



FOR INFORMATION

PUBLIC

OPEN SESSION

TO: Governing Council

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PRESENTER: See sponsor
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DATE: October 21 for October 29, 2015

AGENDA ITEM: 4

ITEM IDENTIFICATION:

Report of the University Ombudsperson for the Period 1 July 2014 to 30 June 2015 and the Administrative Response.

JURISDICTIONAL INFORMATION:

Section 5.1 of the *Terms of Reference of the Office of the Ombudsperson* state that the Ombudsperson shall make a written annual report to the Governing Council, and through it to the University community, as well as such other special reports as may be required from time to time by the Governing Council.

GOVERNANCE PATH:

1. Executive Committee [For endorsement and forwarding] (October 21, 2015)
2. **Governing Council [For Information] (October 29, 2015)**

PREVIOUS ACTION TAKEN:

In 1994, the Executive Committee decided that Council should receive the *Report* and the Administrative Response simultaneously so that members of the Governing Council could comment on particular issues with full knowledge of both documents.

The Governing Council received the *Report of the University Ombudsperson* (1 July 2013 to 30 June 2014) and the Administrative Response at its meeting of October 30, 2014.

HIGHLIGHTS:

The *Report* and the Administrative Response are enclosed.

FINANCIAL IMPLICATIONS:

There are no implications for the University's operating budget.

RECOMMENDATION:

n/a

DOCUMENTATION PROVIDED:

Report of the University Ombudsperson for the Period 1 July 2014 to 30 June 2015

Administrative Response to the Report of the University Ombudsperson for the Period 1 July 2014 to 30 June 2015



REPORT OF THE UNIVERSITY OMBUDSPERSON

1 July 2014 TO 30 June 2015

Fairness

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

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

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Executive Summary

The University Ombudsperson is appointed by Governing Council under Terms of Reference established by that body, and reports annually to Council and the University community. The role assigned to the Ombudsperson is two-fold: a) responding to requests for assistance from individual members of the University community, and b) bringing to the attention of the relevant administrators those issues of broader significance (*systemic issues*) that merit review. In this latter role, the Ombudsperson functions as a catalyst for improvements in University and divisional policies, processes, and procedures.

This report to Governing Council covers the eighth and final year of my period of service as University Ombudsperson.

In the course of 2014-15, the Office handled 314 individual requests for assistance. The Office does not normally intervene in these cases unless regular channels provided by the University have been used without a resolution, and then only with the written consent of the complainant. The approved *Terms of Reference* require that, in responding to these requests, the Ombudsperson act in an impartial fashion, neither as an advocate for a complainant nor as a defender of the University. The role is to assist informally in achieving procedural fairness and reasonable outcomes. All decisions remain in the hands of the administration, but the Ombudsperson may make formal recommendations in the context of a written report. The report includes a statistical summary of the sources of these requests, and general information about the nature of the concerns.

This report includes a discussion of two systemic issues, in respect of which a number of recommendations are made. The first issue concerns how student conduct issues are to be addressed when there is reason to think that mental illness is a factor. The other relates to the administration of the *Code of Behaviour on Academic Matters*, with particular attention to the role of the academic departments.

I also report briefly on outreach activities and other initiatives of the Office.

Report of the University Ombudsperson for the Period July 1, 2014 to June 30, 2015

Governing Council established the Office of the University Ombudsperson in October 1975, with a mandate to support the University's commitment to fairness in dealings with its members. Being accountable directly to Governing Council, the Office is independent of the administration.

A core role of the Ombudsperson is to identify and address issues that potentially affect many members of the institution, not only an individual complainant (*systemic issues*). In this way, the Office assists the institution and its members by helping to effect improvement in the University's policies, processes and procedures, whether through informal discussion or formal recommendations. Administrators are not bound by the Ombudsperson's recommendations, but do provide a written response to those that are formally presented in the context of a written report.

The Office is available to individual staff/students/faculty members on all three campuses who are in need of assistance in addressing a problem in their dealings with the University, or with someone who is acting for the institution. The Ombudsperson acts as a neutral party without powers to make decisions for the University, and not as advocate for the complainant or as defender of the institution. The objective is, through informal means, to assist all parties in achieving procedural fairness and reasonable outcomes. Except only when personal safety is at risk, or as may be required by law, all matters brought to us by individuals are held in strict confidence unless the complainant provides written consent for us to contact relevant administrators.

For more information about the work of the Office, and the approved Terms of Reference for the University Ombudsperson, visit www.ombudsperson.utoronto.ca.

This report contains three sections:

- 1) *Systemic Issues*. A discussion of issues that engaged the Office in 2014-15;
- 2) *Handling of Requests for Assistance*. The caseload of the Office in 2014-15.
- 3) *Other Activities of the Office*: Outreach and professional activities and developments affecting the Office.

Systemic Issues

Mental Health and Student Conduct

The University has made considerable progress in its efforts to improve its ability to support students with mental health challenges, while recognizing that much remains to be done.

- The University has strengthened (and continues to strengthen) existing student services such as Student Academic Progress, Student Crisis Response, and Accessibility Services across its three campuses.
- The Director, High Risk & AODA is available to assist divisional administrators with cases and incidents involving extreme and distressing behaviours, and may also refer cases to the High Risk Committee (HRC), a senior administrative group which plays a significant role in the University's Workplace Violence Program, and deals with other situations judged to constitute a high risk to members of the community. A substantial proportion of the student cases seen by the HRC involve mental health issues.
- The Provost's Advisory Committee on Student Mental Health delivered its report in October 2014, and work is actively underway on all three campuses to implement its recommendations in each of the following areas:
 - Raising student awareness of programs and services and how to access them;
 - Expanding programming to develop positive mental health and resilience;
 - Developing mental health literacy of students, staff and faculty to enhance support and reduce stigma;
 - Coordinating and assessing the effectiveness of programs and initiatives;
 - Leveraging and collaborating with external community resources.

My main focus as Ombudsperson, however, has been on the need for a Governing Council policy for the guidance and benefit of responsible administrators and affected students. Such a policy is needed to establish the way in which student conduct that gives rise to concern should be addressed within the institution when mental illness is known or believed to be involved. This issue has been discussed in each of my last two reports, and, with this objective in mind, I have continued my discussions with the Provost's Office through the past year.

There are two extant Governing Council policies relating to student conduct. One is the *Code of Behaviour on Academic Matters*, which focuses on academic integrity and the handling of alleged offences of an academic nature. The other is the *Code of Student Conduct*, which sets out the University's policy and procedures for addressing behaviour by students "that jeopardizes the good order and proper functioning of the academic and non-academic programs and activities of the University or its divisions, that endangers the

health, safety, rights or property of its members or visitors, or that adversely affects the property of the University or bodies related to it, where such conduct is not, for the University's defined purposes, adequately regulated by civil and criminal law." (p. 2)

As currently written, neither *Code* contains any specific provision for a separate or parallel set of procedures to deal with alleged offences by students who are known or appear to have a mental illness.

In the case of an alleged academic offence, it remains the general practice to follow the procedures prescribed by the *Code of Behaviour on Academic Matters*, regardless of whether mental health issues arise. However, as permitted by this *Code* under the discretion allowed to the division head and the University Tribunal, mental illness has sometimes been considered when determining sanctions.

In the case of the *Code of Student Conduct*, a formal review conducted by a special committee of the University Affairs Board in 2002 favoured the continuation of a single procedure for all students, with mental illness being taken into account by the Dean or Principal in shaping an informal resolution early in the process, or by a Hearing Officer in shaping an imposed sanction. Note that, under this *Code*, sanctions are subject to appeal to the Discipline Appeals Board.

However, in recent years, administrative practices have been introduced affecting the management of cases where mental illness is believed to be involved. As described in the Administrative Response to my Annual Report for 2012-13 [highlighting added]:

If a student's behaviour is believed to have a relationship to his or her mental health needs, a group consisting of experts and specialists from a variety of disciplines is typically convened. Such a group would be convened on a case-by-case basis to engage in a confidential analysis and to make recommendations. **These recommendations may include alternatives to *Code of Student Conduct* proceedings** and the deployment of individually tailored supports to assist the student, and ensure that the University's behavioural expectations (which exist for the benefit of all students) are met.

The Administrative Response to my Annual Report for 2013-14 expanded on the above [highlighting added]:

Where an exclusion from campus is not involved, but where behaviour is apparent that is not suited for the "offence-based" process under the *Code of Student Conduct*, the University works closely with the student and their medical advisors; **any steps taken are almost always with the student's consent**, and with the engagement of supportive resources.

and

On occasion, where accommodative approaches prove unsuccessful, and where the *Code of Student Conduct* is clearly inappropriate and/or would expose others to risk, the University Administration (in common with the approach

taken by many other universities) acts unilaterally pursuant to Bill 168 to protect the safety of its staff and students by excluding a person from campus. In every case where mental health issues are involved, this includes ongoing efforts to engage with the student's mental health professionals or other experts, and other supports, so as to do whatever is reasonably possible to permit a safe resumption of studies. These proactive steps are always combined with very sophisticated human rights accommodation measures.

The practices in place are certainly in compliance with provincial legislation such as *Bill 168* (which deals with workplace violence and harassment) and the *Mental Health Act*. The issue I am raising concerns the University's *internal* procedures. I am particularly interested in how things are done when students exercise their option of rejecting a course of action or conditions on their attendance proposed by an administrator. In my view, there is a need for Governing Council to approve new policy that will recognize, and provide oversight to, such internal procedures.

During the course of the past year, my discussions with Administration on this issue have continued. As of the time of writing, I have been informed that work has begun under the auspices of the Provost's Office on the drafting of such a policy for presentation to the University Affairs Board and Governing Council. Given that there is now agreement on the need for such a policy, and in light of my departure from the position of Ombudsperson, I list below the principles that I believe should be incorporated into this document.

Recommendation 1: That a University policy be developed that embodies the following principles.

1. The process of attempting to provide accommodation to support the student's continuation of his/her education should be non-coercive and cooperative, and the student should be informed that it is an option to address conduct issues (i.e., accommodations may not be imposed). The right to personal autonomy, self-determination and dignity is as significant for people with mental health disabilities as for others, and must be respected (*Human Rights Commission Policy on preventing discrimination based on mental health disabilities and addictions, 2014, p.86*).
2. When a student agrees to accommodations or accepts limitations on their conduct, there should be a written record of that agreement.
3. There are limits on the University's duty to accommodate a student's disability, including in the absence of the person's participation in the process (*HRC Policy on preventing discrimination based on mental health disabilities and addictions, 2014, pp. 80-83*). The University's policy must be clear on exactly where responsibility lies for making any decision to impose conditions affecting the student's access to University programs, whether this is to rest with a specific

administrator, a duly constituted committee, or a case management team, and this information must be made available to the student.

4. The student must be informed of the alleged misconduct and given an opportunity to respond and to provide any relevant documents concerning his/her case, health and/or behaviour.
5. Any decision to limit a student's access to University programs taken without participation or consent must be subject to appeal. This appeal could be to an existing body such as the Discipline Appeals Board, or to a body newly constituted for this purpose. The student should have the right to be represented by counsel at appeal.
6. The name of the policy under which any meetings or written communications with the student are being undertaken should be made known to the student, who should also be given a copy of the policy.
7. The names, titles, and roles and responsibilities of all University personnel involved in the management of a case should be made available, in writing, to the student. (We have been concerned to observe, for example, that students sometimes misinterpret the roles of Student Crisis Response or Student Academic Progress staff, and, based on this misunderstanding, may become unreceptive towards, and even critical of or hostile to, staff efforts to provide advice and support.)
8. The policy should include a return-to-campus procedure following a leave of absence, whether that leave was taken by agreement or imposed on the student.
9. The administration should report annually to the University Affairs Board statistical information about the number of cases managed under the policy, and the outcomes (both where agreement was reached, and where it was not). These reports would properly become part of a body of evidence derived from broadly based research and analysis of the efficacy or otherwise of practices that have been employed here or in other institutions.
10. The proposed new policy (and any future amendments) should be evidence-based, and the recommendation for its adoption should be supported by such a rationale.

Code of Behaviour on Academic Matters

The *Code of Behaviour on Academic Matters* lays out the University's expectations of both its faculty and students in ensuring the academic integrity of its teaching programs. It outlines the kinds of behaviour that may be considered an academic offence on the part of both teachers and students, and prescribes procedures to be followed when an offence is suspected. The *Code* is an important instrument in protecting the value of a degree or

diploma from this institution, and adherence to its provisions serve the interests of both the University and all of its students.

Each of my seven earlier annual reports has discussed issues arising in connection with this policy and its administration. In my report for 2013-14, I signalled that in 2014-15 I would be taking an interest in the experience at the departmental level. Under the *Code*, department chairs may dispose of cases involving assignments that carry a weight of 10% or less of the final grade in a course provided that the student admits the offence and the sanction warranted does not exceed those available to the chair. However, no information on the administration of the *Code* at this level is currently published. My focus was on identifying best practice at the departmental level in the prevention of academic offences and in the administration of the *Code*.

The introduction of University-wide policy and procedures that removed the responsibility for the disposition of allegations of academic offences by students from individual instructors was intended, among other things, to ensure a) more equitable treatment of students for similar offences, and b) appropriate recognition of repeat offending in sanctioning. I was interested in how well the current administrative arrangements were supporting these objectives. I was also particularly interested in identifying measures that might make it easier for departments and instructors to fulfil their responsibilities under the *Code*.

I first asked each of the four departmentalized first-entry divisions, Arts & Science (FAS), UTSC, UTM, and Applied Science & Engineering (FASE), and the School of Graduate Studies (SGS) for a departmental breakdown of the number of cases handled in the course of 2013-2014. It was quickly ascertained that, because of system and/or staffing limitations, none of the divisions could easily provide this information. Several also reported that they experienced difficulties and delays in complying with requests from the Provost for information for the annual reports to the Academic Board when changes in the requirements were made without adequate notice.

- One academic integrity office assigned a staff member to do the programming necessary to generate reports from the divisional database by department of undergraduate cases disposed of at each of the Tribunal level, the divisional level, and the departmental level. The last included only those cases that had been reported by the departments to the divisional office, which could not be confident that that report was complete.
- Another office manually generated a report by department of the number of undergraduate cases handled at the divisional level, but was not able to do so for cases handled at the departmental level.
- A third obtained a report from each department of the number of cases disposed of at the departmental level, but was unable to extract department-based statistics for those handled by the divisional office.
- A fourth was unable to provide any statistical information broken down by department.

- SGS manually generated a report by department of cases dealt with at the divisional level over a 10-year period, the numbers in a 12-month period being too small to make a breakdown by department meaningful¹. This report included data for all graduate departments, not only those in the four departmentalized undergraduate divisions. No information was available on graduate cases disposed of at the departmental level.

I subsequently invited the chairs of all 67 departments in FAS, UTM, UTSC and FASE to respond to a questionnaire about departmental practices. Importantly, the questionnaire also sought suggestions on how to make it easier for departments and instructors to fulfil their responsibilities under the *Code*, and on measures that might reduce the incidence of offences. Completed questionnaires were received from 34 departments, a 50% participation rate, 20 of these coming from departments that administer both graduate and undergraduate programs.

The four divisions included in this study account for over 95% of the academic offences reported annually to the Academic Board by the Provost. That report does not capture those resolved at the departmental level. Despite the lack of uniformity of the statistical information provided by the divisions, it can be safely concluded that the annual report to the Academic Board understates the total number of confirmed offences by our students by at least 20%.

Departments vary greatly in the numbers of cases of record. Some of this variance is undoubtedly accounted for by differences in the numbers of students enrolled, in faculty-student ratios in courses, and in the evaluation methods favoured by different disciplines. It is also probable that differences in departmental practices, in the level of vigilance on the part of instructors, and in the level of awareness among students of the provisions of the *Code*, are relevant.

In response to questions about departmental practices, 70-75% of departments reported that they actively promote academic integrity in their programs by means of

- regular or occasional discussions at departmental meetings (although in some departments these meetings are attended only by full-time faculty),
- TA training,
- disseminating information about procedures,
- providing suggestions on how to minimize the opportunities for offences, and/or
- referring instructors to divisional or departmental websites.

Other notable examples of departmental best practice, using materials generated by the departments themselves or obtained from divisional sources, were reported, such as

- attention to academic integrity matters in orientation sessions for new instructors,

¹ According to statistics given in the annual reports to the Academic Board, the number of graduate cases disposed of by SGS or the Tribunal, though varying from year to year, has not increased over the last 8 years, this despite the large increase in graduate enrolments during the same period, and has averaged 18 per year.

- mentoring programs for new instructors that include advice on the design and implementation of courses, and the handling of academic integrity concerns,
- coverage in departmental handbooks and handouts,
- holding pedagogy lunches for faculty and teaching assistants,
- encouraging consultation with the Chair or another designated individual when concerns arise,
- regular communications to instructors reminding them to make their expectations clear to students on their syllabus, and providing material for inclusion in course outlines, and
- recommending or requiring the use of an Academic Integrity Checklist to be signed by a student when submitting take-home assignments.

Ninety-five percent of respondents to the survey believed (with varying degrees of certainty) that instructors in their departments generally complied with the requirements of the *Code* when they suspected cheating. However, only 70-75% of departments explicitly ensured that instructors were aware that ignoring suspected cheating is itself an academic offence², and that instructors and TAs may not impose sanctions on students.

Ninety-five percent of respondents believed that instructors in their department generally tried to ensure that students understand the importance of academic integrity. However, many called for more educational programs for undergraduate students, particularly in light of the diverse backgrounds of the student body in relation to the issue and in the level of their academic skills. Some departments or individual instructors do currently request classroom presentations by their divisional academic integrity office; the offices respond to these requests to the best of their ability, but lack the capacity to provide anything approaching complete coverage.

It is noteworthy that only a small minority of departments currently deliver or have plans to deliver departmental educational programs for students; most apparently feel that this responsibility lies with the individual instructor, with the academic division, or elsewhere. A commendable exception is a department that is engaged in a project that seeks to incorporate existing academic integrity programming into its first-year curriculum using an interactive online module hosted through Blackboard. Content will be based on the most frequent and troublesome cases. To encourage participation, it is proposed that students who achieve 75% on a test within the first three weeks of a course will receive a modest participatory grade. A pilot is to be launched in 2015-16, and success will be evaluated through monitoring trends in the number of documented offences. This project could serve as a model for other departments, and could also be applied more broadly within divisions. While a great deal of information is available to students on University, divisional, and departmental websites, it is questionable how much of it is absorbed, or even read, by students.

² *Code of Behaviour on Academic Matters* B.i.2. It shall be an offence for a faculty member knowingly: (a) to approve any of the previously described offences [by a student].

One respondent suggested that consideration be given to introducing an “academic passport” for students, which would be “stamped” when specified activities have been completed; these activities would include successful completion of workshops or online training sessions on academic integrity and academic skills, perhaps recorded by a notation on the student’s transcript. Such an approach might work best at the divisional level.

When asked for suggestions about how to make the administration of the *Code* easier, many departments called for the creation of an online system for reporting and tracking the handling of an academic offence. As of 2014-15, only one division had such a system, which allows an instructor to create a file when a case arises and for offices that handle the matter to update the file at each step of the process. Divisional offices that lack such a system have also identified this need, and have already requested that providing it be made a high priority. Such a system would relieve the administrative workload for everyone involved at the various steps of the process, and should reduce delays in the forwarding and resolution of cases.

An online tracking system in all divisions would also help to reduce evident unevenness in the recognition of prior offences in sanctioning. Responses to the questionnaire revealed that only a minority of departments actually kept departmental records of allegations disposed of at their level. While a large majority said they routinely provided information on such cases to the divisional integrity office, 20% of respondents did not do so. As a consequence, sanctioning at the divisional level may sometimes fail to take prior offences into account. When cases are disposed of at the department level, it is not uncommon for sanctions to be applied without benefit of this information:

- More than 40% of departments reported not knowing whether there were prior offences in other departments when cases were dealt with.
- 20% of departments reported not knowing whether there were prior offences in their own department.
- Chairs of two departments reported that they simply asked the student whether or not they had committed past offences.
- In one instance, the departmental administration was taking no responsibility for addressing allegations of offences; rather, contrary to University policy, their disposition had been left in the hands of instructors.

Summary

This exercise drew attention to the need for improved systems support to assist instructors, department chairs, and divisional offices in meeting their responsibilities for ensuring the integrity of the teaching programs. As well, some divisional offices appear to need additional staff support to ensure the efficient disposition of cases as well as to engage in the active promotion of academic integrity in the division’s programs.

While the exercise provided an assurance that many departments play a proactive role in promoting academic integrity in their undergraduate and graduate teaching programs, it also established that this is not universally the case. There is sufficient room for

improvement in departmental practices in enough cases to suggest that more attention needs to be paid to preparing chairs to provide leadership in this area.

Despite the current efforts of many instructors, divisional academic integrity offices, writing labs and other academic services, and the large amount of written material available to students on websites and elsewhere, too many students apparently remain ignorant or unsure of the University's expectations respecting the integrity of their academic work, or else they lack the academic skills necessary to succeed without resorting to conduct that constitutes an academic offence. New approaches to this aspect of the education of students need to be considered.

Although I did not seek comparable information from the heads of non-departmentalized academic divisions, the recommendations arising from this exercise might well be usefully applied to them as well.

Recommendation 2: Improved systems should be provided to support instructors, departments, and divisional academic integrity offices in order to ensure the equitable and timely disposition of allegations of student academic offences; this need should be accorded a high priority by the Deans of the divisions.

Recommendation 3: Orientation programs for new academic administrators should include a focus on best practices for ensuring the promotion of academic integrity in the teaching programs under the auspices of the divisions and departments they will lead.

Recommendation 4: Academic divisions and departments, as appropriate, should consider developing interactive online tutorials as a tool in the education of students about the importance and practice of academic integrity and to supplement existing services that assist students in the development of academic skills.

Handling of Requests for Assistance

In 2014-15 the Office handled 314 requests for assistance. A more detailed report on who approached the Office, and the types of issues raised, see Appendix 1. The disposition of complaints and other requests for assistance is summarized in the diagram below.

As usual, the largest numbers of requests for assistance came from undergraduate students, but in relation to their total numbers, graduate students continued to be heavier users. The number of administrative staff seeking assistance continued to grow. The increase may be due in part to higher awareness of the office among these employees because of our participation in Campus Expo in the past 2 years.

As in past years, requests for assistance were most often initiated by email or our web-based Request for Assistance form (73%), or by telephone (19%). The Office responded to 58% of contacts on the same day and to 88% by the following day.

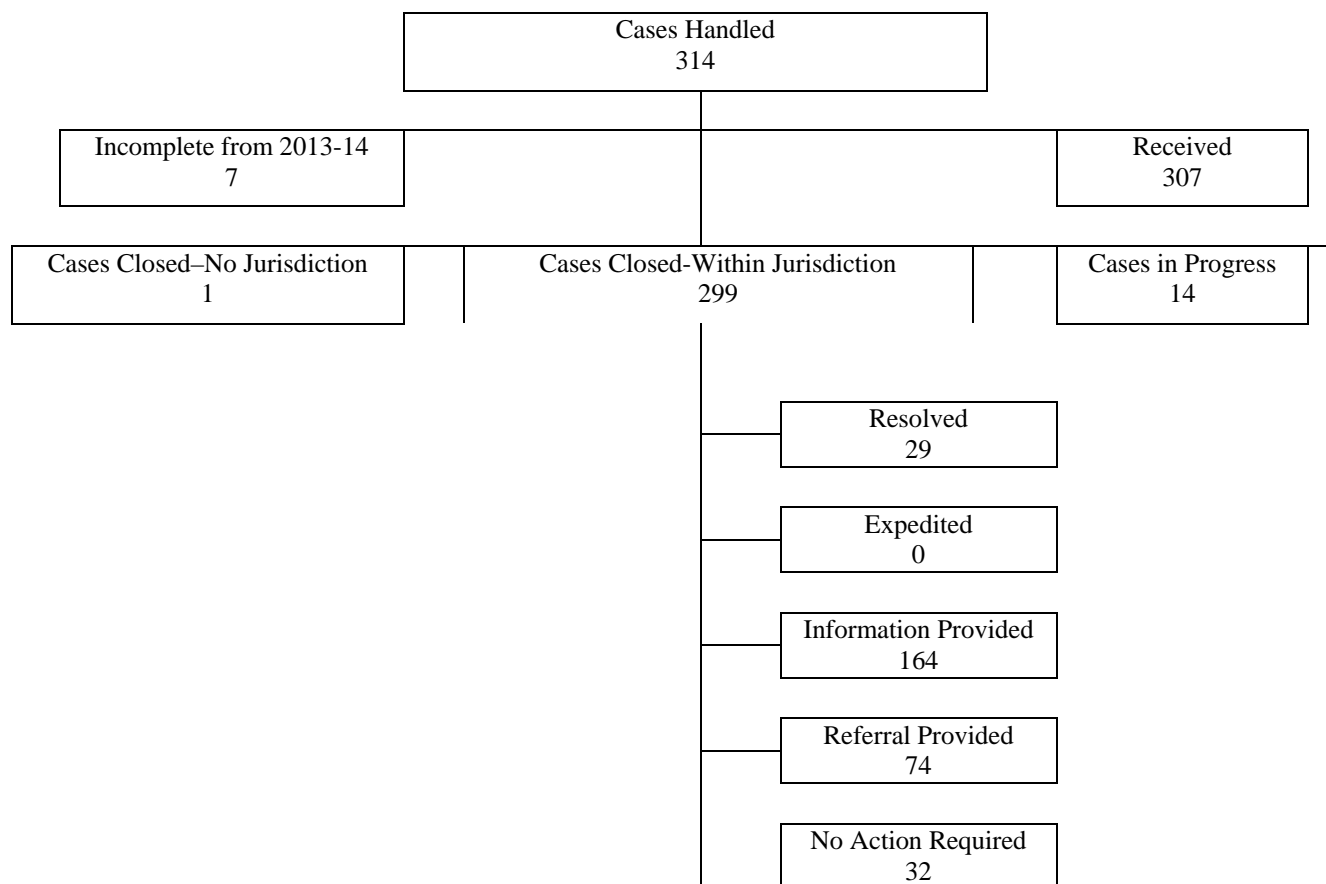
One or more meetings with the complainant were held in 44% of cases. If a meeting is required, it is scheduled at the earliest convenience of the complainant; 62% occurred on the same or following day, 95% within a week. Meetings are held at the campus requested by the complainant, or may be conducted by telephone if the complainant prefers. Some elect to conduct all their communications with us by email.

Meetings with complainants are often lengthy, and more than one may be needed. Because complainants are sometimes very upset and/or poorly prepared to present their story in a complete and coherent fashion, obtaining all the relevant details and any available documentation may take a considerable amount of time. Explaining the relevant policies and procedures, then identifying, explaining and discussing the pros and cons of the options available to the complainant can be a lengthy process. The options available to the complainant may or may not include further intervention on our part.

With the consent of the complainant, we contacted relevant administrators in 18% of the cases. Initial contact is always to obtain further information about the matter from the point of view of the administrator concerned, following which we may move to a discussion of the issues and the potential for a better resolution. Administrators at all levels in the institution are generally very responsive in providing information, and constructive in exploring potential resolutions. When the Office did intervene, the matter was resolved or expedited in 55% of cases. Where the outcome was unchanged, it was commonly because additional information obtained through our enquiries satisfied us that the original decision was fair. Although many complainants gain insight into the issues after engaging with the Office and understand and accept the outcome and the reasons for it, this does not apply to all.

Thirty-three percent of all cases were disposed of within a week, but 26% engaged our attention for more than a month, some for much longer.

Disposition of Complaints and Enquiries 2014-15



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

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

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

Referral: Office provides a referral and contact information only.

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

Other Activities of the Office

We again advertised in various campus publications, both print (*The Medium, The Mike, The Underground, The Varsity*) and electronic (Arts & Science, Grad News, Applied Science & Engineering, UTM, The Bulletin). We purchase ads in the UTSU student handbook and the Clubs Directory and programs for Hart House Theatre productions.

We maintain our presence on the portal, and information about the Office has been included in the Life section of ACORN, the new student web service launched in June.

Approximately 11,000 business card holders bearing our contact information were distributed, mainly to new students through UTSU and SCSU orientation kits, to attendees at Grad Info Fair, to residents of International Grad House, and to attendees at Campus Services Expo.

Approximately 3,000 bookmarks and 1500 information sheets were distributed (Campus Services Expo kits, faculty, staff, and graduate students in the Faculty of Social Work and in the Centre for Public Policy and Governance and the Department of English at UTSC, through Rotman Commerce, Grad Info Fair, International Grad House, to attendees at orientation sessions for new faculty and staff), and through the Centre for Teaching Support, the Campus Safety Office, UTSC Student Life Centre, and Student Life Programs on the St. George Campus).

Materials about the Office are also provided at the orientation for new academic administrators, and the incoming Ombudsperson, Professor Ellen Hodnett attended a social event where she was introduced to participants.

We participated in Campus Services Expo in May 2015. The event drew an attendance of 500, the majority being University staff. As in the past year, many attendees took an interest in our display and engaged in conversation about the work of the Office.

The Office once again assisted the University of Toronto Student Union by providing neutral and secure storage space for ballot boxes during their annual election.

In January 2015, I attended a meeting of the Eastern Division of the Association of Canadian College and University Ombudspersons (ACCUO) held at Western University in London, Ontario.

The Ontario Ombudsman will begin taking complaints about universities on January 1, 2016, under the new *Public Sector and MPP Accountability Act, 2014* (also known as Bill 8), which was passed in December 2014. A senior member of the Office of the Ontario Ombudsman has initiated contact with the ombudspersons of universities in the province through ACCUO, and met informally with members of this group who attended the annual conference held in Vancouver in May 2015.

With the assistance of the Freedom of Information and Privacy Office (FIPP), I prepared new *Privacy Guidelines for the Office of the University Ombudsperson* reflecting the stringent confidentiality requirements of the *Terms of Reference* for the Ombudsperson . The *Guidelines* have been filed with the FIPP Office.

I transmitted a supplementary report on the operations of the Office to the Review Committee appointed by Governing Council. At the invitation of the Committee, the Assistant Ombudsperson and I each met with the Committee. We appreciate the careful attention to the issues raised in the course of the review, as reflected in the Report delivered to Governing Council in May 2015.

In June, the Communications Department ran a story about the appointment of Ellen Hodnett in the U of T News. During that month, the staff and I met with Professor Hodnett several times to discuss the operations of the Office with a view to ensuring a smooth transition and continuity of engagement with ongoing issues.

I want to thank the governors for the opportunity to serve as the University Ombudsperson over the last eight years. It has been a stimulating and rewarding experience that has taught me much about this institution and its challenges. It has been my privilege to be allowed insight into the lives of so many individual members of the University community, and the circumstances under which they work and study. Any contribution I have been able to make towards improving the way the University supports its students and employees reflects in large part the work of my colleagues Garvin De Four, Stephanie Ellul, and Stephanie's predecessor, Linda Collins. None of this could have been accomplished without the commitment of administrators throughout the University to the welfare of the institution and its members, and their openness to the work of this Office.

Respectfully submitted,

Joan Foley

September, 2015

Appendix 1

Who Approached the Office in 2014-15, and Why They Came

Group A: Graduate Students and Postdoctoral Fellows

The table below shows the caseload for graduate students in research-stream and professional masters/doctoral programs, and postdoctoral fellows under the auspices of the School of Graduate Studies, by Division. Also included are students in conjoint programs with the Toronto School of Theology. Participation as a percentage of the number of students enrolled in each area is shown in parentheses.

Division I	Humanities	3	(0.2%)
Division II	Social Sciences	26	(0.4%)
Division III	Physical Sciences	14	(0.4%)
Division IV	Life Sciences	30	(0.7%)
Unknown		16	
Toronto School of Theology		5	
Total		94	(0.5%)

The total number of 94 compares with 102 last year, and 95 in 2012-13. As a proportion of their total number, graduate students continue to be the biggest student users of the Office.

As in the past, the matters brought to the Office by graduate students most often concerned academic issues leading to termination/withdrawal, problems with supervision, and difficulties with fees/financial assistance. The next most frequently raised issues were harassment and discrimination, student conduct, academic integrity, and research ethics.

Group B: Undergraduate, Professional, and Continuing Education Students

The caseload for all students in programs *not* under the auspices of the School of Graduate Studies is shown below, broken down by academic division.

First Entry

Arts & Science	60	(0.2%)
UTM	19	(0.15%)
UTSC	15	(0.1%)
Applied Sci. & Eng.	11	(0.2%)
Arch. Land. & Design	3	
Music	1	
Kinesiology & Phys. Ed.	0	

Professional & Continuing Education

Continuing Studies	3	
Dentistry	3	
Law	1	
Management	1	
Medicine	3	
Medicine Postgraduate	0	
Nursing	3	
OISE/UT	0	
Pharmacy	1	
Pharmacy Residents	0	
Unknown	9	
Total	133	(0.2%)

The total number of 133 is a decrease from 155 last year, and 145 in 2012-13.

Students in this group most frequently sought assistance in connection with issues arising in the academic context, such as the behaviour of an instructor, test and examination arrangements, petitions or appeals processes, fees/financial aid, and allegations of academic misconduct. Some raised campus life issues, allegations of non-academic misconduct, or harassment and discrimination.

Group C: Administrative Staff

There were 31 requests for assistance from staff (0.5%), an increase over 23 last year and 15 in 2012-13. They originated from staff employed in a variety of capacities from both academic and administrative units in different parts of the institution.

Almost all issues brought by staff focussed on workplace situations. In such matters, many staff did not seek any involvement of the Office beyond discussion of the concern, explanations of policies/guidelines/procedures, identification of options available, and advice on the channels to follow. However, in a few cases, discussion with the relevant administrator with the consent of the complainant led to resolution. Among the matters raised were the following.

- change of leadership of unit resulting in negative changes in conditions of employment
- alleged bullying and harassment by a manager, supervisor, or head of unit
- alleged conflict of interest and improper hiring procedures
- how to respond to a student in need of assistance or advice
- benefits or severance arrangements on departure from position
- inadequate recognition of contributions to research
- use/misuse of “coaching” letters
- micromanagement by supervisor
- negative impact of reorganization of unit on return from an approved leave
- breach of agreed conditions when changing departments
- arrangements for returning overpayment
- termination of employment

In the case of unionized staff, the Office is careful to respect the role of the unions in matters subject to the terms of a labour agreement, but we do advise unionized staff about how they can properly raise their concerns and have them addressed.

Group D: Academic Staff

The Office dealt with 8 requests for assistance from academic staff (0.1%), originating from four different academic divisions. Only two were from individuals holding tenured/tenure-stream appointments, both individuals with administrative roles wantin to discuss how to respond to problems being brought to their attention by others.

In every case, our role was limited to analyzing the issue, providing information about policy and procedures, explaining the channels available, and exploring the pros and cons of alternative courses of action.

Among the issues raised were the following, several of which arose in the context of a change of leadership in an academic unit.

- uncivil behaviour on the part of the head of a unit
- concerns about the ethics of a collaborator in research at this or another institution
- how to handle conflict between graduate students
- changes to teaching duties
- restriction of opportunities to participate in activities bearing on future advancement

Group E: Others

Forty-eight requests for assistance were received from individuals whose status is not captured by the any of the four categories above. This heterogeneous group includes:

- post-doctoral fellows supervised by a University appointee but whose own fellowships are administered by another organization, such as a hospital or research institute,
- employees of separately incorporated organizations operating within the orbit of the University (e.g., a student union, an affiliated or federated institution),
- students from another university taking courses here on a letter of permission,
- persons receiving services from a unit operated by an academic division as a training venue for students,
- former members of the University with concerns that did *not* arise out of their period of active participation as a member, and
- parents of students, applicants for admission, and other members of the public.

Even though the Ombudsperson's *Terms of Reference* may preclude intervention in some of these cases, the Office often provides assistance in the form of referrals and/or information in the public domain. In the previous two years we had been contacted by a large number of applicants for admission with enquiries about the admissions process or the status of their application--information which we could not provide--resulting in the need for many referrals, and causing frustration for the applicants. Discussion with the University Registrar and Director of Enrolment Services has led to improvements in the ability of applicants to reach Enrolment Services directly and resulted in many fewer such contacts with our Office this year.

People who are parents, spouses, or friends of members of the University and who contact us on behalf of a member are encouraged to ask the student or employee to contact us directly. In a few instances, we have accepted authorization from the member him/herself to discuss the matter with a designated representative.

Appendix 2

Feedback Volunteered by Users of the Office

Thanks for taking the time to talk with me; I really appreciate the time you took to review my case and to talk to X for me.

Thanks for getting in touch on behalf of this student.

Thank you so much for your message, and for clarifying what has happened.

Thanks so much again for your help and support through this difficult experience.

Thank you for considering something that I could never bring out if I hadn't addressed it to you about it.

Your information has been helpful for me.

Thank you so much for taking the time to speak with me this morning. I really appreciate your comments and advice, it allowed me to see my situation more objectively.

I would like to present this self-published book to you as a token of my gratitude for your help.

I figured that if I contacted you, I would at the very least be pointed in the right direction-- which is exactly what you have done and I am ever so thankful for it. I immensely appreciate your concern and the help.

Thank you so much for your help. I truly appreciate it. You did assist me in more ways than one.

Great. Thank you so much for your help!

Thank you very much for listening to me with my concerns and helping out in the matter. It was a pleasure to meet you. Your assistance is greatly appreciated.

I want to thank you for taking the time to read though all of my documents and email exchanges and for giving me your advice. I really appreciate all your help.

Wonderful. This is a wealth of information. Thanks so much for your time and helpful guidance.

Thank you so much for looking into my case. Words could not express how grateful I am of your efforts. Again, thank you very, very much.

I appreciate all the help you've given me.

Thank you so much for your help and support . My request for lifting suspension has been granted and I've been informed that I can start my school back from September onwards. I'm so thankful to you.

I just wanted to thank you so much for your time and your advice. You've really given me the support that I needed among all the chaos I had going for me the past few days. Thank you thank you thank you!

Thank you so much for taking time out of your busy schedule to listen and guide me. [Problem has been resolved]. I very appreciate your time and sincere efforts.

I just wanted to let you know that I am now able to continue on with my research. I am very relieved.

Thank you so much for your time and support.

Your referral was very helpful. My meeting with you also helped me to frame my concerns and desired resolution as clearly as possible.

I want to thank-you for all of your assistance and your advice in this matter. I appreciate all the effort and time you put into understanding my position. It was very generous of you to reach out to X on my behalf. It is an unexpected gesture and very kind. Thank-you.

I appreciate your help and assistance. I concur with everything you indicate.

Once again, thanks. While I don't mind communicating with you, I hope this is the last time!!!!

Thank you so much for your prompt, helpful, and detailed email explaining whom to contact.

I do appreciate all the time, effort and thoughtful consideration you have devoted to this and I am grateful for your insights and our conversations.

Thank you for all your work to dig up information and I will look to the alternatives you have recommended to resolve this issue.

I am thrilled! Thanks so much for your help, particularly at this busy time of year.

Thank you very much for your insights, research, and thoroughness – it was much appreciated and shall not be forgotten.

I have spoken to X, and we have come to an agreement. I am glad that I consulted you first, though.

Thank you for your work on making this change possible. I'm quite interested in what the process and case looked like, but the results alone are perfect.

You were very helpful. Now I know who to call if I need to.

Thank you for all of your direction. I felt very discouraged at times throughout this process but your assistance has kept me on track.

Thank you for all of your help.

I guess this is the end of my quest for a clearer answer. The only consolation I have is that in the future hopefully no one will be complaining on the same grounds I raised. Thank you for all your help and your answer.

I appreciate you taking the time to provide all of this information.

I really appreciate for taking your time and providing me with this information.
thanks you so much!

Thanks back to you for the very helpful conversation, and for your skilful listening and advice. I understand, and will certainly contact your office should the need arise in relation to this case.

I wanted to thank you so much for all your help. I really appreciate all your time and effort. Your support was both helpful and encouraging for me during that difficult time.

I would like to thank you for your involvement in this matter which has been crucial in arriving at a satisfactory resolution.

Thanks back to you for the very helpful conversation, and for your skilful listening and advice. I understand, and will certainly contct your office should the need arise in relation to this case.

Thanks for your kindness and patience.

My matter has been resolved. Thank you so much for your advice. I was so upset the day I spoke with you and I needed someone to say, "Let's look at the reality." Thanks for that.

I am, frankly, disappointed at your findings. I am thoroughly dissatisfied of how you do not consider that grievance. While I cannot appreciate that your role thus far has seen any use to a bigger issue of mistreatment of students such as me, I respect that your boundaries have been reached.

Administrative Response to the *Report of the University Ombudsperson for the Period 1 July 2014 to 30 June 2015*

October 2015

Overview

The Terms of Reference for the Office of the University Ombudsperson stipulate that the Ombudsperson shall “make a written annual report to the Governing Council, and through it to the University community”. In addition, the Governing Council requests an administrative response to each annual report. The *Report of the University Ombudsperson for the Period 1 July 2014 to 30 June 2015* is Professor Joan Foley’s eighth and final annual report as University Ombudsperson.

Response

The Administration offers sincere thanks to Professor Foley for her continued dedication to the University of Toronto and for her exceptional commitment to the role of University Ombudsperson. The Report clearly reflects Professor Foley’s integrity and her understanding of the complex issues faced by the University.

The *Report of the University Ombudsperson for the Period 1 July 2014 to 30 June 2015* is carefully considered, objective, and constructive. The Report addresses two systemic issues – *Code of Student Conduct* matters in which mental illness is or may be a factor and administration of the *Code of Behaviour on Academic Matters* – and makes four recommendations related to these matters, all of which are accepted by the Administration. The Report also helpfully details the Office’s other activities, including its communications and outreach efforts, and the preparation of privacy guidelines reflecting the Office’s stringent confidentiality requirements.

Recommendations

As Professor Foley notes, addressing systemic issues is a critical part of the Ombudsperson’s mandate. The Report’s recommendations are aimed at addressing concerns arising from cases considered by the Ombudsperson over the years. The Administration continues to welcome and appreciate this unique perspective.

Recommendation 1: That a University policy be developed that incorporates ten principles outlined in the Report.

The Administration appreciates the Ombudsperson’s recognition of the great progress that has been achieved in working to support students with mental health challenges. Divisions across the University have identified student mental health needs and the resulting implications for both academic progress and student conduct as a priority. To that end, senior administrators,

instructors, and staff continue to work together on strategies to optimize the teaching and learning environment for all members of the University community.

The University provides accommodation to students through Accessibility Services, and to employees through Health and Well-being Programs and Services. These accommodations are determined through an individual's expressed needs and medical documentation that supports and recommends particular accommodation options, and such options are non-coercive and co-operative. Students in need of a break from their studies are offered options that support this identified need while protecting their academic record. A written record of an accommodation plan is always created, ensuring a shared understanding of all parties involved.

It is evident that, in cases where serious mental health needs or undiagnosed first episode needs arise at the University, a student's behaviour can sometimes be one of the first indicators that assistance is required. For example, due to the severity of the illness, a student may engage in behaviour inappropriate in a university setting or may be unable to perform his/her academic work. It is important to remember that these situations are a very small fraction of health needs addressed at the University.

Where safety and mental health intersect, the University works in a very sophisticated manner, tailoring its response to the specific circumstances, and placing a very high weight on accommodative measures. On some occasions, it becomes necessary to restrict a student's access to campus on a temporary basis. As stated in the prior Administrative Response, and quoted in this year's Report:

"In every case where mental health issues are involved, this includes ongoing efforts to engage with the student's mental health professionals or other experts, and other supports, so as to do whatever is reasonably possible to permit a safe resumption of studies. These proactive steps are always combined with very sophisticated human rights accommodation measures."

Decisions throughout a *Code of Student Conduct* proceeding take into account a wide range of extenuating circumstances, including the manner in which mental health issues may have impacted alleged offenses under the *Code*.

As the Ombudsperson notes, the Administration is in the process of developing a draft policy that will address voluntary and involuntary compassionate leave from the University in cases where serious mental health needs arise. Such a draft policy might also address situations in which a student is believed to have serious mental health issues but is unwilling or unable to acknowledge their condition in a *Code* proceeding. The need for this type of policy was articulated and affirmed through the work that led to the *Mental Health Framework*,¹ including a review by the Office of the Vice-Provost Students of relevant best practices for policy and protocol at a number of Canadian universities.

¹ <http://mentalhealth.utoronto.ca/>

Any new policy must be transparent, fair, effective, and compliant with a series of inter-related legislative and general legal obligations. For example, the duty to accommodate under the *Ontario Human Rights Code* is not absolute, but is subject to reasonable limitation where undue hardship would result, including with respect to health and safety considerations. The duty to accommodate must also stand alongside extremely important obligations under Bill 168 and the *Occupational Health and Safety Act* with respect to workplace violence. And the duty to accommodate must be operationalized in an internal University environment where students have a great deal of freedom, but also have responsibilities to respect conduct obligations, both academic and non-academic, which allow the University community to operate effectively. As the Ombudsperson notes, “The practices in place are certainly in compliance with provincial legislation such as Bill 168 (which deals with workplace violence and harassment) and the *Mental Health Act*.”

A proposed new policy should be suitable for rapidly evolving safety-related mental health situations, and should retain the ability to be deployed quickly in a highly sensitive context, with multiple inputs from mental health, risk assessment, and other experts, where safety remains the paramount concern. Therefore a new or different type of full-scale judicial tribunal hearing with testimony, cross-examination and other such elements, may not be appropriate for implementation at such critical periods.

As the University develops a new policy, it will, of course, take into account each of the specific points that the Ombudsperson makes with regard to **Recommendation 1**. Many of the principles she outlines are already contained in existing policies and practices at the University. For example, students who may be subject to allegations of misconduct are always informed in writing of the allegations against them. They are further provided with an opportunity to respond to the allegations.

Institutional policies can enable or inhibit learning, engaging, and flourishing within the post-secondary setting in ways that have a significant impact on student well-being. Within the area of policy, a continuum of individual and systemic factors must be considered. Policies range from those that support individual access, needs and well-being to those that are universal by design and aim to provide processes, rules and structures that support all students to flourish personally and academically. The Administration undertakes to find the right balance in response to this important systemic issue and thanks the Ombudsperson for sharing her insights.

The second systemic issue raised in the Ombudsperson’s report relates to the University’s *Code of Behaviour on Academic Matters*. As the Report notes, the *Code* serves to protect the value of a University of Toronto degree, thereby serving the interests of both the institution and every one of its students and alumni/ae. As outlined below, the University’s approach to academic integrity represents a balance between local divisional and central responsibility.

Recommendation 2: Improved systems should be provided to support instructors, departments, and divisional academic integrity offices in order to ensure the equitable and timely disposition of allegations of student academic offences; this need should be accorded a high priority by the Deans of the divisions.

With regard to **Recommendation 2**, the Provost's Office will continue to seek ways to encourage overall consistency of approach towards academic integrity across divisions. At the same time, divisions' flexibility to approach these issues in ways that are sensitive to their particular academic requirements and programs will be preserved. The Provostial Advisory Group on Academic Integrity, which is comprised of representatives from Dean's Offices from across the divisions, is well placed to examine the best ways in which to implement such systems.

The Provost's Office remains committed to improving the quality of academic integrity data. The tracking of academic misconduct cases resolved at the departmental level has been noted by the Provost's Office, as it was by the Ombudsperson, to present unique challenges. Cases resolved at the departmental level are not currently included in the Provost's annual statistics report to Academic Board. In 2014-15, the Provost's Office launched an updated statistics collection form, which is used to compile the academic integrity statistics presented to Academic Board each year. The report presented in the spring of 2015 also tracks new data and provides greater visual clarity through the use of graphs and pie charts. These enhancements allow for better analysis, consistency, clarity, and reliability of the data reported.

Recommendation 3: Orientation programs for new academic administrators should include a focus on best practices for ensuring the promotion of academic integrity in the teaching programs under the auspices of the divisions and departments they will lead.

In line with **Recommendation 3**, the orientation program for new academic administrators each summer includes an introduction to contacts who are available to advise on academic integrity procedures. The Office of Faculty & Academic Life will examine further ways to increase academic integrity awareness.

Recommendation 4: Academic divisions and departments, as appropriate, should consider developing interactive online tutorials as a tool in the education of students about the importance and practice of academic integrity and to supplement existing services that assist students in the development of academic skills.

In 2014-15, the Provostial Advisory Group launched a new student-focused website on academic integrity,² which contains a range of best practices and scenarios. The Group continues to examine ways in which to increase the interactivity of that website. This September, a new message from the Provost directing students to the website was placed on the Blackboard landing page of every undergraduate and graduate student at the University.

² academicintegrity.utoronto.ca

Several divisions have already developed modules for academic integrity education, and others are currently in the process of implementing such modules, in line with **Recommendation 4**. The Group remains committed to reviewing and supporting these developments.

Additional Observations

The Administration applauds the Office of the Ombudsperson's ongoing outreach initiatives and its communications plan. The Ombudsperson is an important resource in our community, and as such, raising awareness about the Ombudsperson's role and function is a key component of fulfilling the Office's mandate. The Administration is pleased to see that members of the University community avail themselves of the services of the Office. As the Administration acts on the above recommendations, it would be most helpful to be able to access the survey information and departmental statistics collected by the Office of the Ombudsperson. The Administration looks forward to continued open and constructive dialogue with the Office of the Ombudsperson.

The Administration is greatly appreciative of the dedication and service of Professor Foley and her team and recognizes that their hard work benefits the University's students, faculty, staff, and community members. The Administration thanks them for ensuring a smooth transition as the new Ombudsperson, Professor Emeritus Ellen Hodnett, assumed office in July. The Administration wishes Professor Foley well in her retirement and looks forward to working with Professor Hodnett in the years to come.