



**TO:** Executive Committee

**SPONSOR:** David Naylor, President

**DATE:** September 29, 2008 for October 6, 2008

**AGENDA ITEM:** 8 (b)

**ITEM IDENTIFICATION:**

**Terms of Reference for the Office of the University Ombudsperson: Revisions**

**JURISDICTIONAL INFORMATION:**

The Governing Council approved the recommendations contained in the *Report of the Committee on the Office of the University Ombudsperson, 2006*, on December 14, 2006. Under recommendation 7, the Executive Committee is authorized to approve amendments to section 6 of the Terms of Reference for the Office of the University Ombudsperson.

**BACKGROUND:**

Currently, section 6 of the Terms of Reference for the Office of the University Ombudsperson contains the following provisions concerning the retention of case files and access to confidential records:

- 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.
- 6.2.** 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.
- 6.3.** 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.

**PREVIOUS ACTION TAKEN:**

The Committee to Review the Office of the University Ombudsperson, 2006 discussed the appropriate length of the period for retention of case files, but concluded that further advice should be taken before any decision for change.

## **HIGHLIGHTS:**

See “Attachment A”, an excerpt from the *Report of the University Ombudsperson for the Period 1 June, 2007 to 31, July 2008*.

## **FINANCIAL AND/OR PLANNING IMPLICATIONS:**

n/a

## **RECOMMENDATION:**

It is recommended that the Executive Committee approve that section 6 of the Terms of Reference for the Office of the University Ombudsperson be amended to shorten the period for the retention of case files from seven years to three, and to add clarifying language relating to access to records.

THAT section 6 of the Terms of Reference for the Office of the University Ombudsperson, as provided below with revisions underlined, be approved.

**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.