



TO: Executive Committee

SPONSOR: Robert J. Birgeneau, President

DATE: November 22, 2002 for December 2, 2002

AGENDA ITEM:

ITEM IDENTIFICATION:

Ombudsperson: Report and Administrative Response, 2001-02.

JURISDICTIONAL INFORMATION:

The Terms of Reference for the Office of the University Ombudsperson state that the Ombudsperson shall make an annual report to the University community through the Governing Council.

BACKGROUND:

In 1994, the Executive Committee decided that Council should receive the Report and the administration's response simultaneously so that members of the Governing Council could comment on particular issues with full knowledge of both the Ombudsperson's and the administration's response.

PREVIOUS ACTION TAKEN:

The Governing Council received the Report of the University Ombudsperson, 2000-01, with the Administrative Response, at its meeting of October 25, 2001.

HIGHLIGHTS:

n/a

FINANCIAL AND/OR PLANNING IMPLICATIONS:

n/a

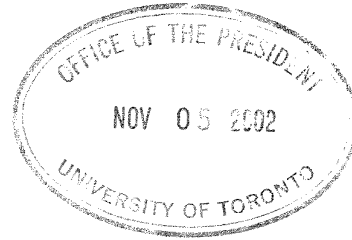
RECOMMENDATION:

THAT the Executive Committee place the Annual Report and the Administrative Response on the agenda of the December 12, 2002 meeting of the Governing Council.



University of Toronto TORONTO ONTARIO M5S 1A1

OFFICE OF THE VICE-PRESIDENT AND PROVOST



MEMORANDUM

To: President Birgeneau

From: Shirley Neuman, Vice-President and Provost

A handwritten signature in cursive script, appearing to read "Shirley Neuman".

Date: November 1, 2002

Re: *Administration's Response to the Report of the University Ombudsperson, July 2001 to June 30, 2002*

I am pleased to forward to you, under cover of this memorandum, the administration's response to the recommendations in the *Report of the University Ombudsperson, July 1, 2001 to June 30, 2002*.

**Administration's Response to Recommendations in the Report of the University
Ombudsperson, July 1, 2001 to June 30, 2002**

General Comments

We are pleased to see that the Ombudsperson is observing a decline in complaints received. The Provost's office has appreciated the guidance offered in previous reports by the Ombudsperson. In the past year we have significantly improved our training of academic administrators, as well as support for them, in order to assure appropriate implementation of policies and procedures. In March 2002 the Provost and the Vice-President, Human Resources, jointly created a new position for a Senior Employment Legal Advisor, who provides support centrally and to the Divisions, to improve our practices.

Recommendation 1(a): That the Administration review the University's current "Guidelines for Academic Appeals Within Divisions" with a view to facilitating the alignment of divisional process, and provide University-wide circulation of any such revised Guidelines to remind Divisions of their responsibility in helping to ensure consistent academic advising and timely procedure and practice with respect to the disposition of formal petitions and appeals of petition denials;

Response: The Vice-Provost, Faculty and legal counsel will work with the Judicial Affairs Officer to determine whether a formal review of the Guidelines will be required. We are also planning workshops and the preparation of support materials for Divisions to ensure consistency in administration of procedures.

Recommendation 1(b): That, as part of its review of the current "Guidelines for Academic Appeals Within Divisions," the Administration conduct an analysis of current requirements and projected needs, in light of the expected enrollment expansion, with respect to resources/personnel involved, University-wide, in academic counseling related to the preparation of petitions/appeals, and in the administration of formal petitions and academic appeals.

Response: The Academic Divisions regularly review support for such activities and effort is being taken to ensure that service levels are maintained or improved during enrollment expansion.

Recommendation 2: That the Administration consider a model similar to the Study Abroad Advisor, in terms of helping to ensure consistent University-wide practice in the implementation of the Policy for Safety in Field Research, as it applies to the University's graduate programs in which field research activities could involve serious health, safety and/or emergency concerns.

Response: The Provost's Office will convene a group of the relevant stakeholders, to include members from Research and International Relations, the Office of the Vice-

Provost, Students, the School of Graduate Studies, Environmental Health and Safety, and Risk Management and Insurance. The group will discuss ways in which our obligations can be met.

Recommendation 3: that, for the purposes of this year's Administrative Response to my Annual Report, the Administration provide the Governing Council and the University community with an update regarding the review and approval process for the revised Policy, Procedures and Terms and conditions for Appointment for Research Associates (Limited Term) and Senior Research Associates.

Response: The draft policy has been circulated to Research Associates for comment. It will then be reviewed in final form by the Administration and taken to Governance. Unless there are significant concerns during the consultation, we anticipate this process will be completed this academic year.

Recommendation 4: That, for the purposes of this year's Administrative Response to my Annual Report, the Administration provide the Governing Council and the University community with an update regarding the deliberations of its Task Force on Emergency Preparedness and Crisis Response.

Response: The Task Force chaired by the Vice-Provost Students, has met several times, and staff are now preparing a draft policy and draft model for consideration by the senior academic administration. The administration aims to bring forward both the policy and a plan for ensuring familiarity for all senior decision-makers in the new year.

Recommendation 5: That Academic Divisions be made aware/reminded of their responsibilities given the current legislative and policy framework regarding students with disabilities, and that they be encouraged to consult the expertise of the membership of the Equity Issues Advisory Group in terms of presentations/seminars and printed communication materials for Division/Department Heads, Chairs, Directors, and other academic, administrative and student community members. This recommendation particularly applies to consulting, on an ongoing basis, the expertise of the Directors of Accessibility Services at all three campuses as the legislative framework for individuals with disabilities undergoes change, and as the Ontario Human Rights Commission increases its focus on the issues of accommodation and accessibility for individuals with disabilities within the province's educational institutions.

Response: The lead role in responding to the new obligations under the Ontarians with Disability Act (ODA) is being taken by the Vice-President of Human Resources, Angela Hildyard. Several initiatives are already under way, including work on barrier-free construction and elimination of physical barriers through the Accommodation Facilities Directorate standing committee on barrier-free access. Professor Hildyard is leading the staging of a major conference on equity on campus in March 2003.

Recommendation 6: That, since the revised Code of Student conduct is now in place as of July 2002, the Administration move forward with its planned review of the “Appropriate Use of Information Technology” guidelines in order to clarify for members of the University community the most appropriate process and procedures in addressing situation involving information technology-based harassment and/or disruption.

Response: The Academic Advisory Committee has struck a working group to review the guidelines and make suggestions for revisions. Student Affairs, in the Vice-Provost Students area, will work with this group to ensure the revisions are appropriate within the context of computer use in residences and student use for co-curricular activities. Once AAC has approved the revisions they will be forwarded to CMB for approval and system administrators will be notified. The revised guidelines are expected to be complete within this academic year.

Recommendation 7(a): That, for the purposes of the Administrative Response to this year’s Annual Report, the Administration provide an update to the Governing Council and the university community, on the status of, and timeframe for, its planned review of the Code of Behaviour on Academic Matters;

Response: The Vice-Provost, Faculty and legal counsel will work with the Judicial Affairs Officer to determine the timing of a review of the Code and to propose a process. While the Administration is hopeful it can get to this task in this academic year, there are many competing priorities. Presently, we are also planning workshops and the preparation of support materials for Divisions to ensure consistency in administration of procedures.

Recommendation 7(b): That, in view of the increasing number of academic misconduct cases, the Administration, as part of its review of the Code of Behaviour on Academic Matters, consider the adequacy of current resources in terms of personnel, University-wide, who are involved in prevention-focused education of the general student population about Code offences, as well as in the administration of the Code up to, and including, the proceedings of the Discipline Appeals Board.

Response: The Academic Divisions regularly review support for such activities and effort is being taken to ensure that service levels are maintained or improved during enrollment expansion.

**Report of the University Ombudsperson
to the Governing Council
For the period July 1, 2001 to June 30, 2002**

**Mary Ward
University Ombudsperson
September, 2002**

**Report of the University Ombudsperson to the Governing Council
For the period July 1, 2001 to June 30, 2002**

Summary of Recommendations

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INTRODUCTION

This annual report covers the period from July 1, 2001, to June 30, 2002. The report provides a statistical summary of the caseload for the year as well as comparisons with the previous three years, updates issues discussed in previous reports and highlights specific cases and issues from this year that warrant attention or comment.

The Terms of Reference of the University Ombudsperson, 2001 (Appendix A), give the Ombudsperson the responsibility to investigate, in an impartial fashion, complaints made by students or members of the teaching or administrative staffs against the University or against anyone in the University exercising authority, and to bring to the University's attention any gaps and inadequacies in existing policies and procedures.

The University provides the operating budget for the Office and the Ombudsperson reports directly to the Governing Council. Because we offer complete confidentiality, operate from a perspective of impartiality and are accessible to all members of the University community, we are uniquely positioned to call attention to patterns of problems that might be developing across various divisions and to seek early resolution of issues that might otherwise not have been apparent.

The Terms of Reference require that the Office "make an annual report to the University community through the Governing Council." This mandate is evidence of the University's resolve to address shortfalls in policies and procedures. For a number of years, the Governing Council has required a formal administrative response to the annual report of the Ombudsperson, thus promoting openness and accountability in dealing with issues, and taking a collective responsibility for their resolution.

I. OFFICE OPERATIONS AND RESOURCES

Coinciding with the end of my first term on June 30, 2001, and in accordance with the Terms of Reference, 1998, the Governing Council established the Committee on the Office of the Ombudsperson ("the Committee") in February 2001, to review the Office's Terms of Reference, mandate and operations. The Committee proposed changes to the Terms of Reference that were subsequently approved by the Governing Council in April 2001, and to four other areas of the Office's mandate and operations that were also approved by the Governing Council, as follows:

1. Consulting Committee to the Ombudsperson

One area of change approved by the Governing Council concerned the administration's response to the findings and recommendations of the Ombudsperson's Annual Reports. It should be noted that the University of Toronto is unusual amongst its North American peers in that the administration provides an Administrative Response to the Ombudsperson's Annual Report, and that the Governing Council considers both documents at the same time. This measure of accountability received very favourable comment by the Ombudspersons from other institutions whom the Committee consulted as part of its review. However, the Committee observed that there had been recurring items in the Annual Reports and recurrent commitments in the Administrative Responses

to addressing these issues over time. Consequently, the Committee recommended that the Ombudsperson implement appropriate follow-up measures on behalf of the Governing Council, and specified that these might include the establishment of an advisory/consulting committee to the Ombudsperson.

Given the Ombudsperson's mandate of confidentiality, neutrality and independence, the membership of any advisory/consulting committee would not be involved in any of the actual casework of the Office, but rather in helping to address operational and service delivery concerns, and in facilitating certain changes referred to in the Annual Reports and Administrative Responses. In this regard, I have consulted on an individual, or small group basis, with more than fifty representatives of the University over the past year including, as suggested by the Committee, representatives from the Office of the Vice-President and Provost, the equity offices on all three campuses, the Office of Student Affairs, the School of Graduate Studies, the Students' Administrative Council (SAC), the Graduate Students' Union (GSU), as well as numerous individuals at University of Toronto at Mississauga (UTM) and University of Toronto at Scarborough (UTSC), including student government representatives at those two campuses. This broad-based consultation has established a network that has assisted me in the accomplishment of two major initiatives. Firstly, it facilitated my outreach efforts at UTM and UTSC, and I am grateful to those individuals for their very helpful input and advice related to my Office's profile, space and scheduling needs last year, as well as to our plans at UTM and UTSC for 2002/'03 (See Section (c) below). Secondly, this consultation network provided considerable expertise, on a timely basis, related to my follow-up efforts on issues raised in previous annual reports, which I describe in a later section of this annual report entitled, "Cases and Issues" (Section III).

My intention is that such a collective resource will become increasingly important in addressing specific issues arising which, by their nature, require more immediate attention than could be provided through the publication of the next Annual Report. I anticipate that I will continue to work with the consulting network on a more-or-less 'ad hoc' basis, with participants approached for consultation and advice depending on the major service, outreach and operational concerns of the Office at any given time. As I mentioned in last year's Annual Report, I anticipate that these representatives will be tapped as a larger collective resource to provide advice and input in preparation for the Governing Council's mid-term operational review of the Office scheduled for early 2004.

2. Provision of Information and Advice

As the result of its discussions and survey of best practices at other Ombudsperson Offices, the Committee on the Office of the University Ombudsperson recommended a significant revision to the Terms of Reference in order to clarify the Office's role with respect to the provision of information and advice. In considering whether the Ombudsperson should remain the 'court of last resort', or whether the Office should become involved earlier in complex situations, the Committee concluded in its report that the Office should "explore and advise on possibilities for further action where the response by other University offices has not been sufficient."

The subsequent revisions to the Terms of Reference approved by the Governing Council indicate that the Office's role is:

“ensuring that information on proper University procedures for problem resolution is provided and distributed as broadly as possible throughout the University community, and that clients understand their routes of access to this information; informing clients about appropriate processes available to them within the context of specific complaints, and providing information on the appropriate kind of supporting documentation; expediting the process toward conflict resolution; and investigating only after attempts at resolution through existing administrative channels have been concluded.”

In later sections of this annual report (Section II: “Caseload and Case Management” and Section III: “Cases and Issues”), I provide statistics and more detailed discussion related to case management and outcome, and I will be referring once again to the role of the Office in providing information and advice, and to the importance of this service to the University community.

3. Appointment and Staff Resources

In response to the Committee's recommendation, the Governing Council reinstated the position of Ombudsperson to full-time as of July 2001, and approved my appointment to a five-year term. With respect to additional staff resources, the Governing Council acknowledged the need for continued administrative support on a 50% basis (.5 f.t.e.), and suggested that any request for additional resources be submitted at a later date after further assessment of the Office's needs. I am pleased to report, at this time, that Linda Collins, who joined the Office in July 2000, is continuing in her role as Secretary to the Ombudsperson on a part-time basis (.5 f.t.e.) on Mondays, Wednesdays and Friday mornings.

In increasing the Ombudsperson's position from part-time to full-time, the Committee acknowledged the importance of a number of factors, including: accessibility to the Ombudsperson, encompassing availability (time in the office), awareness of the Office (across all three campuses), and responsiveness (after the initial contact is made); the complexity of some cases; and the significant enrollment increases forecast for the next several years, and particularly at the Mississauga and Scarborough campuses. In three later sections of this annual report (Section II: “Caseload and Case Management”, Section III: “Cases and Issues” and Section IV: “Concluding Remarks”), I discuss a number of ‘service delivery’ measures related to case management, accessibility and responsiveness that we have included in our data collection over the past year for the purposes of our statistical reporting. In the next section, I provide information related to our efforts to increase the Office's profile at UTM and UTSC.

4. Profile of the Office at UTM and UTSC

During the early fall of 2001, I discussed my office space and scheduling needs with the senior administration at both UTM and UTSC. Finalizing these arrangements has presented considerable challenges given the serious office space shortage at both

campuses, in combination with our unique space requirements. Given our mandate to preserve the confidentiality of visitors, we must be in a position to assure them that they can access our services without being readily observed, and particularly by those about whom their inquiries/complaints may relate. Initially, we agreed to temporary locations at each campus one day, every other week, which provided me with the opportunity to set up meetings with various administrative, academic and student representatives at both campuses. This was important so that I could continue to increase my familiarity with UTM and UTSC and, at the same time, to help increase UTM and UTSC community members' familiarity with the role and function of my office. In early 2002, space renovations and/or rescheduling arrangements had been carried out such that my office hours and location could be finalized on alternating Thursdays at each campus. We distributed information announcements to both colleges-at-large through their list serve facilities. We also made arrangements for website linkages between our website and UTM and UTSC websites. I would particularly like to express my appreciation to Prof. Cleo Boyd, Director of the Academic Skills Centre at UTM, and to Ms. Alexandra Love, Director of the Health and Wellness Centre at UTSC, for offering to make available some of their office space.

As the University continues to prepare for the enrolment expansion expected over the next few years, and in order to fully implement the Governing Council's recommendation about increasing the Office's presence at UTM and UTSC, I am scheduling one day per week at both campuses, during the 2002-2003 academic year. Ms. Alexandra Love has confirmed the availability of office space on a weekly basis, every Thursday, at UTSC. Mr. Mark Overton, Assistant-Principal (Student Services) and Dean of Student Affairs at UTM, has made arrangements to provide office space, on Mondays, within UTM registrar services' area, until the space shortage issue is not so critical at UTM, and we are able to locate more suitable space. We have requested that information about the role, function and availability of the Office be included in the student government handbooks at UTM and UTSC. In addition, we have printed bookmarks with information about the Office, and arranged with UTM and UTSC representatives to distribute these bookmarks in first year students' and student residence orientation packages.

Unfortunately, my schedule for the UTM and UTSC campuses results in our St. George office being closed on Thursdays, due to the Office Secretary's part-time status. We will continue to monitor this situation in terms of my Office's accessibility and responsiveness. With two days per week scheduled at UTM and UTSC, my concern is that only 60% of my time remains available at the St. George campus, where 90% of my overall caseload is centered. I provide more information related to this aspect of the Office's service to the community in a later section of this report (Section IV: "Concluding Remarks").

II. CASELOAD AND CASE MANAGEMENT

1. Focus of the Office on More Complex Cases

The Office of the Ombudsperson handled 288 complaints and inquiries from July 1, 2001, to June 30, 2002. This represents a 20% decline in caseload from the previous year (See Appendix B: "Number of Cases by Year"). A number of factors may have

contributed to this decline in caseload, including: increased availability of alternative counselling and complaint resolution resources across all three campuses (academic, financial, registrarial/student service and equity issues counselling and advice); increased availability of website-based information from divisions at all three campuses; fewer errors or 'deficiencies' on the part of faculty and staff in implementing policies and guidelines, and under-reporting of issues to the Office by the University community as evidenced by the number of complaints/inquiries (288) in relation to the student population (over 55,000). Based on survey information provided by The Ombudsman Association which indicates, for example, that the average caseload for participating Canadian academic institutions was 410 cases (with a median caseload of 371 cases), and that for U.S. academic institutions, it was 355 cases (with a median caseload of 300 cases), I would expect the caseload at the University of Toronto to be significantly higher.

Another Ontario University Ombudsperson reported a similar decline in caseload recently at her institution that she attributed largely to the availability of increased campus-wide website-based information. It is interesting to note as well that the Ontario Ombudsman's Office reported a 20 % decline in caseload in its last reporting period. According to the Ombudsman of Ontario's annual report, his Office's decline in caseload is reflective of a longer-term trend over the past several years, and can be attributed, in large part, to a reduction in the Office's public education and outreach activities as a result of budget constraints starting in the 1996-1997 fiscal year. The Ontario Ombudsman states that this has impacted on the public's level of awareness of his Office and its services. This has been the experience, as well, of our Office in terms of significantly reducing outreach expenditures and activities following the budget reduction allocated to the Office beginning in the mid-nineties.

While a combination of the factors listed above may well have contributed to this Office's reduction in caseload, a similar decline is unlikely to continue, given the enrolment expansion expected over the next several years, together with the University-wide presence of this Office. During this past July/August 2002 period, for example, we received a higher number of complaints/inquiries from individuals (56 cases) than in the same timeframe in the previous several years.

As I commented in last year's annual report, the Committee on the Office of the Ombudsperson, in its deliberations about the Office's resources and effectiveness, considered the number of inquiries classified as "Information" over the previous six years. The Committee commented that in 1994/95, 71% of the cases were classified under information, and the remaining "were classified as complaints". The Committee further commented that 57% of the cases from 1999-2000 were classified under information, and that although the percentage of information cases had decreased since 1996 {when it was 83%}, they were still the majority of cases with which the Office dealt. The Committee's Report indicated that the issue was whether or not "the main focus of the Office should remain on being actively involved in cases where existing administrative means for addressing problems had been exhausted." The Committee's conclusion was that the services of the Office were "seen to be broader than that by those who come looking for advice and guidance."

In my report last year, I indicated that the percentage of information cases for 2000-2001 totaled 56% (199) of the cases. This year, the number of information cases has declined even further to 136 inquiries/complaints, or 46% of the caseload (See Appendix C: “Analysis of Caseload by Action Taken and Staff Resources”). However, as I have stated in previous annual reports, I would emphasize once again that some of the more complex issues and complaints brought to the attention of this Office involve cases that, in terms of their final disposition, are categorized as “information” rather than “expedited” or “resolved”. We continue to find that the resolution of some complaints has come about quickly and easily, while some “information” cases require a larger investment of time on the part of our Office when the issues involved are complicated. In accordance with the Committee’s clarification of the Office’s role in providing information to complainants, students, faculty and staff in these situations provide very positive feedback to us about our assistance in identifying options and providing suggestions, from a neutral perspective, to facilitate their handling of these issues. Frequently, our efforts in these “information” cases help our visitors to achieve earlier resolution of their own concerns, at a point in the process prior to a more formal and lengthy petition, appeal or other complaint resolution process. I would also highlight, as an important feature of the Office’s case management and of our increased focus on the more complex cases, our involvement in outcomes categorized as “expedited” and “resolved” over the past several years. In particular, I would point out the considerable increase in these cases that has grown from a total of 9% of the caseload in 1997-98 (30 cases, combining expedited and resolved outcomes), to a total of 23% of the caseload this past year (65 cases, combining expedited and resolved outcomes).

This year, we have introduced substantive change to our information collection and data management. At a later point in this report (Section III: “Cases and Issues”), I provide more detailed information related to “student caseload by issue” (See “Appendix D, Table 1”), and “caseload by assistance provided” (See “Appendix D, Table 2”), that is designed to better reflect the demand for, and performance of, this Office. In section IV: “Concluding Remarks”, I also report on a number of other case management variables related to our accessibility and responsiveness (See “Appendix E, Tables 1 and 2”). I anticipate that this additional information will help to establish a number of ‘case management benchmarks’ to provide assistance to the members of the Governing Council in their ongoing evaluation of the Office’s resources and service to the University community.

2. Information Resources

(a) Information Booklets

In late 1999, a series of information booklets was published by the Office of Student Affairs, with input from this Office, which included information about the most frequent areas of inquiry that this Office had received over the years, including: fees and fee refunds, academic honesty, grade disputes, and non-academic discipline and the Code of Student Conduct. According to evaluation surveys carried out by Student Affairs, this series has been well received by students and by members of the administration as a very useful resource, complementary to other academic counselling services provided. The brochure series is accessible at the Student Affairs website, as well as through our

website. The Office of Student Affairs has sought additional feedback from students, staff and faculty over the past year, and has made significant changes and improvements to the series. I understand that the Office of Student Affairs' publication scheduling will result in the revised "Rules, Rights & Responsibility" brochure series once again being available to the University community for the 2002-2003 academic year, through both print and website communication.

(b) Telephone Information System

I commented in last year's annual report about the deficiencies of the Office's automated telephone information system in addressing the needs of students, staff and faculty members who approach this Office for information and advice. In its report, the Committee also commented on the limitations of the telephone-automated service, and acknowledged that: "the availability of a live voice on the telephone would be well received but would require staffing changes." My time involved in meetings and away from the St. George office at the other two campuses, combined with the Office Secretary's part-time schedule, necessitates an automated service to provide information and referral advice (including referral to our website for more detailed information) to callers with more general inquiries, when we are unavailable.

We continue to review and improve the content of our automated service, for example, by updating the appropriate voice-box information avenues in accordance with the revised information booklet series. We have also requested reports on our system by the University's telecommunications consultants to continue assessing our voice-mail information in terms of service delivery. In preparation for another significant 'renovation' of our telephone information script, we have requested telecommunications reports covering two months of usage, the results of which we will assess and follow-up in early 2003.

(c) Website

Last year, in response to the Committee's emphasis on the importance of the application of information technology, we worked in close collaboration with Mr. Ihor Prociuk from the University's Information Commons Digital Studio in order to make our website a more helpful information resource for students, staff and faculty members. We also implemented a more detailed summary report format so that in addition to tracking the overall count of visitors to the website, we are able to track the network sources of those visitors, and the website pages selected by them for viewing. This is to assist us in our ongoing evaluation of our website's design and content in terms of improving its usefulness as an information, outreach and referral resource.

The summary report provided to us by the ScotiaBank Information Commons Digital Studio indicated a total of 6182 hits from all servers ("All hits") for the nine-month reporting period October 1, 2001 (when the website redesign was completed), to June 30, 2002, and a total of 1461 hits from U of T networks during the same time period. The fact that this nine-month count approaches the total number received during the 12-month reporting period, July 1, 2000, to June 30, 2001, when 1540 hits were recorded, underscores the importance of our website as a useful point of access to information for

the University community about the role and function of this Office. With respect to the Office's profile at UTM and UTSC, I would also report that the visits to our website, during that same nine-month period, from UTM (222 hits) and UTSC (108 hits) networks, totaled 330 hits, which represents 23% of the total hits from U of T networks.

Our website includes the Terms of Reference for the Office, the Ombudsperson's Annual Reports and the Administrative Responses, additional information about how this Office can help, the Report of the Committee on the Office of the Ombudsperson, and our revised 'information intake' form in 'downloadable' format, which we added to the website in response to a recommendation by the Committee. We have also implemented linkages to numerous other University websites in order to increase our website's usefulness to students, staff and faculty as an information and referral resource.

(d) Professional Development

In October 2001, I attended the First International Conference of The Association for Conflict Resolution held in Toronto. The agenda included small group seminars and discussions related to mediation and conflict resolution practice, bias awareness, restorative justice, and theory and research related to mediation for practitioners. I also attended the mid-year meeting of the Association of Canadian College and University Ombudspersons (ACCUO) held in Montreal at Concordia University. The agenda included a presentation by one of our member University's Advisor on Rights and Responsibilities, with follow-up discussion related to colleges and universities' co-ordination of their emergency response personnel and programs. This past July, I attended The Ombudsman Association's (U.S. based organization) advanced workshops held in Toronto where small group seminars and discussions centered around the practice of small group facilitation, facilitating agreement, and casework involving role-play cases with external pressure, high visibility and/or highly stressed or emotional participants.

Participation in these professional development opportunities is particularly important given the unique confidentiality and neutrality mandates of Ombudspersons' Offices within their University operating environments, and the membership's useful exchange of information and expertise related to Ombudspersons' central mandate of individual complaint resolution.

(e) Equity Offices

I have found it very helpful to draw upon the resources and consultative expertise of a number of members of the University's Equity Issues Advisory Group over the past year. I would like to express my appreciation to the equity officers for their excellent input and counsel, and I anticipate that representation from the Equity Issues Advisory Group will continue to play a key role in the Office of the University Ombudsperson's consultation/advisory network.

III. CASES AND ISSUES

Following is a summary of issues and cases including comments related to this year's caseload statistics, and follow-up to previous years' Annual Reports. While some cases

have related to serious but probably isolated problems that have arisen, others have revealed larger policy and procedure implications. I have highlighted these and made recommendations to address the various concerns.

1. Constituency Groups and Issues

Over the past year, we have introduced new caseload measurements that we anticipate will provide a better indication of the demand for, and performance of, this Office. While some categorizations require relatively straightforward data collection and analysis (e.g. What subject did the complainant's issue concern? or: How long did it take the Office to respond?), others attempt to quantify more qualitative and descriptive data (e.g. What if the student raised a number of issues, varying in complexity, warranting different approaches, and involving a number of consultations as well as other types of intervention, over a lengthy period? Then, and this is not a highly unusual situation, what was the role of the Office in assisting with resolution?). Efforts to quantify caseload information, for reporting purposes, frequently involve subjective interpretation and analytical difficulty due to the overlapping nature of issues and/or interventions that frequently arises. Nevertheless, we provide the following information in an effort to better describe the role and function of the Office, and to facilitate the Governing Council's ongoing evaluation of the Office of the Ombudsperson's service and performance.

The distribution of the caseload across the University's constituency groups is shown in Appendix F: "Analysis of Caseload by Constituency". We have included information related to student caseload by issue and caseload by assistance provided as Appendix D, Tables 1 and 2, of this annual report.

(a) Undergraduate Students

One hundred and thirty undergraduate/professional faculty students approached our Office for assistance last year. This represents a decline of almost 25% from the previous year (172 students). Undergraduate students remain the largest constituency group assisted by this Office, in terms of percentage of caseload, at 45%.

At an earlier point in this report (Section II.1), I proposed a number of factors that may have contributed to such a reduction in caseload. If one considers, for example, that there were 330 visits to our Office's website from UTM and UTSC networks, while only 30 UTM and UTSC students (representing 15% of our student caseload – see Appendix E, Table 2), in total, approached this Office for assistance, it appears that our website is providing helpful information and referrals to students who might previously have approached this Office, somewhat prematurely, at the initial stages of their efforts to resolve their concerns (e.g. concern about a mark, or wondering how to appeal a final grade). However, I most definitely share the view expressed by some members of the Committee that students are under-reporting their complaints and issues to this Office. To increase awareness amongst the undergraduate student population about this Office's existence, role and function, we have printed 10,000 bookmarks with information about the Office including our website and e-mail addresses. Members of the Students' Administrative Council (SAC), Students' Council Scarborough Campus (SCSU) and

UTM Residence Services' staff agreed to distribute these bookmarks within first year students' orientation packages this fall (2002). We would like to extend our thanks to these individuals and organizations for their help with the Office's outreach program.

Fifty-one of the undergraduate/professional faculty students who requested our assistance (42% of the undergraduate caseload) raised more than one issue. Undergraduates who approached this Office for assistance raised concerns most frequently about the following five issues: petition denials (30% of the undergraduate cases included this issue); academic concerns related to class instruction and/or instructors' behaviour (21%); administrative policy/procedure involving access and timeliness issues (20%); grading disputes (15%), and fees issues (14%).

In terms of the complexity of some of these cases, the assistance provided by this Office to 36 of the undergraduate/professional faculty students (29%) involved three or more 'types of intervention.' Fifty-four cases (43% of the undergraduate caseload) involved individual consultation to discuss issues and options and, of course, the more complex cases would involve more than one meeting/discussion with the student. I provided informal mediation/facilitation in 23 cases (19% of the undergraduate caseload). In 15 cases (12%), I contacted multiple individuals in departments/units related to resolution.

i) Petitions and Appeals of Petition Denials

As I mentioned above, almost 1/3 of the undergraduate/professional faculty students who approached my Office for assistance had complaints related to petition denials and/or their appeals of those denials. Petitions relate to a formal request for some kind of special consideration or exemption from academic regulation. My concern with respect to this issue is twofold: firstly, that the volume of petitions and academic appeals will most likely continue to increase over the next several years, given the significant enrolment expansion forecast; and secondly, that considerable potential exists for significant variance University-wide with respect to academic counsellors' advice to students about the petition process, and to the disposition of petitions (and the appeal of petition denials) up to the level of the Academic Appeals Committee of the Governing Council. The University has implemented "Guidelines for Academic Appeals Within Divisions" which are designed to "establish certain essential features of an appropriate appeal system." With respect to the issue of timeliness, for example, these Guidelines state that: "Divisions should establish a suitable time limit for the launching of appeals." The Guidelines also state that: "The divisional committee should give appellants a concise but complete statement of reasons for the decision at the time the decision is handed down." I have seen considerable variance University-wide with respect to the implementation of these two general principles related to fair process. These guidelines were last revised in 1977.

Recommendation 1(a): That the Administration review the University's current "Guidelines for Academic Appeals Within Divisions" with a view to facilitating the alignment of divisional process, and provide University-wide circulation of any such revised Guidelines to remind Divisions of their responsibility in helping to ensure consistent academic advising and timely procedure and practice with respect to the disposition of formal petitions and appeals of petition denials; and,

Recommendation 1(b): That, as part of its review of the current “Guidelines for Academic Appeals Within Divisions,” the Administration conduct an analysis of current requirements and projected needs, in light of the expected enrollment expansion, with respect to resources/personnel involved, University-wide, in academic counselling related to the preparation of petitions/appeals, and in the administration of formal petitions and academic appeals.

(b) Graduate Students

Sixty-seven graduate students approached us for assistance last year, representing a slight decline from the previous year when 73 graduate students brought their complaints and inquiries to our attention. Graduate students continue to represent almost one-quarter of our caseload.

Thirty-one of the graduate students (48%) who approached this Office requested assistance with more than one issue. For graduate students, the issues raised the most frequently included: petition denials, including those related to termination (27% of the graduate student cases included this issue); complaints/concerns related to graduate student supervision (25%); academic concerns related to classes/teaching (25%); fees (25%), and access/timeliness issues related to administrative policy/procedure (25%).

As I commented in last year’s annual report, graduate students’ issues often develop over a longer period of time and their impact may be experienced on a longer-term basis, given the nature of the supervisory relationship. Consequently, we find that they involve relatively more time and attention on our part. The assistance provided by this Office to 27 of the graduate students who approached us (42% of the graduate student caseload) involved 3 or more ‘types of intervention.’ Thirty (47%) of the graduate students’ cases involved contacting individuals related to fact-finding/investigation. We were involved in mediation/facilitation in 15 cases (23%), and in 15 cases (23%), we contacted multiple individuals within a department/unit in seeking resolution. We were involved in individual consultation with 71% of the graduate students who approached us (46 individuals), which often necessitates several meetings per student for those involved with more complex, long-standing issues.

The School of Graduate Studies has been involved in two new initiatives (See i and ii below) over the past year which I expect will help to address, in terms of improved process and communication, some of the complaints and inquiries raised by graduate students last year, and to which I have referred in previous annual reports. I understand that these new initiatives are part of the School of Graduate Studies’ ongoing effort to help reduce graduate student attrition, improve time-to-completion and student satisfaction, and address faculty workload through encouraging and facilitating improved supervisory practices and administrative processes.

i) Supervision

One-quarter of the graduate students who approached my Office for assistance last year, raised issues related to their supervision. The School of Graduate Studies (SGS) has

prepared a new booklet about graduate supervision guidelines to be distributed to graduate students and graduate faculty in which the rights and responsibilities of both student and supervisor are described. The booklet, a 'companion manual' to SGS's "Intellectual Property Guidelines for Graduate Students and Supervisors," published in 1999, was circulated in draft format to the Graduate Students Union (GSU), selected faculty members from each SGS division, the SGS Committee of Deans and my Office for comments and suggestions. I look forward to the publication of this important new resource for graduate students and graduate departments in the fall of 2002, when I understand that it will be available for distribution in print format as well as accessible on the SGS website.

ii) Extensions, Reinstatements and Appeals Procedures

More than one-quarter of the graduate students who approached us had concerns related to petition denials and the appeals process available to them, including, in some cases, appeals related to the termination of their candidacy. In previous annual reports, I have raised the issue of timeliness with respect to the petition and appeal processes.

The SGS is in the process of preparing new Graduate Department Academic Appeals Committee guidelines that are scheduled to go before SGS Council for approval in October 2002. These guidelines were circulated, in draft format, to a number of groups and individuals for feedback including the GSU, the Committee of Deans at SGS, and this Office. I understand that these guidelines will be phased in later this year and will be fully implemented in September 2003. This is because of changes required to the information included in the academic Calendar regarding new specified timeframes (addressing the issue of timeliness) for various stages of the graduate appeals process. I anticipate that these new guidelines will provide a helpful resource for students, in terms of clarifying and expediting the petition/appeal process and procedures, and that they will help to ensure timely and consistent process and practice amongst the various graduate departments.

iii) Post-Doctoral Fellows

Over the past several years, a number of annual reports from the Office of the University Ombudsperson have raised issues with respect to the status of post-doctoral fellows (PDFs) within the University community. In response to a Task Force chaired by Professor Umberto De Boni, Associate Dean, School of Graduate Studies, which consulted broadly with PDFs and other members of the University community, the Provost's Office prepared a new Policy for Post-Doctoral Fellows that has now been approved by the Governing Council (in June of 2002). Amongst other things, this Policy serves to establish minimum stipends for PDFs, to define procedures for the engagement and reporting of PDFs, and to provide for a coordinating office at SGS for the activities of PDFs, including organizing workshops and symposia.

iv) Safety in Field Research

A graduate student approached my Office with concerns related to safety in the field research that he was conducting. In following up on his complaint, it became apparent

that the University's Policy for Safety in Field Research had not been followed. In terms of protecting the personal health and safety of University members, this policy requires that students and their supervisors, who are conducting field research which involves safety risks, confirm in writing: "their informed understanding of the associated risks and their consent to the means for dealing with such risks." I understand that this confirmation by students and their supervisors is accomplished by completing a "Field Research Planning Record" that is then filed with their Departments.

I followed up with the particular department involved which responded by circulating to all of its graduate students and faculty members a reminder notice about consulting the University's policy and completing the planning record, and which directed them to the appropriate website for the information. I flagged this issue with SGS because students and their supervisors from a number of divisions and departments (for example, Botany, Engineering, Forestry, Medicine, Zoology etc.) are involved in international and 'domestic' field research that involves health and safety risk. SGS agreed that this issue warrants close monitoring, and I was advised that Professor Michael Marrus, Dean of the School of Graduate Studies, distributes a memorandum ("sometimes twice per year") alerting units to the necessity of being aware, and of making students aware, of safety issues related to work in the field.

In following up with other members of my consulting/advisory committee about the issue of safety concerns, I learned that the Provost's Office has recently made funding available for the recruitment of a 'Study Abroad Advisor,' on a limited-term contract basis. I understand that this individual will be a resource for all Divisions, and the administration's lead person, in further developing coherent policy and practice regarding students' need for advice, support and safety and emergency considerations when involved in international study and research programs.

Recommendation 2: That the Administration consider a model similar to the Study Abroad Advisor, in terms of helping to ensure consistent University-wide practice in the implementation of the Policy for Safety in Field Research, as it applies to the University's graduate programs in which field research activities could involve serious health, safety and/or emergency concerns.

(c) Academic Staff

Last year, a similar number of academic staff members, compared with the previous year, brought their concerns and inquiries to the attention of this Office (17 cases, representing 6% of our caseload). These individuals approached us for input related to University policy/procedural information and interpretation (e.g. related to academic or disciplinary misconduct), as well as about issues related to their colleagues, academic supervisors and/or other University officials, and to search committee activity and program or research funding. In 5 of these cases, I provided informal mediation/facilitation assistance, and in following-up with respect to 9 cases, I contacted departmental representatives (and/or others) with respect to fact-finding or investigation related to the complaints.

d) Research Associates

This year, more than in previous years, we received complaints and inquiries from Research Associates. I raised this concern in May/June 2002 with two members of the consultation/advisory network from the Provost's Office and Human Resources. They indicated to me that the Administration is planning to revise the current policies, procedures, terms and conditions of appointment for Research Associates. In follow-up to the complaints and inquiries I had received over the year, I met with the Vice-Provost, Faculty, to discuss a number of these issues as they related to the proposed new policy: the grievance/dispute resolution process available to Research Associates, principal investigator status, authorship and ownership of intellectual property and data. I understand that the Administration intends to circulate the proposed policy, procedures, terms and conditions to the University community, including current Research Associates, for consultation and input.

Recommendation 3: That, for the purposes of this year's Administrative Response to my Annual Report, the Administration provide the Governing Council and the University community with an update regarding the review and approval process for the revised Policy, Procedures and Terms and Conditions of Appointment for Research Associates (Limited Term) and Senior Research Associates.

(e) Administrative Staff

The number of administrative staff members who approached us for assistance (14 cases) represents the lowest number reported in the last several years (range of 20 to 28 cases). These individuals requested assistance related to policy interpretation/advice (including the Conflict of Interest Policy); to employment and workplace concerns or disputes (including health and safety concerns); to issues of interpersonal dispute, and/or to concerns about harassment. We provided these individuals with the opportunity for confidential consultation, and, most frequently, we provided options and suggestions, including information and referrals, to help these individuals with the resolution of their own concerns. Periodically, we were involved in informal mediation and/or contacting other offices/individuals to facilitate dispute resolution. I anticipate that the percentage of caseload represented by this constituency will remain low (in the 5% range), given the collective agreements in place for the majority of administrative staff members (in terms of complaint/grievance resolution), as well as the Policies for Confessionals and Policies for Professionals/Managers, in place as of July 1, 2001, for the remaining employees.

(f) "Miscellaneous", "Non-Jurisdiction" and "No Action Required" Cases

The 60 cases we categorized as "miscellaneous" accounted for 21% of our total caseload last year. While a number of those cases did fall within the jurisdiction of this Office, including continuing education students, and former students whose concerns related to the time that they were enrolled at the University, most of the miscellaneous cases involved issues and/or individuals that did not fall within our jurisdiction, according to our Terms of Reference. For example, individuals who may well 'self-identify' as University community members, including parents of students, alumni and applicants for admission, nevertheless fall outside the jurisdiction of the Office, which is mandated to serve students, faculty and staff of the University. The more than 6100 visits to the

Office's website from non-University networks, from October 2001 to July of 2002, provide some indication of non-University members' interest in the Office of the University Ombudsperson, and the service that it provides. We continue to consider it an important part of this Office's service to provide information or referrals, whenever possible, to assist these individuals with the resolution of their concerns about the University.

At 39 cases, the number we categorized as "no action required" represents a decline from the previous year's total of 53 cases. However, it continues to represent more than 10% of our total caseload. The majority of these cases involved undergraduate students, and related to the following: individuals who informed us that since their initial contact with the Office, they had managed to resolve their concerns, and so did not require their scheduled appointments; individuals who were pursuing their concerns through other channels, but wished to copy our Office on their correspondence, and/or to keep us informed of their progress; a few who wished to make a "complaint of record," but requested no assistance or advice; and others who chose not to provide the follow-up information we requested, including, for example, chronologies of their situations or consent forms enabling this Office to pursue their concerns.

We hope that increased communication about the role and function of this Office University-wide will encourage those who wish to pursue legitimate concerns to do so with a sense of safety and security, and the understanding that their concerns will be treated in confidence.

2. Other Issues in 2001-2002

i) Emergency Preparedness

According to section 3 of my Terms of Reference: "...Investigations may also begin on the independent initiative of the Ombudsperson..." It seemed to me a timely endeavor to assess the University's protocol for urgent situations, its ability for early risk detection and its 'safety-net' coordination, University-wide, in the event of emergencies and crises. Beginning in March 2002 and over the course of a few months, I met with numerous individuals from all three campuses who are involved in the University's crisis response, including Campus Police, the Community Safety Coordinator, the Director of Student Affairs, the Director of Health and Wellness at UTSC, UTM Health Service, the Student Crisis Response Program Coordinator, and personal counsellors, amongst others. My model for comparison was another Canadian University's where a system has been in place, and tested, over the past decade. Its central focus is "on preventing serious incidents through early detection, assessment and intervention and on the effective coordination of action taken in response to urgent situations." That institution has appointed an Advisor on Rights and Responsibilities who is responsible for coordinating all reporting, assessing, advising, communication, intervention and record keeping.

There are multiple 'points of access' for University community members to the University of Toronto's emergency response personnel. My conclusion, as the result of my survey of a number of these representatives and other community members, was that the front-line emergency response personnel's efforts across all three campuses appear to

be timely, responsive, effective and well-coordinated by the team members, amongst themselves.

The issue of a more centralized coordination role for the University's disruption and risk management activities warrants further consideration by the Administration. An additional, and related, issue that my Office has seen on an increasing basis, it seems, over the past few years, relates to trespass orders that prohibit disruptive community members from access to particular areas on campus, and/or to the campuses in general. Now that the new Code of Student Conduct is in place as of July 2002, it seems timely to ensure that guidelines are in place for these trespass orders in terms of a periodic review process related to the length of time they are enforced, and their relationship to the Code of Student Conduct process.

This past June, Professor Sheldon Levy, Interim Vice-Provost, Students, and Vice-President, Government and Institutional Relations, struck a Task Force on "Emergency Preparedness and Crisis Response" which he chairs. The nine-point Terms of Reference for this Task Force include an assessment of the University's current protocols for emergency response and management, and recommendations for revision related to these protocols, and to orientation and training for all those involved.

Recommendation 4: That, for the purposes of this year's Administrative Response to my Annual Report, the Administration provide the Governing Council and the University community with an update regarding the deliberations of its Task Force on Emergency Preparedness and Crisis Response.

ii) Individuals with Disabilities

During the past year, I received a number of complaints at the St. George campus from individuals with disabilities, related to numerous issues, varying from: accommodation in practicum settings; to admissions to graduate programs; to extension of time for completion of degree requirements; to concerns about disclosure of confidential information; and to concerns about Code of Student Conduct and Non-Trespass orders (involving complainants with identified mental health issues). Our involvement in these cases has varied from explanation/clarification of University policy/guidelines, to expediting process in terms of timeliness, and/or to resolution. I will continue to monitor this aspect of my Office's caseload to see if any further increase in cases related to individuals with disabilities warrants particular follow-up with other offices on the St. George campus, including Accessibility Services and the Office of Student Affairs, whether that be related to raising resource issues, or to different case management processes.

I received a complaint from a recent Faculty of Applied Science and Engineering graduate who indicated that two individuals had referred to his learning disability, as well as to the accommodation provided to him by the University for his disability, when they were interviewing him for a job. These individuals, who had initiated the questions related to the graduate's disability during the job interview, held leadership positions in the interviewing company, as well as University appointments. The graduate had not taken courses taught by these individuals. The inappropriate disclosure of this

information to these individuals by another party, and their subsequent inappropriate reference to this information during the course of the employment interview, raise serious concerns related to the University's Access to Information and Protection of Privacy Policy, and to the University's Accessibility Services' guidelines which state that: "Confidentiality of information is the foundation of an effective service for students with disabilities. As well as a requirement by law, Accessibility Services believes that this practice generates a student's trust and confidence."

In follow-up to this student's complaint, in addition to speaking with the individuals involved, I met with the Chair of their Department as well as the Registrar of the Faculty. I understand that the Registrar was already in the process of planning, with the Dean, information sessions for Chairs and Directors, during the 2002-2003 academic year, which would involve members of the Equity Issues Advisory Group, including the Director of Accessibility Services. The Registrar also intends to incorporate into the Faculty Instructors' Booklet a 'Question and Answer' series related to accommodation for individuals with disabilities, to confidentiality of information and protection of privacy within current University policy, and to our governmental legislative framework.

Recommendation 5: That Academic Divisions be made aware/reminded of their responsibilities given the current legislative and policy framework regarding students with disabilities, and that they be encouraged to consult the expertise of the membership of the Equity Issues Advisory Group in terms of presentations/seminars and printed communication materials for Division/Department Heads, Chairs, Directors, and other academic, administrative and student community members. This recommendation particularly applies to consulting, on an ongoing basis, the expertise of the Directors of Accessibility Services at all three campuses as the legislative framework for individuals with disabilities undergoes change, and as the Ontario Human Rights Commission increases its focus on the issues of accommodation and accessibility for individuals with disabilities within the province's educational institutions.

iii) Appropriate Use of Information Technology

An undergraduate student approached my Office last year with a complaint related to other individuals viewing pornography at public access computer terminals on campus. I understand that a number of such complaints are received each year from students who either witness and report individuals who are viewing pornography at the public access terminals, or from students who are 'confronted' with the pornography website images that are left as 'wallpaper' by the previous user of the terminal. I consulted a number of individuals in following up on this complaint, including campus police, representatives from the Information Commons/Robarts Library, the Director of Student Affairs, the Interim Vice-Provost, Students, and the Provost's Advisor on Information Technology. The computer facilities referred to by the visitor to my Office were located at the Athletic Centre. In following up with representatives of the Athletic Centre, I learned that in response to similar complaints previously, University staff had relocated the computer terminals to an area that was less open to the general public, and more easily monitored by staff. In follow-up to this complaint, Athletic Centre staff agreed to communicate to users of the terminals located there, through signage and/or distribution of pamphlets, the

guidelines that were produced some time ago by the University's Computing and Networking Services, entitled "Appropriate Use of Information Technology" and, most particularly, the section entitled, "Guidelines Regarding the Issue of Potentially Offensive Materials."

In terms of a broader context for this issue, I understand that in situations such as this, divisional administration has the option as well of moving forward with disciplinary proceedings under the Code of Student Conduct. Prior to the University's recent review of the Code of Student Conduct, the Provost's Office had planned a review of the "Appropriate Use of Information Technology" guidelines designed to address any issues arising as the result of new technology since the inception of the guidelines, and to clarify and/or modify their role in view of other, possibly more appropriate, procedural avenues in addressing disruptive and/or harassment situations. I understand that this review of the Appropriate Use of Information Technology guidelines was postponed pending the review, revision and implementation of the new Code of Student Conduct.

Recommendation 6: That, since the revised Code of Student Conduct is now in place as of July 2002, the Administration move forward with its planned review of the "Appropriate Use of Information Technology" guidelines in order to clarify for members of the University community the most appropriate process and procedures in addressing situations involving information technology-based harassment and/or disruption.

3. Follow-up on Previous Annual Reports

i) Academic Misconduct

In previous annual reports, I have raised issues related to timeliness and cross-divisional consistency of practice with respect to the University's implementation of its Code of Behaviour on Academic Matters. In June 2002, I followed-up on these issues with the Vice-Provost, Faculty, and the Senior Employment Relations Legal Counsel who advised me that they intend to initiate a review of this 1995 Code in the upcoming academic year.

Recommendation 7(a): That, for the purposes of the Administrative Response to this year's Annual Report, the Administration provide an update to the Governing Council and the university community, on the status of, and timeframe for, its planned review of the Code of Behaviour on Academic Matters; and, Recommendation 7(b): That, in view of the increasing number of academic misconduct cases, the Administration, as part of its review of the Code of Behaviour on Academic Matters, consider the adequacy of current resources in terms of personnel, University-wide, who are involved in prevention-focused education of the general student population about Code offences, as well as in the administration of the Code up to, and including, the proceedings of the Discipline Appeals Board.

IV. CONCLUDING REMARKS

Over the past year, we introduced a number of important organizational changes at the Office of the University Ombudsperson as the result of the appointment of the

Ombudsperson on a full-time basis, and the Office's increased resources. In addition to the case management, investigation and resolution involved in the Office's caseload of 288 inquiries and complaints, we focused on implementing the recommendations made by the Committee on the Office of the University Ombudsperson, and approved by the Governing Council.

In various sections of this annual report, I have described these initiatives to improve our service to the University community. In summary, we have: increased our presence at the UTM and UTSC campuses; established an ad hoc consulting/advisory network for input related to operations and service delivery; redesigned our website, and promoted its availability as an information and referral resource; and improved our case intake information form, data collection, database management, and reporting methods in order to facilitate the Governing Council's ongoing evaluation of the Office of the University Ombudsperson. In addition, we have published new bookmarks designed to improve our outreach to the incoming undergraduate student community, and we have organized our scheduling in such a way as to maximize our focus on the more complex cases.

Over the past year, in accordance with the Committee's recommendations, we have collected and recorded information related to a number of factors, including: our initial response time to inquiries; our scheduling of appointments; time to resolution/closing of cases; the number of students who have identified themselves as part-time; the number of students who have identified themselves as UTM or UTSC campus-based; and the method of contact with our office i.e. e-mail, telephone, walk-in, letter (See Appendix E, Tables 1 and 2). Since this is the first year that we have reported on such information, these figures will serve as important 'service benchmarks,' or points of reference related to the Office's accessibility, responsiveness and resources. I anticipate that these 'measures' of the Office's service standards will become increasingly important to assess in view of the enrolment increases expected throughout the next several years, and given the mandate of the Office to increase its presence University-wide.

I would note that we responded to individuals' initial contacts with our Office within the same day or next (working day) in over 90% of the cases. In almost 40% of the cases, we were able to set up appointments within the same day or next (working day), for those cases in which appointments were required. However, more than one-third of our cases involved a wait of 4 (working) days or more for an appointment. This situation warrants close monitoring in the upcoming year in view of my schedule for the three campuses, and the fact that our St. George office will be closed on Thursdays, given the Office Secretary's part-time status.

Almost one-half (49%) of our cases were closed/resolved within 7 days, and 80% were closed/resolved within a month. It is interesting to note how closely these figures compare with the provincial Ombudsman's Office, where 50% of the cases were closed within 7 days, and 75% within 24 days. Again, as we strive to maintain and even improve these standards of service, time to resolution/closure will be an important area to monitor given the enrolment expansion, and my reduced hours at the St. George campus.

This report has highlighted a few areas of University policy and procedure where improvement is needed, and others where improvement is occurring. I look forward to hearing from the University community with comments or concerns about any of the information and recommendations I have included in this year's annual report. The major mandate of the Ombudsperson is to respond to all individuals who approach us for assistance and, beyond that, to identify and pursue the full breadth and complexity of those cases in signaling the potential of larger issues for attention. We look forward to continuing our efforts to address problems through early resolution, thorough investigation and timely recommendations.

V. Acknowledgements

I remain motivated by the responsibility entrusted to this Office by the University and by those who approach us for help, by their trust in us and by their gratitude for positive outcomes. I understand the disappointment on the part of those complainants who disagree with our Office's assessment of their situations or who may have misunderstood the non-advocacy nature of the Office of the University Ombudsperson. I am pleased with the responsiveness of those I approach with my inquiries in thoroughly explaining their perspective, and in offering candid opinion and critique about issues within our confidential framework. Most important though is their willingness to maintain an open mind while exploring with me possible alternative outcomes for many cases, and for sharing a commitment to fairness.

I would like to express my appreciation to the individuals comprising the ad hoc consultation/advisory network for their helpful input and advice related to the Office's caseload management, service and outreach. Also, I would like to thank all of the University members whom I have approached for assistance in resolving my visitors' complaints and problems, as well as my Ombudsperson colleagues from other Colleges and Universities for their valued support and collegiality. The good will, information and advice that so many individuals continue to provide are vital to the accomplishment of the Office's mandate. In particular, I would like to thank Louis Charpentier, Secretary of the Governing Council, and my co-worker, Linda Collins, for their assistance and counsel.

Mary Ward
September 18, 2002

The Office of the University Ombudsperson is located at 222 College Street, Suite 161, Toronto, M5T 3J1. Our telephone number is 416-978-4874 and our fax number is 416-978-3439. Our e-mail address is ombuds.person@utoronto.ca.

APPENDIX A

Terms of Reference for The Office of the University Ombudsperson (2001)

Status/Authority

1. The Ombudsperson is appointed by the Governing Council on the recommendation of the President; is accountable to the Governing Council and has unrestricted access to all University authorities. The Office of the Ombudsperson shall be independent of all existing administrative structures of the University.

Mandate

2. The Ombudsperson investigates, in an impartial fashion, complaints that may arise against the University or against anyone in the University exercising authority. It shall be the special concern of the Ombudsperson that:
 - a. the rights and responsibilities of members of the University community are adequately defined and publicized;
 - b. any gaps and inadequacies in existing University policies and procedures that affect the ability of individuals to function as members of the University community or which might jeopardize their human rights and civil liberties be brought to the attention of the proper authority;
 - c. the problems of members of the University community are addressed with reasonable promptness;
 - d. procedures used to reach decisions are adequate and that the criteria and rules on which the decisions in question are based are appropriate and adequately publicized.

Investigations

3. Complaints may be made by any member of the University community (students and members of the teaching or administrative staffs) or by former members of the teaching or administrative staffs or student body (in respect of matters arising out of their former University employment or student status). Investigations may also begin on the independent initiative of the Ombudsperson in respect of anyone of the above entitled to make a complaint.
4. The Ombudsperson may decline to initiate an investigation on the grounds that it is frivolous or vexatious.
5. In conducting investigations, the Ombudsperson shall act in an impartial fashion.
6. The role of the Ombudsperson shall include:

- a. ensuring that information on proper University procedures for problem resolution is provided and distributed as broadly as possible throughout the University community, and that clients understand their routes of access to this information;
 - b. informing clients about appropriate processes available to them within the context of specific complaints, and providing information on the appropriate kind of supporting documentation;
 - c. expediting the process toward conflict resolution;
 - d. investigating only after attempts at resolution through existing administrative channels have been concluded.
7. Even though wide latitude has been granted in making public any findings and recommendations, the Ombudsperson shall not set aside the request of complainants that their anonymity be preserved.

Findings/Reports

8. After conducting an investigation, the Ombudsperson may draw conclusions about the complaint investigated and make findings and recommendations concerning its resolution, particularly in relation to the mandate of the Office as set out in 2 above.
9. In drawing conclusions and making recommendations, the Ombudsperson shall not make University policy or replace established legislative, judicial or administrative rules or procedures, although any or all of these may be investigated or questioned and such recommendations made as appropriate for their improvement and efficient functioning.
10. The Ombudsperson shall bring findings and recommendations to the attention of those in authority by the most expeditious means possible, and to the University community at large to the extent that is appropriate.
11. The Ombudsperson shall make an annual report to the University community through the Governing Council, and such other special reports as may be required from time to time by the Governing Council.

Relationship with Other University Activities and Services

12. The Ombudsperson shall have access to such official files and information as is required to fulfill the function of the Office. Requests by the Ombudsperson for information must receive priority from every member of the University community.
13. Where means exist in other University offices for the resolution of complaints or the provision of information the Ombudsperson shall direct enquirers to such offices and emphasize their responsibility for initiating the appropriate actions and for returning

to the Ombudsperson if not satisfied with the results. The Ombudsperson shall cooperate with other offices that are particularly concerned with the provision of information to the University community on policies and procedures.

Files

14. The Ombudsperson shall maintain suitable records of complaints, findings and recommendations and these shall be accessible only to the Ombudsperson and members of the staff of the Office of the Ombudsperson.
15. Each file and record will be maintained for a period of seven years and one day from the date on which the Ombudsperson deems the case to be completed. At the end of the period of seven years and one day, the file or record may be destroyed; however, no destruction of the file or record will take place while any proceedings are pending in the University, the Courts or any outside tribunal and until after all rights of appeal are exhausted or times of appeal have expired.
16. The Ombudsperson shall not release any information regarding personal and personnel records, unless written permission has been received from the affected persons for releasing the information.

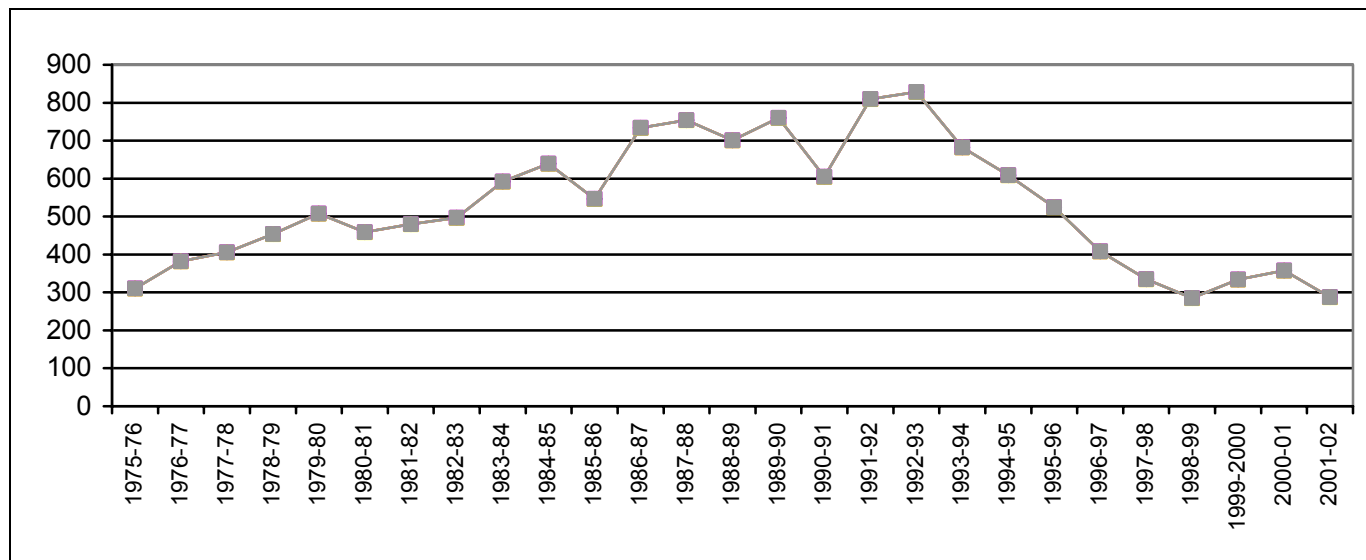
Review/Appointment

17. The Office of the Ombudsperson shall be reviewed on a regular basis, in the middle of the incumbent's term as well as coincident with the end of the incumbent's term, in a manner to be determined by the Executive Committee of the Governing Council. The normal term of the Ombudsperson should be for five years, with the possibility of reappointment. Candidates for the Office shall be identified by a search committee highly representative of the University community and including students and members of the teaching and administrative staff.

May 31, 2001

**APPENDIX B
TABLE AND GRAPH
NUMBER OF CASES BY YEAR**

| Year | Number of Cases | Year | Number of Cases |
|-------------|------------------------|-------------|------------------------|
| 1975-76 | 310 | 1988-89 | 701 |
| 1976-77 | 382 | 1989-90 | 760 |
| 1977-78 | 406 | 1990-91 | 605 (9 months) |
| 1978-79 | 454 | 1991-92 | 810 (12 months) |
| 1979-80 | 508 | 1992-93 | 828 |
| 1980-81 | 459 | 1993-94 | 682 |
| 1981-82 | 480 | 1994-95 | 609 |
| 1982-83 | 497 | 1995-96 | 525 |
| 1983-84 | 592 | 1996-97 | 408 |
| 1984-85 | 639 | 1997-98 | 335 |
| 1985-86 | 547 | 1998-99 | 285 |
| 1986-87 | 734 | 1999-00 | 334 |
| 1987-88 | 754 | 2000-01 | 358 |
| | | 2001-02 | 288 |



APPENDIX C
ANALYSIS OF CASELOAD BY ACTION TAKEN & STAFF RESOURCES

| Year | Information/Referral | Expedited | Resolved | No Action Required | No Jurisdiction | Incomplete | Total | Staff (FTE) Resources |
|---------|----------------------|-----------|----------|--------------------|-----------------|------------|-----------|-----------------------|
| 1998-99 | 179(63%) | 24(8%) | 21(7%) | 32(11%) | 20(7%) | 8(3%) | 284(100%) | 1.3 |
| 1999-00 | 189(57%) | 37(11%) | 33(10%) | 40(12%) | 26(8%) | 9(3%) | 334(100%) | 1.05 |
| 2000-01 | 199(56%) | 39(11%) | 27(8%) | 53(15%) | 28(8%) | 12(2%) | 358(100%) | 1.1 |
| 2001-02 | 136(46%) | 28(10%) | 37(13%) | 39(14%) | 37(13%) | 11(4%) | 288(100%) | 1.5 |

Information (Consultation/Advice/or Referral) Advising and informing members of the University about the means available to them to resolve whatever grievance or difficulty they have.

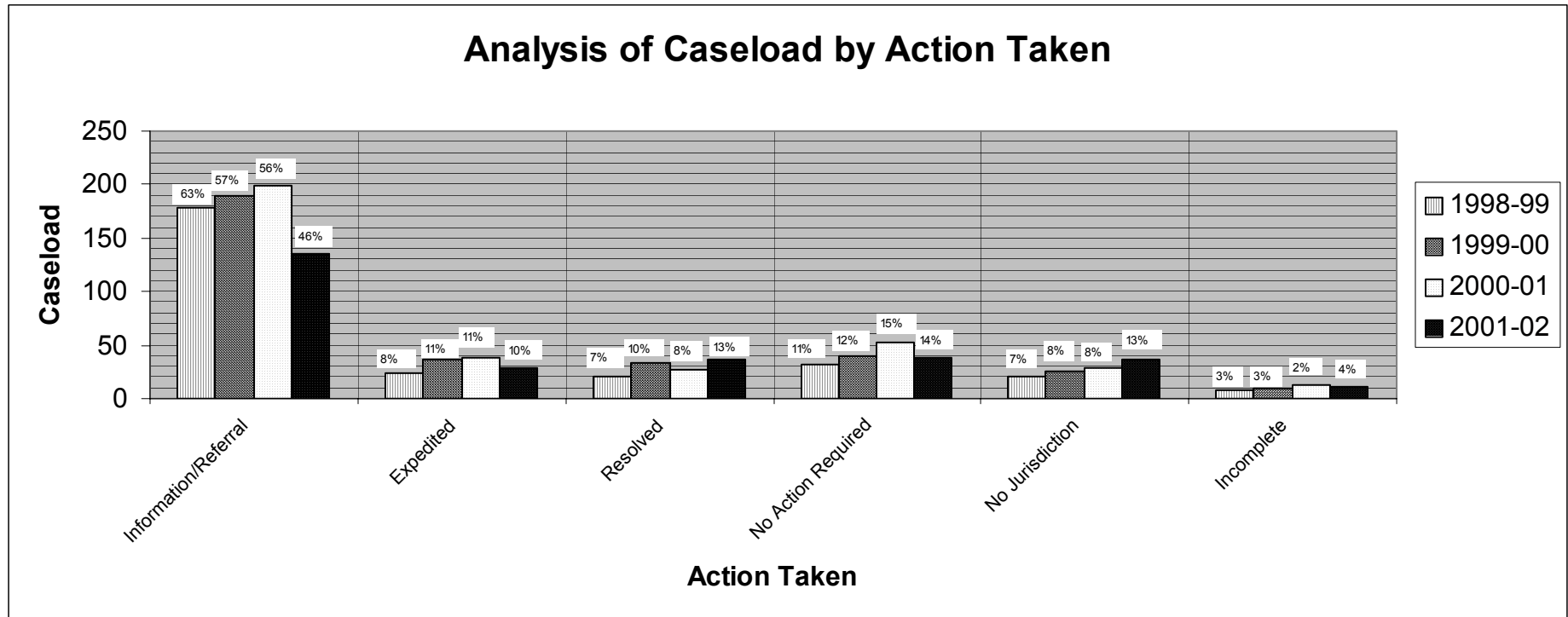
Expedited Resolution of relatively simple “red-tape” problems, such as arranging an exception to a rule in a particular case, speeding up consideration of a routine matter, securing an explanation of a decision, arranging a meeting with the appropriate official, or unsnarling difficulties which occurred when an item fell between two jurisdictions, etc.

Resolved A grievance was settled more or less to the satisfaction of both the complainant and the respondent official or department, usually through a reversal of the original decision, a compromise, or an agreement that, in light of new or clarified information, no grievance existed.

No Action Required A case was drawn to the attention of the Office, but no action of either an informational or investigative nature was ever required.

No Jurisdiction Inquiries from non-University members and/or the object of the “request for assistance” was outside the jurisdiction of the Governing Council. These cases frequently warrant some assistance from the office (ie. information, referral, and occasionally research in order to provide such assistance).

Incomplete (Ongoing) No conclusion had been reached as of July 15, 2002.



APPENDIX D
TABLE 1
STUDENT CASELOAD BY ISSUE
JULY 1, 2001 TO JUNE 30, 2002
(FOR 187 CASES CLOSED BY JULY 15, 2002)

| Type of Issue* | Total (U &G) | U | G |
|--|-------------------------|----------|----------|
| 1. Academic Concerns (eg. Classes/Teaching) | 42 (22%) | 26 | 16 |
| 2. Academic Policy/Procedure (eg. Petition Denials) | 56 (30%) | 39 | 17 |
| 3. Accused of Policy/Legal Violation (Codes) | 19 (10%) | 15 | 4 |
| 4. Administrative Policy/Procedure (eg. Access/Bureaucracy Issues) | 36 (19%) | 25 | 11 |
| 5. Employment/Workplace Dispute | 2 (1%) | 2 | |
| 6. Grading Dispute/Concern | 27 (14%) | 19 | 8 |
| 7. Concern re Harassment or Discrimination | 14 (7%) | 8 | 6 |
| 8. Interpersonal Dispute | 24 (13%) | 8 | 16 |
| 9. Residence/Housing | 3 (2%) | 2 | 1 |
| 10. Promotion/Tenure | 0 | | |
| 11. Fees/Financial Aid | 33 (18%) | 17 | 16 |
| 12. Admissions | 8 (4%) | 4 | 4 |
| 13. Miscellaneous | 18 (10%) | 16 | 2 |
| 14. Policy Interpretation/Advice | 10 (5%) | 6 | 4 |
| 15. Library Issues (book returns, fines) | 2 (1%) | 1 | 1 |

| Number of Issues per Case | U (123) | G (64) |
|----------------------------------|----------------|---------------|
| 1 | 72 (59%) | 33 (52%) |
| 2 | 40 (33%) | 23 (36%) |
| 3 | 8 (7%) | 5 (8%) |
| 4 | 3 (2%) | 3 (5%) |

U=Undergraduate
G=Graduate

*Type of Issue

(Courtesy of University and College Ombuds Association Handbook)

1. Academic Concerns: **Complaints related to classes and teaching (eg. teaching methods, instructor's behaviour, etc.).**
2. Academic Policy/Procedure: **Complaints about existing policies or procedures (eg. petition denials, transfer/transfer credits, readmission or probationary policies/procedures).**
3. Accused of Policy/Legal Violation (Codes): **Individuals accused of violating the Code of Student Conduct, Code of Behaviour on Academic Matters, residence disciplinary codes, Conflict of Interest Policy, etc.**
4. Administrative Policy/Procedure: **Complaints about problems dealing with the bureaucracy (eg. issues re: access, timeliness).**
5. Employment/Workplace Dispute: **Workplace disputes (eg. disputes between colleagues, supervisor-supervisee disputes, evaluation, discipline or corrective action issues).**
6. Grading Dispute/Concern: **Disputes or concerns about the fairness of an individual grade or grading procedure.**
7. Concern re Harassment or Discrimination: **Non-sexual harassment complaints.**
8. Interpersonal Dispute: **Disputes between individuals over non-employment or non-workplace issues including graduate supervision issues.**
9. Residence/Housing
10. Promotion/Tenure: **Questions, issues, problems, etc. related to the promotion or tenure process (faculty only).**
11. Fees/Financial Aid
12. Admissions
13. Miscellaneous
14. Policy Interpretation/Advice
15. Library Issues (**book returns, fines**)

APPENDIX D
TABLE 2
CASELOAD BY ASSISTANCE PROVIDED
JULY 1, 2001 TO JUNE 30, 2002
(FOR 277 CASES CLOSED BY JULY 15, 2002)

| Type of Intervention/Resolution/Assistance* | Total | | U | G | A | N | M |
|--|--------------|------------|----------|----------|----------|----------|----------|
| 1. Individual Consultations | 132 | <i>48%</i> | 54 | 46 | 12 | 7 | 13 |
| 2. Mediation/Facilitation | 45 | <i>16%</i> | 23 | 15 | 5 | 0 | 2 |
| 3. Department/Unit Consultation Request | 34 | <i>12%</i> | 15 | 15 | 3 | 0 | 1 |
| 4. Ombuds Contacted Persons/Offices | 96 | <i>35%</i> | 49 | 30 | 9 | 2 | 6 |
| 5. Reporting Trends | 19 | <i>7%</i> | 10 | 4 | 2 | 1 | 2 |
| 6. Information/Referral | 212 | <i>77%</i> | 86 | 52 | 12 | 13 | 49 |
| 7. None (No Show/Cancellation) | 37 | <i>13%</i> | 21 | 4 | 1 | 0 | 11 |

| Number of Interventions | U (123) | G (64) | A (17) | N (14) | M (59) |
|--------------------------------|----------------|---------------|---------------|---------------|---------------|
| 0-1 | 52 | 14 | 5 | 8 | 43 |
| 2 | 35 | 23 | 6 | 4 | 14 |
| 3 | 20 | 15 | 3 | 1 | 0 |
| 4 | 11 | 3 | 1 | 1 | 1 |
| 5 | 1 | 9 | 1 | 0 | 0 |
| 6 | 4 | 0 | 1 | 0 | 1 |

| |
|--|
| U=Undergraduate G=Graduate A=Academic N=Administrative M=Miscellaneous |
|--|

*Type of Intervention/Resolution/Assistance
(Courtesy of University and College Ombuds Association Handbook)

Note: More than one intervention/resolution/assistance involved in more complex situations, and/or when more than one issue identified.

- Individual Consultation:** Meetings (generally more than one meeting per case necessitated by more complex issues) to discuss issues and options.
- Mediation/Facilitation:** Assisting two (or more) parties in resolving a dispute.
- Department/Unit Consultation Request:** In seeking resolution, the Ombuds contacted multiple people within a department or unit .
- Ombuds Contacted Persons/Offices: Ombuds contacted an individual(s) with whom a complainant had concerns to gather information/facts related to complaint.**
- Reporting Trends:** Meeting with an administrator to report trends related to her/his area of responsibility.
- Information/Referral:** Provided referral information to additional resources for counselling/advice
- None (No Show/Cancellation):** Individual did not call back or keep appointment.

APPENDIX E
TABLE 1
CASE MANAGEMENT: ACCESSIBILITY & RESPONSIVENESS
JULY 1, 2001 TO JUNE 30, 2002

TOTAL CASES: 288

| Time to Initial Ombuds Office Response | % of Clients |
|---|---------------------|
| Within 3 hours | 62.5% |
| Later same day | 10.8% |
| Following day | 17.4% |
| 2-3 days | 4.5% |
| 4-7 days | 1.0% |
| Other (longer than 7 days) | 1.7% |
| N/A* | 2.1% |
| Total (288 clients) | 100% |

| Time to First Appointment | % of Clients |
|---|---------------------|
| Same day | 22.1% |
| Next day | 16.8% |
| 2-3 days | 25.2% |
| 4-7 days | 23.7% |
| Other (longer than 7 days) | 12.2% |
| Total (131 scheduled appointments) | 100% |

| Time to Resolution | # of Clients |
|--|---------------------|
| One day | 27.7% |
| 2-3 days | 9.4% |
| 4-7 days | 11.7% |
| 8-14 days | 10.5% |
| 15-31 days | 20.7% |
| Other (longer than 1 month) | 20% |
| Total (office active/involved in 256 cases) | 100% |

*e.g. office copied on correspondence directed to other University Offices;
 complaint withdrawn; anonymous with no return telephone number.

APPENDIX E
TABLE 2
ACCESSIBILITY MEASURES
JULY 1, 2001 TO JUNE 30, 2002
TOTAL CASES: 288

Count of % Time Students

| % Time | Count of Cases |
|---------------|-----------------------|
| Full Time | 192 |
| Part Time | 28 |

28 Part Time Students = 10% of total caseload
= 14% of student caseload

Count of Cases by Campus

| Campus | Count of Cases |
|---------------|-----------------------|
| Mississauga | 17 |
| Scarborough | 13 |

Total Mississauga & Scarborough = 30
= 10% of total caseload
= 15% of student caseload

Count by Initial Contact

| Initial Contact By: | % of Clients |
|----------------------------|---------------------|
| Telephone | 64.2% |
| E-Mail | 24.3% |
| Walk-In | 8.7% |
| Letter | 2.8% |
| Total | 100% |
| | |

**APPENDIX F
ANALYSIS OF CASELOAD BY CONSTITUENCY**

| | Undergrad | Grad | Academic | Admin | Misc* | Total |
|---------|------------------|-------------|-----------------|--------------|--------------|--------------|
| 1998-99 | 152 (54%) | 59 (21%) | 13 (5%) | 20 (7%) | 40 (14%) | 284 (100%) |
| 1999-00 | 175 (52%) | 79 (24%) | 8 (2%) | 21 (6%) | 51 (15%) | 334 (100%) |
| 2000-01 | 172 (48%) | 73 (20%) | 18 (5%) | 28 (8%) | 67 (19%) | 358 (100%) |
| 2001-02 | 130(45%) | 67(23%) | 17(6%) | 14(5%) | 60(21%) | 288(100%) |

* Includes continuing education students, former employees and students, parents of students, applicants for admission, alumni, organizations and others.

