered and balanced in the establishment of a Tuition Refund Schedule *where tuition is assessed on a course basis*. The list of objectives includes allowing for equitable treatment of students. Curiously, the *Tuition Refund Policy* does *not* mention objectives that should be considered where tuition is assessed on a program basis, but it is clearly much to be desired that equitable treatment of students likewise apply.

The *Policy* goes on to stipulate that, in accordance with the list of objectives, a Tuition Refund Schedule should include an initial “shopping period” and a further period during which courses can be dropped with only limited financial penalty. Because of the wording, it is not clear that the *Policy* requires that these features be included in refund schedules for both program and course fees. Nevertheless, the current program fee refund schedules all do embody these features; however, there are variations among the divisions in the way this is done. In the schedules announced for fall-winter registration in 2012-13, for example, 100% refund of tuition generally is available until the day

before classes start in the division, but in one case it is available only until one week before. All divisional schedules allow a subsequent 2-week period with 100% refund less a \$235 administrative charge, after which the refund falls to 50%. However, some move from 50% to zero refund on December 22, but others on January 20.

An initial review of the larger context has led the Vice-President University Operations and the Vice-Provost Students to decide, with the support of the Office of Student Accounts, to establish a working group during the coming year to look at the broader issue of tuition fee assessment and tuition refund policies and practices. The working group will operate under the umbrella of the New Generation Student Information System (NGSIS) and will consider all aspects, including:

- Transparency, simplicity and fairness of the fees assessment and refund policies for students;
- Resource implications—revenues and costs;
- Academic issues—relationship to sessional dates, add/drop dates, etc.;
- Implementation/accommodation within NGSIS.

According to the current *Policy*, authority to establish the Tuition Refund Schedule in accordance with the *Policy* is delegated to the President, and changes should be reported to the Business Board; however, significant changes should be approved by the Governing Council, as would be the case if changes to the *Policy* itself were to be recommended.

### ***Code of Behaviour on Academic Matters***

In 1995, Governing Council approved the University's *Code of Behaviour on Academic Matters* in its present form. The *Code* sets out the University's expectations with respect to the integrity of the teaching and learning relationship and describes the kinds of behaviours that may be considered to be academic offences. Importantly, it also prescribes, in some considerable detail, the procedures that will be followed when an offence is suspected or alleged. Finally, it contains as an appendix *Provost's Guidelines on Sanctions, Offences and Suggested Penalties for Students*.

Problems relating to the *Code* and its administration have come to my office in each of the five years I have been Ombudsperson, and the matter has been discussed in each of my four earlier annual reports. The matter also figured frequently in reports of my predecessors.

In the Annual Report for 2007-08, I placed the issue in the context of findings of published research on the subject of academic integrity, and cited data on why the responsible parties sometimes do not pursue suspected offences in accordance with approved policy and procedures. I also noted a variety of approaches in the procedures used by other institutions. I summed up as follows.

Clearly, the challenge in any review or revision of the *Code of Behaviour on Academic Matters* is to achieve an appropriate balance between fairness to the



accused and procedures that are not so cumbersome that they discourage their use. It would not be appropriate for me to recommend changes to the policy and procedures on the basis of my consultations and enquiries. However, these do lead me to feel that it may be time to go further than an administrative review.

This led to a formal recommendation, namely, that a review of the *Code of Behaviour on Academic Matters, approved 1995*, be undertaken. This recommendation was accepted by the Administration. Quoting from the Administrative Response to the 2007-08 Report:

The Administration accepts this recommendation and undertakes to conduct a substantive review of the *Code of Behaviour on Academic Matters*. The Provost's Office will commence this review before the end of the academic year '08 / '09.

The Provost's Office later elected to conduct an administrative, rather than a substantive, review of the *Code*. The administrative review, which began during 2009-10, was conducted by the Vice-Provost, Faculty and Academic Life, who gathered information and consulted with the academic divisions and others with a role in the handling of cases.

In the Annual Report for 2010-11, I reported that the Vice-Provost was then working on procedural guidelines with Discipline Counsel. It was also reported that improvements to the procedures and practices of the academic divisions and of the Tribunal in relation to the administration of the *Code* had continued on an on-going basis throughout the period of review. A significant outcome was the preparation by the Tribunal of *The University Tribunal Rules of Practice and Procedure, Effective April 19, 2012* now published on the Governing Council website along with extensive information about the whole academic discipline process.

As well, a new Provost's Advisory Group on Academic Integrity had been established to consider broader academic integrity education and policy issues, including University-wide consistency of approach and application. The Group includes representatives from academic divisions and is co-chaired by the Vice-Provost Academic Programs, the Vice-Provost Faculty and Academic Life, and the Vice-Provost Students. The body has been quite active in the past year, and, among other things, has sponsored a sub-committee working on the development of a central consolidated academic integrity website as a resource for students and faculty throughout the University.

A draft of new *Provost's Guidelines on Sanctions, Offences and Suggested Penalties for Students* will be discussed by the Provost's Advisory Group and circulated to the academic divisions for comment, after which the proposed *Guidelines*, which form an appendix to the *Code*, will be taken to the Academic Board for information. At the same time, the Academic Board will receive the Vice-Provost's report arising out of the administrative review of the *Code*. It is anticipated that the report will place heavy emphasis on the education of students about academic integrity and on training for Dean's Designates and the staff of divisional integrity offices.

### ***Prohibited Discrimination and Discriminatory Harassment: Complaints Procedures for Students***

My Annual Report for 2007-2008 identified the need for a clearly articulated and readily accessible internal process for dealing with complaints of discrimination on prohibited grounds or discriminatory harassment (at that time, such a process was documented only in the case of sexual harassment). In response, the Vice-President HR & Equity developed *Guidelines on Prohibited Discrimination and Discriminatory Harassment* for the guidance of employees, and this document is now published on the HR web site. The Office of the Vice-Provost, Students has since been working on developing guidelines for students. These will be presented as part of a process document which will clarify how, and to whom, students may bring forward all sorts of complaints. The document will be a companion to another document, the *Student's Companion to the Code of Student Conduct* and will be published along with it on the same website, expected to be launched in the Fall of 2012.

### ***Graduate Supervision***

As is reflected in my earlier reports, our Office has frequently been consulted by graduate students (and occasionally by faculty members) about difficulties in the supervisory relationship. This is not a recent problem, the issue having often been raised in the annual reports of my predecessors, dating back over at least 25 years. In fact, as is clear from discussions with my counterparts at other universities, the problem is not unique to the University of Toronto.

The supervisory issues identified by students take a variety of forms, including, inability to find a supervisor, delays in feedback on drafts, inadequate or inconsistent direction, supervisor being unavailable for consultation or otherwise delaying the thesis defence or the publication of research papers, difficulties associated with changing supervisor, and excessive amounts of work on contracts for the supervisor's company at the expense of progress on the thesis.

Students are rarely willing to provide consent for us to talk about their problems with anyone else involved. Likewise, they are frequently unwilling to pursue the administrative channels open to them. They often perceive that such actions will only make the situation worse, and in this respect international students feel particularly vulnerable. An implication of this reluctance of students to provide consent is that we are almost never in a position to hear the perspective of the supervisor or of the department, so usually cannot reach an informed opinion about the fairness or otherwise of the treatment the student has received. While there likely are individual faculty members whose performance falls well short of best practice or who are in violation of conflict of interest policy, it is also probable that individual students may sometimes have unrealistic expectations or fail to respond appropriately to good advice.

Our Office has maintained a close relationship with the School of Graduate Studies, which is well aware that such problems exist and over the years has taken a number of initiatives aimed at improving the situation.

A newly revised version of a long-standing publication, *Graduate Supervision: Guidelines for Students, Faculty and Administrators*, was published in June 2012. The new version includes a discussion of cultural variables that often come into play with the increasing diversity of both students and faculty.

Several years ago, emphasis was added in orientation sessions for new departmental Graduate Coordinators on the need to communicate clearly to students, particularly new students, that their role is to help ensure arrangements to support their success in the program, that they are open to students approaching them to discuss problems that might develop, and that they are available to provide assistance in resolving them.

For a number of years, orientation sessions have been provided to new faculty members who are assuming supervisory responsibilities for the first time. It is emphasized that a faculty member's own success depends in no small measure on their graduate students' successful and timely completion of their programs. Best supervisory practice and issues of conflict of interest in working with graduate students are discussed.

Workshops for graduate students focusing on how to build an effective supervisor-student relationship try to ensure that students are aware of their responsibilities. They clarify expectations in the supervisor-student relationship and present strategies on managing conflict and negotiating differences.

It is discouraging to see how intractable difficulties in the supervisory relationship continue to be, despite all these efforts. Unfortunately, good advice is ineffective if it is either not heard or not heeded by those for whom it is intended, whether they are students, faculty members, or departmental administrators.

What is clear is that, regardless of the root cause of the difficulty in any particular case, it is the student who is at greatest risk when problems develop. It is also the student who is most often reluctant to bring the issue out into the open. By the time we are consulted, the student is typically more interested in tips on how to survive the situation through to program completion, rather than in advice on how the situation can be changed. Students often perceive that, even in the best case scenario, attempting to have the problem addressed offers no assurance of satisfactory resolution and will almost inevitably entail considerable disruption and further delay in their progress to the degree, possibly with financial as well as academic consequences.

We have no nostrums to offer, but will continue to work with SGS towards finding ways to minimize the occurrence of these problems and to address them constructively when they do arise.

### ***Grading Practices Policies***

In my report for 2009-2010, I explained that the relationship between the *Graduate Grading and Evaluation Practices Policy* and the *University Grading Practices Policy* was confused and confusing, and that the opinion of the administration about the proper interpretation of the policies had been inconsistent over the years. I had provided the Provost's Office and the School of Graduate Studies with a fuller report on this matter, urging that confusing ambiguity in the written policies be removed, and that the substantive issue be resolved through the normal processes of governance.

A Working Group on Grading Practices Policies established in response by the Vice-President and Provost consulted widely. I am happy to record that, at its meeting of January 26, 2012, the Academic Board approved the replacement of the two pre-existing policies by three new policies effective for the academic year 2012-2013: *University Assessment and Grading Practices Policy*, *University of Toronto Transcript Policy*, and *University of Toronto Policy on Academic Continuity*.

### ***Student Health Plans***

In my Annual Report for 2010-2011, I drew attention to the impact on certain students of the existence of three separate health plans for undergraduates and professional program students. The plans are not offered by the University, but rather by student organizations, namely University of Toronto Student Union (full-time students at St. George and UTM), Scarborough Campus Student Union (full-time students at UTSC), and Association of Part-Time Students (part-time students at all three campuses). Currently the APUS plan has a lower premium and provides access to fewer benefits than either of the two plans for full-time students

One implication of the situation is its undesirable effect on students with a disability whose accommodations include a reduced course load. While OSAP recognizes a reduced course load as functionally a full-time load for students with appropriately documented disability, the same consideration is not available for the purpose of enrolment in a student health plan. As a result, such students often must choose between putting their academic standing at risk by attempting an ill-advisedly heavy course load, and the alternative of being inadequately insured for health services. It should be noted that the SCSU health plan has for some time allowed part-time UTSC students with a disability to opt in, but, in the past, students who wanted to exercise this option found that they were unable to opt out of the APUS plan.

In my discussions with the student organizations, I expressed the hope that they would be able to agree on an acceptable approach that would be fair to the students in question. I also considered it important that the solution be transparent so that all students who are eligible can know it is available and can take appropriate actions in a timely way.

The student organizations have shown openness to addressing the issue and, although the matter is complex and is not yet resolved, they continue to work cooperatively towards a solution.

Beyond the special issue for students with disabilities, another implication of the multiplicity of plans is that as a student's status changes from full-time to part-time or vice-versa (as may happen more than once in the course of the academic year for students in some programs) their coverage and contributions may also change. An administrative solution for this source of confusion has been proposed in the context of the development of the Next Generation Student Information System. This administrative measure, if implemented, might also help those students with disabilities who initially enrol in a full-time load but subsequently find that situation to be academically unsustainable.

### *Jurisdiction of the Ontario Ombudsman*

In his Annual Report for 2011-12, the Ontario Ombudsman again argued strongly for the extension of his jurisdiction to Municipalities, Universities, School Boards, and Hospitals—the “MUSH” sector. He reported that there were 2,539 complaints and enquiries to his Office in connection with the sector during the year, to which he could not respond. Of these, 50 came from universities. Quoting from his Report,

The issues included fees and refunds, course requirements, marks, expulsions, decisions of internal academic appeals committees, unfair policies – and in one case, the service provided by a university's internal ombudsman. These complaints had to be turned away or referred elsewhere.

There are two provinces whose ombudsmen are able to help people who run into administrative problems with universities. For instance, in 2010-2011, both the Ombudsman of British Columbia and the Citizen's Representative of Newfoundland and Labrador helped students get a second chance when they were in danger of failing or not getting into their desired graduate programs.

These comments give some indication of the types of issues the Provincial Ombudsman might take an interest in were the legislature to decide at some future time to extend the jurisdiction of his Office.

## Handling of Requests for Assistance

During 2011-12, the Office dealt with 282 requests for assistance. This number is lower than in 2010-11 (332) but slightly higher than 2009-10 (273). The reduction from last year reflects a drop in undergraduate/professional students using the services of the Office (although this remains the largest group of users). When the size of the population is taken into consideration, graduate students remain the group most likely to request our assistance. For a more detailed report on who approached the Office, and the issues raised, see Appendix 1.

The Office strives to be accessible and responsive to requests for assistance. Where a meeting is required it is scheduled at the earliest convenience of the complainant. Contact with relevant administrator(s) to discuss the case is undertaken only when consistent with the *Terms of Reference* and with the consent of the complainant, and this year occurred in 20% of the cases. For a more detailed report on the Office's response to requests for assistance, see Appendix 2.

Complainants sometimes withhold consent for us to contact administration about their cases even when such contact would be consistent with the *Terms of Reference*. The most common reasons for such decisions are:

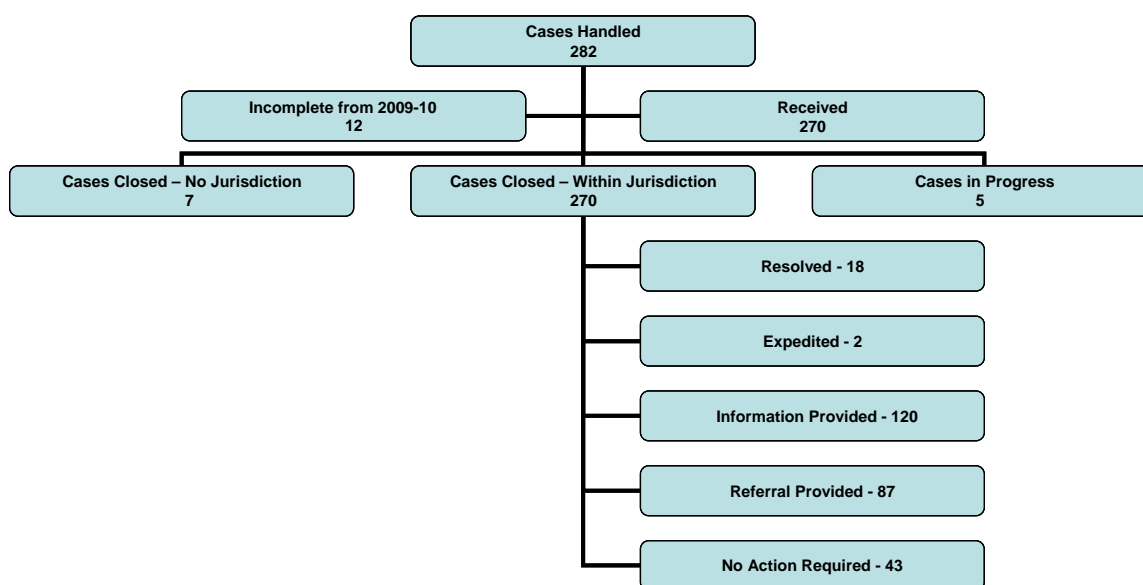
- The complainant prefers to make further efforts to deal with the matter him/herself with the benefit of the information/advice provided by the Office;
- The complainant fears that intervention by the Ombudsperson may have unwanted repercussions, this despite the protections against reprisals provided in the *Terms of Reference*;
- The complainant decides to drop the matter.

Requests for assistance do not necessarily produce the outcomes visitors were seeking when they approached the Office, nor would that always be appropriate. The original decision may prove to be fair, or the complainant's proposed remedy may be inappropriate or unrealistic. Regardless of the outcome, we try to ensure that complainants leave with a better understanding of their issues and able to deal more effectively with the problems that brought them to us; ideally, we aim to transfer skills that will help them to avoid or solve future problems without assistance.

Administrators at all levels in the institution have generally been very open when approached for information and discussion about individual cases, and ready to consider whether remedies to the concerns expressed might be available. They are also typically very receptive to suggestions for improvements in the delivery of services and in the way information is provided to their clientele.

The disposition of cases as of June 30, 2011 is shown below.

## DISPOSITION OF COMPLAINTS AND ENQUIRIES 2011-12



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*Resolved:* Intervention by the Office results in an outcome acceptable to the parties, although it may not be what the complainant originally sought.

*Expedited:* Intervention by the Office results in rapid response to an emergency situation, or unblocks a delay in the process.

*Information Provided:* Office provides and explains policies and procedures relevant to the concern and explains available courses of action. Referral may be included.

*Referral:* Office provides a referral and contact information only.

*No Action Required:* Includes complaint withdrawn (sometimes resolved elsewhere), failure on the part of the complainant to provide needed information, failure to show for appointment.

### Other Activities of the Office

Ombudspersons who were establishing new offices at universities in Peru and in Egypt visited our Office seeking advice and information about how we operate.

At their invitation, I met with trustees of the Toronto Catholic District School Board to explain the role and function of the Office as part of their study of a proposal that the Board establish an Ombuds office.

Garvin De Four, the Assistant Ombudsperson, was once again invited to present at a training workshop for new ombudspersons offered by the Forum of Canadian Ombudsmen. Our Office benefits from our membership in the Forum, and also in the Association of Canadian College and University Ombudspersons.

The Office assisted the University of Toronto Student Union by providing neutral and secure storage space for ballot boxes during the Union's annual elections.

With the inevitable and inexorable turnover of members of the University community we continue to find ways to inform newcomers about the availability of our services. We again participated in student orientation programs and advertised in various campus publications, both print and electronic. We also maintain our presence on the web site and the portal. Our business card holders were again included in UTSU orientation kits, although unfortunately the number of kits distributed was significantly lower than in past years, which may have some bearing on the reduced number of contacts with the Office from students in this category. The business card holders were also distributed to attendees at the Grad Room Information Fair. During the year, over 4,000 bookmarks were distributed to the mailboxes of individual faculty, staff and graduate students, to new academic administrators, and to counselling offices. Our objective has been to reach every academic and administrative unit in the University, and over the past four years we have distributed some 31,000 bookmarks in this fashion. We plan to continue this program on a rotating basis.

I am most grateful for the high quality of the work performed by my colleagues Garvin De Four, Linda Collins, and Stephanie Ellul, and for their exemplary commitment to the mandate of the Office. Linda Collins retired at the end of April 2012 after nearly 13 years of dedicated service as Assistant to the Ombudsperson. Linda provided part-time secretarial and administrative support for the Office and was often the first point of contact for individuals seeking assistance. We were very sorry to lose Linda, while at the same time we are pleased to welcome Stephanie to our team.

Respectfully submitted,

Joan Foley  
September, 2012



## Appendix 1

### *Who Approached the Office, and Why*

#### Group A: Graduate Students and Postdoctoral Fellows

The caseload for graduate students in research-stream and professional masters/doctoral programs, and postdoctoral fellows under the auspices of SGS, is shown broken down by the four Divisions below. Participation as a percentage of the total student enrolment is shown in parentheses.

Division I	Humanities	7	(0.5%)
Division II	Social Sciences	34	(0.6%)
Division III	Physical Sciences	11	(0.4%)
Division IV	Life Sciences	12	(0.3%)
	Unknown	8	
	Toronto School of Theology	1	
Total		73	(0.5%)

The total number is virtually identical to last year, when it was 71. While the case load is low as a proportion of total graduate enrolment, graduate students are the biggest users of the Office in proportion to their total numbers, a consistent pattern over five consecutive years.

The matters brought to the Office by graduate students were often complex and time-intensive, and frequently concerned fees/financial assistance, problems with supervision, and academic issues leading to termination or lapsing.

Typically, students having difficulties in the supervisory relationship sought advice on how to manage their situation themselves. Although some followed advice to seek assistance from academic administrators in their department, and/or from the Vice-Dean Students at SGS, many were reluctant to do so. None provided consent for our Office to talk with anyone in the department or at SGS about their situation. Lacking insight into the perspective of the supervisor or the department on the problem, it remains difficult for us to evaluate the situations described, although many of the students were undoubtedly in genuine distress. The nature of the difficulty varied, but some common themes were: inability to find a supervisor for a desired thesis topic; general discomfort with the supervisor based on attitudes to ethnicity or gender or on perceived psychological instability; cost in time taken to graduate arising from a change of supervision; delay in completion of thesis because of foot-dragging on the part of the supervisor or arising from work required on contracts for the supervisor's company; unanticipated advice to withdraw after a significant time commitment to the program without any earlier indication of deficiencies in the student's progress. A fuller discussion of problems revolving around the supervisory relationship is found in the section of this report dealing with systemic issues.

Group B: Undergraduate, Professional, and Continuing Education Students

The caseload for all students in programs *not* under the auspices of the School of Graduate Studies (SGS) is shown by academic division below.

First Entry

Arts & Science	45	(0.2%)
UTM	26	(0.2%)
UTSC	12	(0.1%)
Applied Sci. & Eng.	7	(0.1%)
Music	2	(0.4%)
Kinesiology & Phys. Ed.	3	(0.4%)
Trans. Year Program	0	

Professional & Continuing Education

Continuing Studies	0	
Dentistry	0	
Law	0	
Management	0	
Medicine	2	(0.05%)
Medicine Postgraduate	0	
Nursing	2	(0.6%)
OISE/UT	2	(0.1%)
Pharmacy	6	(0.6%)
Pharmacy Residents	0	
Unknown	7	
Total	114	(0.2%)

We were frequently consulted by students in this group about academic integrity matters, fees/ financial aid, grading practices and/or grading disputes. Other academic concerns included the behaviour of an instructor, academic standing, and the handling of petitions or appeals. Some complaints revolved around campus life issues.

Group C: Administrative Staff

There were 21 requests for assistance from staff (0.2%). Almost all issues brought by staff focussed on workplace situations.

As in the past, matters raised included concerns about the behaviour and/or expectations of supervisors or managers. In several cases, an employee felt that there had been discrimination or harassment based on disability or other prohibited grounds; in other cases, the behaviour as described would be better characterized as incivility. A number of complaints were about the impact of organizational change in the workplace; these

impacts on the staff member included unwanted changes in hours of attendance, in assigned duties, or in physical workspace, and, in some cases, position termination.

As in the past, it was unusual for staff to seek any involvement of the Office beyond supplying information about policies/guidelines and advice on the channels to follow.

Sometimes unionized staff members express dissatisfaction with the support/assistance received from their union representative. The Office is careful to respect the role of the unions in matters subject to the terms of a labour agreement, but we do advise unionized staff about how they can properly raise their concerns and have them addressed.

#### Group D: Academic Staff

The Office dealt with 17 requests for assistance from faculty members (0.1%). The following are examples of the very diverse matters on which they sought information and advice.

- bullying in the workplace
- pressure from senior colleagues to have family members placed in a program administered by the complainant
- handling classroom distractions
- possible academic misconduct by a senior faculty member
- difficulties dealing with a company designated by the University to provide a service
- purportedly inadequate recognition of creative professional activity as scholarly work for purposes of promotion
- non-renewal of a contractually limited term appointment supported by an outside grant
- perceived inequitable treatment of contractually limited term appointees affected by the termination of a program
- access to unused research funds beyond a grant period
- access to the scholarship program for dependents of clinical appointees
- apparently low weight given to the University's Employment Equity Policy by a search committee for a tenure-stream position
- apparently low weight given to the "Canadians first" policy of Human Resources and Skills Development Canada by a search committee for a tenure-stream position

#### Group E: Others

The Office was approached by 57 individuals not captured in the any of the three categories above. This heterogeneous group includes:

- post-doctoral fellows supervised by a University appointee but whose own fellowships are administered by another organization, such as a hospital or research institute,
- employees of separately incorporated organizations operating within the orbit of the University (e.g., a student union, an affiliated institution),

- students from another university taking courses here on a letter of permission,
- persons receiving services from a unit operated by an academic division as a training venue for students,
- former members of the University with concerns that did *not* arise out of their period of active participation as a member, and
- parents of students, unsuccessful applicants for admission to a University program, and other members of the public.

Although the Ombudsperson's terms of reference may preclude intervention in some such cases, the matters raised may still warrant consideration by appropriate University administrators, or by non-University authorities. Therefore, whenever possible, the Office provides assistance in the form of referral and/or information in the public domain.

## **Appendix 2:**

### ***How the Office Responded***

Requests for assistance are most often initiated by email (77%) or telephone (12%). The Office responded the same day to 70% of requests, to 90% by the following day.

One or more meetings were held with the complainant in 42% of cases; where needed, they were scheduled as soon as possible (57% were held on the same or following day, 89% within a week). Most meetings are in person at the complainant's home campus, but may be conducted by telephone if the complainant prefers.

With the written consent of the complainant, the Office contacted one or more administrators in 55 cases (20%), initially to gather information and, where appropriate, to seek a resolution. When the Office did intervene, the matter was resolved or expedited to the satisfaction of the complainant in 36% of cases. Where that was not the case, it was commonly because additional information obtained through our enquiries showed the original decision to be fair. Complainants who received information and/or advice from the Office and then elected to pursue the matter without further assistance generally did not advise us of the outcome; hence, we are unable to report on their rates of success in resolving their issues.

Two-thirds of all cases were disposed of within a week, but about 10% required attention for more than a month (sometimes for considerably more).