



**FOR ENDORSEMENT
AND FORWARDING TO
THE GOVERNING
COUNCIL**

PUBLIC

CLOSED SESSION

TO: Executive Committee

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DATE: October 14 for October 19, 2016

AGENDA ITEM: 3 (a.)

ITEM IDENTIFICATION:

2015-16 Annual Report of the Office of the Ombudsperson, 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 to Governing Council] (October 19, 2016)
2. Governing Council [For Information] (October 27, 2016)

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 for the Period 1 July 2014 to 30 June 2015*, as well as the accompanying *Administrative Response*, at its meeting of October 29, 2015.

HIGHLIGHTS:

The *Report* and the Administrative Response are enclosed.

FINANCIAL IMPLICATIONS:

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

RECOMMENDATION:

Be It Resolved

THAT the *2015-16 Annual Report of the Office of the Ombudsperson* and the Administrative Response be endorsed and placed on the agenda of the Governing Council meeting of October 27, 2016.

DOCUMENTATION PROVIDED:

2015-16 Annual Report of the Office of the Ombudsperson

Administrative Response to the *2015-16 Annual Report of the Office of the Ombudsperson*



ANNUAL REPORT

2015-16



UNIVERSITY OF
TORONTO

**OFFICE OF THE
OMBUDSPERSON**

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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 Office of the Ombudsperson has two responsibilities: 1) to respond to requests for assistance from individual members of the University community, and 2) to alert Governing Council and the University administration to those issues of broader significance (systemic issues) that merit review.

The total caseload in 2015-16 (n=316) was very similar in size to the previous year (n=314). The majority of students, nearly all administrative staff, and all faculty members who contacted the Office for assistance were from the St. George campus. By far the most complex cases involved students with mental health disabilities.

Two systemic issues were identified: the application of policies and guidelines in regard to students with mental health disabilities, and communication. Three inter-related themes permeate the recommendations: accessibility, accountability, and transparency. Disparities and inconsistencies across academic divisions exist, in the application of both University policies and Ontario human rights guidelines in dealings with those who have mental health disabilities. Included in the Report are four recommendations aimed at ensuring that existing and future academic programs are designed to acknowledge the rights of those with mental health disabilities to equitable treatment. Additional recommendations address the goal of improved communication in two administrative areas involving University administration and the Office of the Ombudsperson.

An important challenge for 2016-17 will be to increase the awareness of and use of Ombudsperson services by those who are on the University of Toronto Mississauga and University of Toronto Scarborough campuses.

Introduction

In October 1975, Governing Council established the Office of the University Ombudsperson, including its Terms of Reference, and with a mandate to support the University's commitment to fairness in dealings with its members. The Office is independent of the University administration, and accountable solely to Governing Council. The Office is staffed by a full-time Assistant Ombudsperson and two part-time staff, the Ombudsperson and an assistant.

As mandated by the Terms of Reference, The Office of the Ombudsperson reports annually to Governing Council and through it, to the University community. The purpose of the Annual Report is twofold: 1) to respond to requests for assistance from individual members of the University community, and 2) to alert Governing Council and the University administration to 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.

The Office does not normally intervene in complaints unless regular channels provided by the University have been exhausted, 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. The Annual Report allows the Ombudsperson to make formal recommendation, but all decisions remain in the hands of the University administration.¹

¹ 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 to Governing Council covers my first year as University Ombudsperson. The report is presented in three sections:

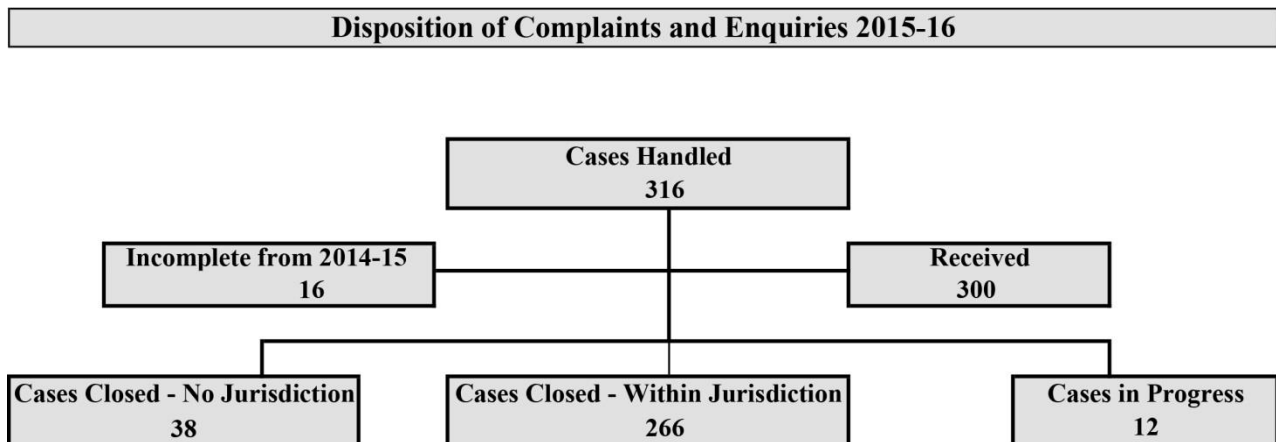
- I. Who sought our assistance, and why they came;
- II. Systemic issues and recommendations; and
- III. Other activities of the Office, both internal and external, and plans for 2016-17.

I. Who Sought Our Assistance, and Why They Came

In order to give a picture of the workload of the Office, part of this section refers to the Office's total caseload in 2015-16, i.e. both new and continuing cases. In order to enable tracking of trends in issues over time, another part of this section refers only to new cases opened during the year.

Figure 1 shows the disposition of all cases and inquiries in 2015-16. The Office dealt with 316 complainants: 300 new and 16 in progress from the previous year. Our total was very similar to the 314 cases handled by the Office in 2014-15. Initial contacts were made by email or submission of the online request for assistance form in 89% of cases, a substantial increase from 70% in the previous year. In contrast, initial contacts by telephone were made in only 8% of cases, compared to 24% in the previous year. By June 30 the Office had closed 304 cases, leaving 12 in progress.

Figure 1



Cases over which the Office had no jurisdiction included the following: admissions inquiries, employment seekers, complaints by students at other universities, third party complaints, and complaints about student societies or other student groups.

Table 1 shows our total caseload (new and continuing) by constituency.

Table 1 – Caseload by Constituency 2015-16

Constituency	N
Undergraduate	124
Graduate	86
Administrative	30
Academic	16
Alumni	3
Miscellaneous	57
Total	316

The following section describes the students who contacted or continued contact with the Office during 2015-16, and the reasons why they did.

Undergraduate students. Of the 124 undergraduate students, 51 were from Arts & Sciences, 21 from the University of Toronto Mississauga, 8 from the University of Toronto Scarborough, 5 from Applied Science and Engineering, 4 from Dentistry, 2 from Law, 2 from Medicine, and 1 each from Architecture, Landscape, and Design, Nursing, Pharmacy, Continuing Education, and the Toronto School of Theology. The remaining 26 did not identify their academic unit.

Graduate students. Among the 86 graduate students, 7 were from Division I (Humanities), 38 from Division II (Social Sciences), 9 from Division III (Physical Sciences), 19 from Division IV (Life Sciences), 2 from the Toronto School of Theology, and 11 did not disclose their academic unit. The complainants came from a wide variety of academic units within the four Divisions. No graduate department within a Division was represented by more than three students. However, 30 of the 86 (34.5%) graduate student complainants were from OISE. To put this into perspective, in 2014-15, total graduate enrolment in the University of Toronto was 15650, of whom 1920 (12.3%) were OISE students (http://www.provost.utoronto.ca/Assets/Provost+Digital+Assets/Enrolment2014_15.pdf).

In the next section, Table 2 refers to new cases only. It shows the reasons students gave for seeking our assistance during 2015-16. (Describing new cases only will allow us to track trends in the coming years.) Nearly all complainants brought a single issue to our attention. Three undergraduate and seven graduate students brought two issues to the Office, one undergraduate and one graduate student brought three issues, and one graduate student brought 5 issues.

Table 2 – Types of issues brought to us by students (New Cases Only)

Type of Issue	Undergraduate*	Graduate*
Academic (grading, exams, course work)	61	40
Academic integrity	10	1
Student conduct	0	1
Administrative (internships, enrolment, credit transfer)	11	6
Employment in student organization	3	0
Safety in laboratory	0	1
Harassment/discrimination	4	3
Graduate supervision	n/a	13
Campus life (i.e.: residence, athletics, etc.)	9	1
Fees/financial aid	18	14
Transfer/admission to another department	2	0
Privacy	1	0
Miscellaneous (includes complaints about student societies, allegedly offensive posters, outside vendors, staff behaviour, student washroom)	8	12

*The table does not include students who contacted the Office in 2014-15 and whose cases we carried forward into 2015-16. Of the latter, there were 5 undergraduate students who brought 6 issues: academic (n=4), academic integrity (n=1), and administrative (n=1). The 7 graduate students whose cases were carried forward were dispersed among fees/financial aid, academic issues, graduate supervision, and miscellaneous.

The following paragraphs describe in sequence, the administrative staff, faculty members, alumni, and miscellaneous individuals who contacted the Office.

Administrative Staff. Twenty-eight of the 30 administrative staff members who contacted the Office were from the St. George Campus, and 1 each were from UTSC and UTM. Their reasons for contacting us included: issues with their supervisor; lack of support from their union representative; concerns that intersect with the Civility Guidelines; termination of employment; lack of advancement or promotion opportunities; and a desire to make an anonymous complaint about how a department was being managed.

Faculty members. All 16 faculty members who contacted the Office were from the St. George Campus. Their reasons for contacting us included: how to deal with an issue involving a student; working conditions; promotion and advancement; and conflict with a senior administrator.

Alumni and miscellaneous. Other issues included complaints about admissions decisions, about services offered to the community by professional programs, and how to have “no trespass” orders rescinded.

In addition, the Office did not open cases but did have two contacts from Ombudsman Ontario. One concerned a “no trespass” order issued to a person not within the Office’s jurisdiction, and the issue was handled by a senior administrator. The other concerned a graduate student who had not been through the appropriate channels within the University; the Office provided Ombudsman Ontario with information about the appropriate channels for the student to follow.

Table 3 summarizes the types of assistance the Office provided.

**Table 3 – Caseload by Assistance Provided
July 1, 2015-June 30, 2016
(For 304 Cases Closed by June 30, 2016)**

Type of Assistance*	N (%)
Referral	254 (84)
Information	240 (79)
Meetings with complainant	78 (26)
Contacted Persons/Offices	47 (15)
None (No Show/Cancellation)	32 (10)
Mediation	0 (0)
Opened an investigation	0 (0)

*More than one type of assistance was provided in many cases.

Accommodations for Mental Health Issues

Of course numbers alone, or categories of issues, do not tell the full story. Mental health issues were underlying or complicating the most complex and problematic concerns brought to the Office. Twenty-six complainants disclosed that they were registered with Accessibility Services for a mental health challenge, and accommodations (or the perceived lack thereof) were important contributing factors in their complaints. Several such cases consumed the most time for the Office and the many administrative staff involved. More importantly, they illustrated wide disparities across academic units, in the application of policies and guidelines about accessibility. They also posed ethical problems in professional programs which prepare graduates to work with vulnerable populations. This systemic issue underlies several recommendations in the second part of this Report.

Mental health problems are not visible disabilities, but they are disabilities nonetheless. We observed wide variations in the readiness of academic units to make accommodations recommended by Accessibility Services, for students with mental health challenges.

It was disturbing, and apparently contrary to the Ontarians with Disabilities Act (<https://www.ontario.ca/laws/statute/01o32#BK10>) and the Ontario Human Rights Commission's *Policy and Guidelines on Disability and the Duty to Accommodate* (<http://www.ohrc.on.ca/en/policy-and-guidelines-disability-and-duty-accommodate>), to find that an academic program had a history of refusing to make all but the most minimal accommodations, even after many meetings with disability and legal experts within the University, and instead encouraged the students to withdraw from the program. One student was aware that he could have taken his case to either the Ontario Human Rights Tribunal or Ombudsman Ontario. After careful consideration of the time and energy involved, and the psychological costs of prolonging his fight, he decided to withdraw from the program. We do not know how many other students within

this academic unit or across the University withdrew for similar reasons, but had not contacted the Office.

It was equally disturbing to observe situations in which University policies and regulations were ignored, in favour of providing what appeared to be excessive accommodations to students whose clinical work or behaviour during the program had already posed risks to her/his peers and after graduation could pose serious risk to vulnerable clients. For example, consistent adherence to the School of Graduate Studies policies regarding program extensions and leaves of absence would benefit both the individuals involved as well as the larger communities (both within and outside the University). There should always be room for exceptions, of course, but these should be well-justified and documented.

Summary

The statistics for 2015-16 are similar to those of the previous year, both in raw numbers and in the relative proportions of each constituency. However, a much higher proportion of initial contacts were made by email or by the submission of the online form rather than telephone. The cases over which the Office had no jurisdiction included the following: admissions inquiries, employment seekers, complaints by students at other universities, and complaints about student societies or other student groups. The great majority of complainants were from the St. George campus, which raises questions about awareness of and perceived accessibility of Ombudsperson services.

II. Systemic Issues and Recommendations

Two systemic issues were identified: the application of policies and guidelines in regard to students with mental health disabilities, and communication. Three

inter-related themes permeate the recommendations: *accessibility, accountability, and transparency.*

Mental Health Disabilities

The uneven and inequitable application of guidelines and policies in regard to accessibility for persons with mental health challenges leads to the following recommendations:

1. Develop and implement a multi-faceted, pedagogically grounded plan to assist academic units in accommodating student mental health needs, especially in those programs that are structured in cohort-based or lock step modes.
2. Ensure consistency and accountability in the application of relevant guidelines and regulations across academic units. There were situations this year in which other members of the University community and the wider community were potentially at risk, because of lax application of the Code of Student Conduct and School of Graduate Studies policies on leaves of absence and extensions of the length of time to degree. There are and should always be exceptions in unusual circumstances, but the exceptions should not become the norm.
3. Require a section on accessibility and accommodation in all new program proposals submitted to the Committee on Academic Policies and Programs of Governing Council, as well as in the periodic reviews of existing programs, and proposed changes to programs, as part of UTQAP (University of Toronto's Quality Assurance Process: There should be a description of the potential or actual problems in accessibility and how (and if) they have been or are being overcome. The plan should require accountability. Programs that lack sound pedagogical rationale for restricting accessibility and refusing recommended accommodations should be given clear guidelines, and a timeline, for either providing the rationale or making necessary changes.

4. Develop guidelines and supports for professional programs who are dealing with students with mental health issues which create the potential for harm to the wider community. When a student is in a professional program which will prepare her/him to interact with vulnerable populations, there is a special ethical obligation to protect the public, both during clinical practica in the program, and after graduation. The guidelines should acknowledge the need to balance the rights of the individual student with the need to protect the wider community(ies).

Communication

Two improvements to communication would improve transparency and accountability to Governing Council and the University community at large:

1. During the past year when I met with the Governing Council and the two Campus Councils, a question frequently arose about what progress had been made in implementing the previous year's recommendations. (I had also heard Governors ask the same question, during my years on Governing Council.) Any response to such a question quite properly falls within the purview of the University administration, not the Ombudsperson. I ask that the University administration provide an annual update to Governing Council, on progress being made in implementing those recommendations from the Ombudsperson's Annual Report which had been previously accepted. The update would logically occur simultaneously with the review of the Annual Report of the Ombudsperson. Some recommendations require more than one year to implement, and others must be modified as circumstances change. An annual update would allow Council members to follow and understand the process.
2. I request that our Office be provided with a brief description of the process used in the decision to institute "no trespass" orders, and the general

mechanism whereby such orders may be reviewed/ appealed. I realize that privacy issues will prohibit detailed disclosure in some cases, but a brief description of the process will help the Office to respond to complainants who state they are unaware of the reasons for and/or unaware of how to request that the order be rescinded, and it will help to ensure appropriate levels of transparency and accountability in the process.

III. Activities of the Office

The final section of this Report contains a description of the Office's internal and external activities to improve functions and to communicate to stakeholders, and concludes with the Office's plans for 2016-17.

Internal Activities

Within the Office

We made great strides in moving to a paperless office, by having all cases filed securely in electronic format. Electronic files are much easier to search, and thus improved efficiency as well.

The Office instituted a practice of routine follow-up emails to complainants in situations in which we were unsure whether the issue they brought to us had been resolved. The practice proved to be extremely useful, in that in several instances we became aware of the need for additional assistance, and the complainants were grateful we had shown interest.

I requested and obtained a safety audit of our premises and standard methods of operating, at which recommendations were made and implemented to improve the safety of our staff. It was also an opportunity to improve the accessibility of our services. As a consequence, the Office discontinued "drop in" visits from

complainants, and restricted face-to-face appointments to days and times when two staff members would be present in the suite.

Outreach to the University Community

I spoke at Campus Council meetings at UTSC and UTM, to introduce myself, to review the mandate of the Office, and to invite questions and suggestions.

The Assistant Ombudsperson and I hosted a booth at the School of Graduate Studies' Graduate Orientation in the Fall, and another one at Campus Services Expo (for St. George Campus staff) in the Spring.

With the support of Lucy Fromowitz and staff in the Office of Student Life, we developed "Just in Time" slides advertising the work of the Office, which were broadcast at various points and selected times on the St. George, UTSC and UTM campuses. The slides are in Appendix 1.

The Assistant Ombudsperson and/or I had meetings with a number of key members of the University administration, including the University Registrar; the Director of Student Life; the Director of Accessibility Services; the Director of High Risk Matters; the Vice-Provost Academic and Faculty; the Vice-Provost Students; the Vice-President and Provost; members of the Campus Police; the Director of the School of Graduate Studies Conflict Resolution Centre; as well as members of the Graduate Students Union Academic Advocates, and Students for Barrier-Free Access.

We made an effort to improve accessibility to our services, particularly for those at UTM and UTSC, as well as those with disabilities or other challenges in coming for face-to-face meetings. After consultation with the FIPP Office, we advertised and implemented the option of conducting interviews via Skype video calls.

The Assistant to the Ombudsperson performed ongoing monitoring of academic unit websites, to ascertain whether links to our services were provided for students, faculty and staff, with follow-up emails to units which did not have the links.

The Office distributed over 4500 promotional materials (bookmarks, cardholders, brochures) at the various fairs, Campus Council meetings, and through student organizations. The Office advertised in student newspapers and e-news publications on the three campuses. Paid advertisements were also placed in the UTSU Student Handbook (17,000 copies.)

Links on academic unit websites, “Just in Time” slides, informational meetings with student advocacy groups who can spread the word about our services, presentations at Campus Council meetings, and other measures to reach the right people at the right time, are free of charge, but more importantly, are consistent with effective evidence-based outreach strategies. With that in mind, the Office began phasing out paid advertisements in internal publications (paper and electronic) of student organizations, as well as participation in those Orientation fairs, for which substantial fees are charged.

External Activities

As of January 2016, Bill 8 expanded the mandate of the Ombudsman Ontario, and universities and colleges became part of its expanded mandate. At the invitation of the Council of Ontario Universities (COU), I gave a presentation and participated in a panel discussion at a meeting of Ombudsman Ontario staff and COU Ombuds staff in October, 2015, as part of a session to prepare for the new role of Ombudsman Ontario. Subsequent discussions with the University administration resulted in the decision that the Office of the Ombudsperson would become the initial point of contact for any inquiries from Ombudsman Ontario. However, the Office’s Terms of Reference will remain unchanged. Thus

the Office's role in inquiries that are outside its jurisdiction will be limited to referral to the appropriate University administrator.

The Office also participated actively in the Association of Canadian Colleges and University Ombudspersons (ACCUO), through its listserv, through the Assistant Ombudsperson's attendance at its mid-year meeting in Toronto and my participation in its annual general meeting.

Plans for 2016-17

Using social media for outreach can be an effective low cost approach to reach large groups of people and enable timely messaging. In 2016-17, the Office will test the use of Twitter to reach our community.

The Office will continue to reach out to opinion leaders, student leaders, student advocates, Accessibility Services, the SGS Office of Student-Supervisor Conflict Resolution, and other formal and informal leaders in the University community, to promote our services. Anecdotal evidence continues to suggest that some groups, particularly PhD students, are reluctant to contact the Office, because of fear of retribution. While the Office ensures confidentiality, the realities of the power relationship between doctoral student and supervisor (which will extend well after the student graduates) lead to understandable reluctance in reporting abuses, and there are no easy solutions. In the few instances in which students have come forward, their concerns have been handled with great care by senior administration.

It remains an ongoing challenge, to reach administrative staff and faculty on the UTSC and UTM campuses. The Office will continue to seek advice regarding effective outreach strategies. With the availability of Skype for interviews, geography should not play a role.

Acknowledgements

The Office could not function without the exceptional work of the Assistant Ombudsperson, Garvin De Four, and the Assistant to the Ombudsperson, Stephanie Ellul, whose outstanding efforts embody the principles of fairness, confidentiality, and respect.

We are very grateful to the members of the Administration (senior administrators and staff), nearly all of whom responded to our requests with goodwill, alacrity, and an obvious desire to help.

APPENDIX 1: “Just in Time” Slides




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Administrative Response to the *2015-16 Annual Report of the Office of the Ombudsperson*

October 2016

Overview

The Office of the Ombudsperson's Terms of Reference state 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 *2015-16 Annual Report of the Office of the Ombudsperson* is Professor Ellen D. Hodnett's first annual report as University Ombudsperson.

Response

The Administration welcomes Professor Hodnett to her new role as Ombudsperson and thanks her for her continuing service to the University of Toronto. The Administration has met with the Office of the Ombudsperson on several occasions over the last year and greatly values the Ombudsperson's expertise, familiarity with the community, and wisdom in understanding the University's multifaceted mission and mandate.

The *2015-16 Annual Report of the Office of the Ombudsperson* reflects the Ombudsperson's broad engagement with the University community. The *Annual Report* notes that in 2015-16 the Office handled 316 cases, including cases from undergraduate students, graduate students, administrative staff and faculty members. Professor Hodnett addresses two systemic issues – concerning mental health disabilities and communication – and makes six recommendations in these areas. The *Annual Report* also provides helpful details on the Office's other activities. The Administration especially welcomes the Ombudsperson's outreach to and engagement with the UTM and UTSC communities, and notes the expanded mandate of the Ontario Ombudsman to include oversight of the province's post-secondary institutions.

The Administration is pleased to continue its productive dialogue with the Office of the Ombudsperson by presenting to the Governing Council its response to the *2015-16 Annual Report*. This response is an important element of accountability and transparency, and it reflects both the respect the Administration holds for the Office of the Ombudsperson and the importance it attaches to the Office's insights and recommendations. The Administration also looks forward to continued meetings with the Ombudsperson over the next year to discuss systemic issues facing the University community.

Recommendations – Mental Health Disabilities

The first set of recommendations in the *Report* relates to the accommodation of mental health disabilities. The Administration accepts the Ombudsperson's recommendations, several of

which highlight important work currently being undertaken at the University. For example, over the last year the Vice-President and Provost has convened two working groups on topics relevant to mental health and disability: the first to consider the Ontario Human Rights Commission's (OHRC) recommendations on medical documentation for students with disabilities, and the second to examine procedures for student accommodations in cohort-based and lock-step academic programs, primarily in the professional Faculties.

Recommendation 1: Develop and implement a multi-faceted, pedagogically grounded plan to assist academic units in accommodating student mental health needs, especially in those programs that are structured in cohort-based or lock step modes.

In 2016, the Vice-President and Provost convened a working group to identify procedures and best practices for student accommodations in cohort-based and lock-step programs. The group is chaired by the Vice-Provost, Academic Programs, and it engages both academic and registrarial leads from all divisions that have cohort-based or lock-step academic programs. The group continues to meet and anticipates completing its work by the end of the academic year.

The working group's findings so far suggest that articulating program learning outcomes and clearly communicating both these outcomes and the ways in which program requirements are structured to support these items is key to identifying appropriate accommodations. In professional programs, the relationship between program learning outcomes and the competencies required to practice in a specific profession is also critical. The working group is considering this area as well, including whether there are cases in which specific accommodations may undermine the academic integrity of certain professional programs.

One of the goals of the group's work is to develop guidelines that would assist academic divisions in designing and maintaining cohort-based and lock-step programs in a manner that considers student accommodations throughout a program's life cycle. The guidelines will allow administrators: 1) to consider universal design principles during the development of new programs and when making changes to existing programs; 2) to better communicate to students a program's academic objectives, as well as how program requirements are designed to support them; and 3) to clarify how individual student needs might be accommodated while still achieving the desired learning outcomes.

In response to the OHRC's recommendations on medical documentation in relation to mental health disabilities, a tri-campus working group of administrative staff was formed to consider enhancements to the University's processes and communications. The University's policies and procedures for managing student accommodations, including the granting of leaves and program extensions, are consistent with the OHRC's guidelines in this area.

Recommendation 2: Ensure consistency and accountability in the application of relevant guidelines and regulations across academic units.

The University has a number of policies and guidelines in place to govern the granting of leaves of absence and extensions of time to degree. As the Ombudsperson suggests, consistency and communication are critical in the application of these policies and guidelines. The decentralized approach to leaves of absence and program extensions emphasizes the importance of case-by-case support and flexibility, balanced with the requirements of a student's program. The divisions engage with experts and consider their opinions carefully when making decisions, and respect the OHRC's guidelines on the granting of student accommodations.

With respect to graduate students, the University has guidelines that lay out program milestones, as well as policies concerning the granting of leaves of absence and formal requests for extensions. The School of Graduate Studies is continuing its work to clarify, interpret and communicate these policies and best practices to academic programs.

More generally, the University of Toronto Student Mental Health Strategy and Framework, adopted in 2014, exists to support the mental health of students in a number of ways:

- By ensuring that the appropriate awareness, education and training strategies are in place about mental health issues and to prepare faculty and staff to respond effectively and compassionately to students in distress;
- By ensuring that the University's curriculum is inclusive and by encouraging the use of teaching approaches that build resilience in students and diminish stress;
- By making available a wide range of mental health services and programs that cater to students across the continuum of mental health; and
- By implementing policies and procedures that enable learning, engaging and flourishing for all students.

The mental health framework will be reviewed beginning this year to evaluate its progress in meeting the needs of the University community and its members.

A number of different offices and individuals make decisions concerning accessibility and accommodation (including, for example, Accessibility Services, Registrar's Offices, and individual faculty members) and these decisions occur in a variety of contexts (including, for example, in administrative offices and in classrooms). This multiplicity allows for flexibility in meeting the needs of individual students. In addition, decisions regarding leaves and program extensions often involve assessments and recommendations from experts in the areas of mental health and academic progress. Some of the efforts mentioned in response to Recommendation 1 will also address the question of leaves in cohort-based or lock-step academic programs.

Recommendation 3: Require a section on accessibility and accommodation in all new program proposals submitted to the Committee on Academic Policies and Programs of Governing Council, as well as in the periodic reviews of existing programs, and proposed changes to programs, as part of UTQAP (University of Toronto's Quality Assurance Process).

This recommendation is timely and aligns with another important area of work for the Administration this year. Since the beginning of the 2016-17 academic year, the Office of the Vice-Provost, Academic Programs, has been adding a question to all new program proposals and major modification proposals related to accessibility and accommodation. This change has been made as part of the work undertaken by the working group on cohort-based and lock-step academic programs mentioned in the response to Recommendation 1. A question about diversity and accommodation is also under consideration for inclusion in the form tool for new program proposals on the Next Generation Student Information Services (NGSIS). A similar question for external reviewers is being developed for inclusion in the terms of reference for cyclical reviews and will be discussed at the winter meeting of the Roundtable on Academic Program Matters, a group of vice-deans convened twice annually by the Vice-Provost, Academic Programs. Pending their feedback, this change would be implemented when the next cycle of reviews is launched in March 2017.

Recommendation 4: Develop guidelines and supports for professional programs who are dealing with students with mental health issues which create the potential for harm to the wider community.

The Administration approaches these situations on a case-by-case basis and draws on the opinions of experts when making decisions. The situations described in this recommendation involve challenging cases in which some of the University's different duties can come into tension. The working group on cohort-based and lock-step academic programs is considering situations like these in the development of its guidelines. The question of responsibility to the broader community when granting accommodations is central to the group's discussions, as graduation from a lock-step program sometimes certifies to the broader community that a student is ready to practice in their chosen profession. As a result, the working group's guidelines will help administrators strike a balance between an individual student's need for accommodations, the standards of the profession, and concerns for community safety.

Accommodations should not alter the essential requirements of a course or program. The working group is discussing best practices for providing information on program requirements and professional standards to students during the application process and at key points in a program. Such information could also include specific requirements for clinical practica.

As was noted in last year's *Administrative Response to the Annual Report of the University Ombudsperson*, the Administration is in the process of preliminary consultation and drafting of a policy that will address voluntary and involuntary compassionate leave from the University in

cases where serious mental health needs arise. Such a policy might also address situations in which a student is believed to have serious mental health issues but is unwilling or unable to acknowledge the condition in a Code proceeding. Work on this policy was delayed last year as the University responded to the provincial government's new legislation on sexual violence and sexual harassment.

Recommendations – Communication

The second set of recommendations in the report proposes improvements to communication between the Administration and the Office of the Ombudsperson. The Administration welcomes the spirit of these recommendations, as well as the opportunity for continued informal meetings and engagement with the Office of the Ombudsperson over the coming year.

Recommendation 1: Provide an annual update to the Governing Council, on progress being made in implementing those recommendations from the Ombudsperson's Annual Report which had been previously accepted.

The Administration greatly respects and appreciates the Ombudsperson's diligence and her commitment to making the University of Toronto a better place. The Administration especially welcomes the Ombudsperson's recognition that changing circumstances can affect its ability to act upon recommendations it has accepted in previous years.

The Administration makes it a priority to track progress on the systemic issues raised in the *Annual Report of the Office of the Ombudsperson*. The Administration recognizes that it is accountable through the Governing Council to both the Office of the Ombudsperson and to the broader University community, and will continue to update the Governing Council as appropriate on its progress through this annual administrative response.

Recommendation 2: Provide the Office with a brief description of the process used in the decision to institute "no trespass" orders, and the general mechanism whereby such orders may be reviewed/appealed.

The safety of the University community and its members is the Administration's top priority. In situations in which personal and/or community safety are threatened, or in which there are reasonable grounds to believe so, the Administration carefully weighs its duties to the University community and the rights and responsibilities of the individuals involved. Each case is considered individually before any actions are taken, including the issuance of trespass notices.

Based on the data the Ombudsperson presents at the beginning of her *Annual Report* outlining who came to see her and why over the last year, the Administration assumes that this recommendation stems from a request by an individual external to the University.

The University has a legal right and, indeed, a responsibility to control access to and use of its property. The University has found that most members of the public who enter its property for various purposes are respectful of the rights of others and treat the property itself in a respectful manner. The University strives to be a welcoming place, permitting access to many parts of its property without a special invitation or authorization being required.

However, not everyone behaves in this manner. One of the legal mechanisms available to property owners is to use the power under the *Trespass to Property Act* to exclude someone from the property by means of a trespass notice. Failure to abide by a trespass notice can lead to enforcement under provincial offences legislation. The *Trespass to Property Act* does not require any kind of appeal or review.

The University exercises its rights under the *Trespass to Property Act* in a lawful and non-discriminatory manner, usually to prevent health and safety risks, or risks of damage to its property, or to prevent interference with its operations. For example, it has excluded members of the public who are believed to create a risk of assault or other kinds of harm if they were allowed continued access to the University's property. It has excluded members of the public who have engaged in harassing behaviour towards students, faculty or staff. It has excluded members of the public who were believed to pose a risk to University property, perhaps because of incidents of vandalism or unauthorized entry.

Depending on the circumstances, the University frequently indicates to individuals who have been trespassed that if they have information that they believe to be relevant to the University's assessment of a request for rescinding the trespass notice, they are free to submit it in writing (usually by providing it to a named office, such as Campus Police). An assurance is given that the information will be reviewed carefully.

In summary, the University exercises its rights and observes its responsibilities lawfully, in a sensitive and sophisticated manner, and always with close attention being paid to the particular facts.

Concluding Observations

The Office of the Ombudsperson is a valuable resource in our community. The Administration once again thanks the Ombudsperson for her tremendous service and congratulates her on her first year. The Administration also recognizes the Office's remarkably broad range of activities over the last year and, in particular, applauds its ongoing outreach initiatives. In this regard, the Administration especially commends the Ombudsperson's efforts to emphasize the tri-campus nature of her role.

University of Toronto

Administrative Response to the *2015-16 Annual Report of the Office of the Ombudsperson*

October 2016

The Administration greatly appreciates Professor Hodnett and her team's dedication and service, and recognizes that her hard work benefits the University's students, staff and faculty, both individually and collectively.