

Administrative Response to the “Report of the University Ombudsperson for the Period 1 June, 2007 to 31 July, 2008”

September 2008

Overview

The Ombudsperson, Professor Joan Foley, reports to Governing Council. This administrative response to her Annual Report is therefore submitted by the University Administration for Governing Council to review along with the Annual Report.

The Administration offers sincere thanks to Professor Foley for her continued dedication to the University and for her impressive contributions as University Ombudsperson. The Annual Report reflects her deep understanding of the University, effectiveness and sensitivity in handling difficult and complex issues, and a welcome attention to potential systemic improvements suggested in the process of resolving complaints.

Response

In her Report, the University Ombudsperson makes four recommendations. Each of these recommendations is aimed at addressing systemic concerns arising from cases considered by the Ombudsperson over the period 1 June, 2007 to 31 July, 2008.

Recommendation 1:

That faculty and staff continue to be reminded regularly of their responsibilities and of best practices under FIPPA, and of the seriousness of breaches of privacy.

The Administration accepts this recommendation and will work with the Director of the Freedom of Information and Protection of Privacy Office on appropriate methods to implement it.

Recommendation 2:

That a review of the Code of Behaviour on Academic Matters, 1995 be undertaken.

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

Recommendation 3:

That reports to the Academic Board by the Vice-President and Provost on Academic Offences include statistical information about the time taken to dispose of allegations both for cases disposed of at Tribunal and for those disposed of at the divisional level.

The Administration accepts this recommendation. Future reports to the Academic Board on cases disposed of under the *Code of Behaviour on Academic Matters* will include statistical information about the amount of time taken to complete the process.

Recommendation 4:

That the Executive Committee take the matter of the period of retention of the Ombudsperson's records under advisement and amend section 6.2 of the Terms of Reference to shorten the period from seven years to three, along with adding clarifying clauses to sections 6.1 and 6.3 (as underlined in the below) relating to access to the records, so that section 6 would then read as follows.

6.1. 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 who need those records to perform their official duties.

6.2. Each file and record will be maintained for a period of three years and one day from the date on which the Ombudsperson deems the case to be completed. At the end of the period of three 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.

6.3. Unless otherwise required by law, 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.

The Administration endorses this recommendation. The Secretary of the Governing Council reports that he will be bringing the recommendation forward to the Executive Committee for its review this fall.

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