

FOR INFORMATION

PUBLIC

OPEN SESSION

TO: UTSC Campus Council

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DATE: Wednesday, November 22, 2017

AGENDA ITEM: 2

ITEM IDENTIFICATION:

2016-17 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. The Office of the Ombudsperson offers confidential advice and assistance to students, faculty and staff on all three U of T campuses.

GOVERNANCE PATH:

1. Executive Committee [For endorsement and forwarding to Governing Council] (October 12, 2017)
2. Governing Council [For Information] (October 26, 2017)
3. UTM Campus Council [For Information] (November 21, 2017)
4. **UTSC Campus Council [For Information] (November 22, 2017)**

PREVIOUS ACTION TAKEN:

The Governing Council received the Report of the University Ombudsperson for the Period 1 July 2015 to 30 June 2016, as well as the accompanying Administrative Response, at its meeting of October 19, 2016.

HIGHLIGHTS:

The *Report* and the Administrative Response are enclosed.

FINANCIAL IMPLICATIONS:

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

RECOMMENDATION:

Presented for information.

DOCUMENTATION PROVIDED:

2016-17 Annual Report of the Office of the Ombudsperson

Administrative Response to the 2016-17 Annual Report of the Office of the Ombudsperson



ANNUAL REPORT 2016-17



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.

In 2016-17 we were contacted by 339 individuals in regard to 458 issues. The total caseload represents a modest increase compared to 2015-16 and 2014-15 (n=316 and 314, respectively). Of the 339 individuals, 237 (70%) met the criteria for constituencies under the responsibility of Governing Council, e.g. undergraduate or graduate students, faculty, administrative staff, or alumni whose problems occurred while they were students. Twelve of the remaining 102 were family members of a constituent, 11 were students enrolled at a Federated College/University, 9 were members of the public enrolled in continuing education courses, 8 were members of the public who were clients of the Dental Clinic, 7 were student advocates for other students, and the remainder had no affiliation to the University.

While we dealt with a wide variety of concerns, no new systemic issues were identified, and thus there are no implications for changes to or additions to existing policies. Consistent implementation of policies is always a challenge in large, complex organizations. I applaud the continuing efforts of University administration to educate all levels of faculty and staff regarding their responsibilities for assisting members of the University community who have physical and/or mental health disabilities. 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. I will look forward to a progress update on this initiative.

Despite outreach efforts, including the “Just in Time” slides and the use of social media (Twitter and Facebook), as well as our Office’s offer of Skype meetings in order to increase accessibility, and despite the fact that 93% of our contacts were initiated by email or through our website, it continues to be a challenge to encourage the use of Ombudsperson services in general, and in particular by academic and administrative staff who are based at the University of Toronto Mississauga and University of Toronto Scarborough campuses. While geography itself is not an issue, I believe it is time to recognize that campus culture also matters. In the University of Toronto, governance is unicameral but tri-campus. It may be time to adopt a similar model for the Office of the Ombudsperson. In recognition of the unique campus cultures, and to promote more visibility of the Office, it seems timely to study the question of the place(s) for Ombuds services in the University of Toronto.

Introduction

In October 1975, Governing Council established the Office of the University Ombudsperson, including its Terms of Reference, 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 Ombuds Officer 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

This Report to Governing Council covers my second year as University Ombudsperson. The Report is presented in three sections:

- I. Who sought our assistance, why they came, and how we assisted them;
- II. Recommendations
- III. Other activities of the Office, both internal and external, and plans for 2017-18.

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

I. Who Sought Our Assistance, Why They Came, and How We Assisted Them

In order to give a picture of the workload of the Office, part of this section refers to the Office’s total caseload in 2016-17, i.e. both new and continuing cases. To enable tracking of trends 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 enquiries in 2016-17, and Table 1 shows the caseload by constituency. The Office dealt with 339 complainants: 325 new and 14 in progress from the previous year. The total of 339 was a modest increase from the 316 cases handled by the Office in 2015-16. Initial contacts were made by direct email or submission of the online request for assistance form in 93% of cases, by telephone in 6%, and by either walk-in or letter mail in the remaining 1%. By June 30 the Office had closed 314 cases, leaving 25 in progress.

FIGURE 1

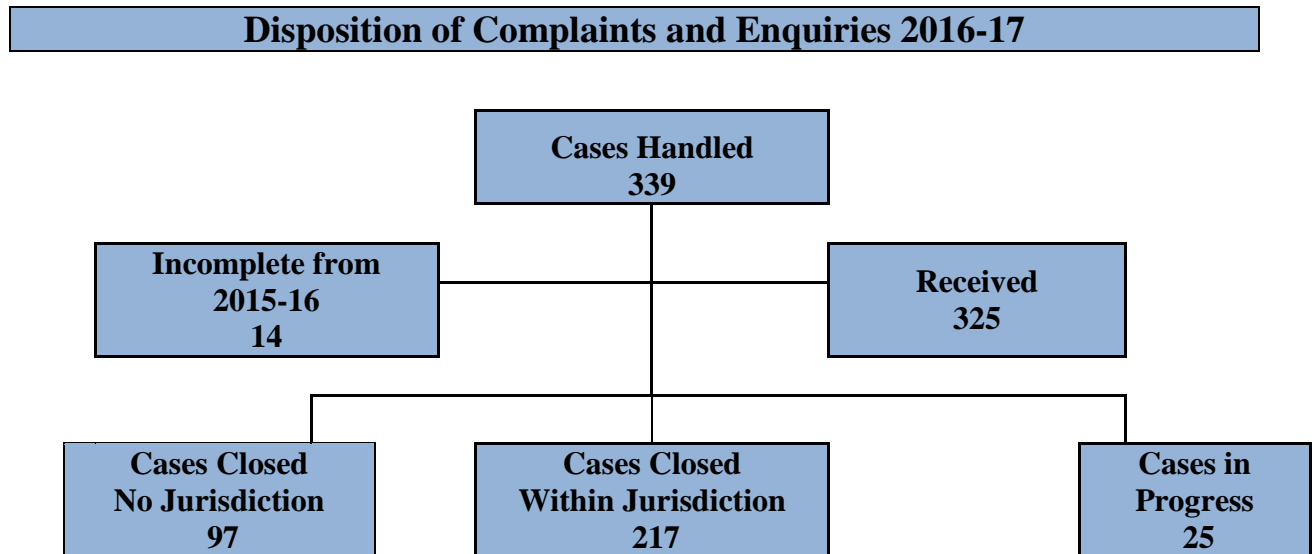


Table 1 - Caseload (New and Continuing) by Constituency 2016-17

Constituency	N
Undergraduate	131
Graduate	75
Administrative staff	17
Faculty	11
Alumni	3
NGC ¹ -Family	12
NGC-Continuing education	9
NGC-Student advocate ²	7
NGC-Federated College/University	11
NGC-Miscellaneous	40
NGC-Admissions	15
NGC-Dental Clinic	8
Total	339

¹“NGC” refers to those who were not constituents within the Terms of Reference for our Office, set by the Governing Council

²We offered advice to student advocates who were acting on behalf of others, but did not take further action unless the students themselves contacted us.

The following section describes the students who contacted or continued contact with the Office during 2016-17, and the reasons why they did. Throughout this Report, our statistics reflect what we were told by complainants. We asked for but did not require complainants to complete every item in our Request for Assistance form.

Undergraduate students. Of the 131 undergraduate students, 98 indicated the academic unit in which they were enrolled. Of these, 43 stated they were from St. George Arts & Sciences, 21 from the University of Toronto Mississauga, 14 from the University of Toronto Scarborough, 6 from Applied Science and Engineering, 5 from Medicine, 2 from Nursing, 2 from Dentistry, and 1 each from Law, Pharmacy, Music, Architecture, Landscape, and Design, and Kinesiology and Physical Education.

Graduate students. Among the 75 graduate students, 55 indicated their academic unit. Of these, 11 were from Division I (Humanities), 18 from Division II (Social Sciences), 8 from Division III (Physical Sciences), and 18 from Division IV (Life Sciences). The complainants came from a wide variety of academic units within the four Divisions. The total is lower than the 86 in 2015-16. There were 20 fewer complaints in Division II, but an increase of 9 in the number who declined to give their academic unit. In contrast to 2015-16, no single academic unit yielded a disproportionate number of complaints, when the size of the unit was taken into account.

In the next section, Table 2 refers to new cases only. It shows the reasons students gave for seeking our assistance during 2016-17. (Describing new cases only allows us to track trends by year.) Nearly all complainants brought a single issue to our attention. No remarkable differences were noted in the types of issues in 2015-16 and 2016-17.

The great majority of students (89% of undergraduate and 70% of graduate students) each brought a single issue to our Office. As in the previous year, academic issues predominated in the undergraduate group, while academic issues, graduate supervision difficulties, and policy/procedure issues predominated in the graduate group. The nature of the problems did not differ markedly from the previous year.

Table 2. Student Caseload by Issue

Type of Issue ¹	Undergraduate	Graduate
Academic (concerns about teaching methods, grading)	70	27
Academic integrity (alleged Code violations)	6	2
Accessibility	6	5
Administrative policy/procedure	14	14
Employment/workplace – U of T	1	4
Employment/workplace – Student organization	1	-
Non-sexual harassment/discrimination	8	7
Graduate supervision	-	15
Campus life	6	1
Fees/financial aid	12	7
Admissions	2	3
Miscellaneous*	8	-
Privacy	2	1
Sexual violence/harassment	2	-
Dental Plan opt-out problem	2	-
Student group issue	1	-
Noise/classroom environment complaint	1	1
Office copied on mass email	-	1

¹ includes no reply after we attempted to contact

The following paragraphs describe in sequence, the administrative staff, faculty members, alumni, and non-constituents who contacted the Office.

Administrative Staff. We were contacted by 17 administrative staff members. Two did not indicate the campus in which they worked. Fourteen stated they were from the St. George Campus, and 1 from UTM; none stated they were from UTSC. Their reasons for contacting us included: concerns about fairness in promotion and other workplace/employment concerns, a lengthy delay in architectural renovations needed to accommodate a physical disability, civil conduct and harassment concerns, and an academic integrity question.

Faculty members. Eleven faculty members contacted the Office. Nine were from the St. George campus, 1 from UTSC and 1 from UTM. Their reasons for contacting us included: academic integrity concerns (n=3), workplace harassment, gender bias, noise pollution, and other employment/workplace issues. In two instances (religious discrimination and a funding policy decision), faculty members brought concerns to us on behalf of a group of their students who were fearful of reprisal if they contacted us directly.

Alumni. Three alumni contacted our Office, concerning problems which had occurred while they were students. Because of the small number and thus the possibility of violating confidentiality, the reasons will not be listed here.

No jurisdiction. Most of the increase in our numbers came from individuals who were not within our jurisdiction. Of the 102 complainants over whom our Office had no direct jurisdiction, 39 were connected in some fashion to the larger University of Toronto community but not within our ability to directly assist (Table 1). These included family members and students enrolled in one of the Federated colleges or universities or in a continuing education course, as well as student advocates. In the case of third party complaints, we asked for direct contacts with the affected individuals, and we referred the others to the appropriate offices. Of the contacts from members of the public, 15 were complaints about admissions decisions (which are not appealable), 8 were complaints by clients of the Dental Clinic run by the Faculty of Dentistry, some were unintelligible or were wholly unrelated to the University, and the remainder were a wide variety of complaints. In most cases we could refer the individuals to the appropriate office or agency, and/or explain why we could not be of assistance.

In addition, the Office did not open cases but did have one enquiry from Ombudsman Ontario, in regard to a case we had closed because we saw no evidence of unfairness.

Table 3 summarizes the types of assistance the Office provided. We did not open any investigations; nor were we involved in mediating disputes. Many issues were resolved promptly, while the very complex ones sometimes took months and occasionally have persisted over years.

Table 3. Caseload by Assistance Provided**(FOR 314 CASES CLOSED BY JUNE 30, 2017)**

Constituency	Consultation/ Advice	Coaching	Contacted Persons/Offices	Referral	Information	None ²
Administrative staff	7	2	2	9	12	-
Alumni	-	-	1	3	1	-
Faculty	3	-	1	8	9	-
Graduate student	21	8	7	56	47	1
Undergraduate student	20	15	30	96	106	1
NGC ¹ -Family	-	-	2	3	9	-
NGC-Federated College/University	1	-	-	8	6	-
NGC-Miscellaneous	1	-	2	22	21	1
NGC-Continuing education	-	-	2	6	3	-
NGC-Student advocate	2	-	-	5	4	-
NGC-Admissions	-	-	-	8	7	-
NGC-Dental clinic	1	-	1	10	9	1
TOTAL	56	25	48	234	234	4

¹“NGC” refers to those who were not constituents within the Terms of Reference for our Office, set by the Governing Council

²Did not respond to our offer to assist

Additional Observations and Summary

In several instances, we were told--by faculty, students, or student advocates--about graduate students, second entry undergraduate students, and staff who were afraid to contact our Office, for fear of reprisal in their academic units. In each case, we reiterated that our services are confidential, and we offered advice and referral information, but we could not intervene directly without the consent of the affected individual. We are grateful for the referrals made by the UTGSU Membership and Advocacy Coordinator and of Students for Barrier-Free Access, which assisted us to reach students in need of our services, who were unaware of or unsure about our services.

For the first time in my two years in the position, we dealt with problems in accessibility for a student or staff member with significant challenges posed by a physical disability. One case was resolved, and the other is ongoing.

Our Office handled a modest increase in cases, compared to the previous two years. The increase is largely due to increases in the numbers who were not under the direct jurisdiction of the Office, as defined by the Terms of Reference set by the Governing Council. We dealt with 339 individuals, who had a total of 458 complaints. The already high proportion of initial contacts made by email or by the submission of the online

Request for Assistance form climbed to 93%. Year-to-year comparisons of caseload by constituency are complicated by the fact that a sizeable percentage of student complainants did not wish to disclose this information, as well as by minor coding errors which occurred in previous years and have since been corrected. The majority of complainants, and nearly all of those who were faculty or administrative staff, were from the St. George campus.

It is impossible to determine if the low number of complaints, relative to the size of the University of Toronto, is a positive or negative sign. It may be both. On the one hand, the University of Toronto has a large number of carefully-developed policies and procedures and highly-skilled, knowledgeable staff who implement them. On the other hand, reports of fear of reprisal if our Office is contacted, and the very low numbers of contacts from employees at UTSC and UTM, are issues which warrant further study.

No single academic unit stood out in terms of numbers of complaints, when the size of the unit was taken into account, and no single issue or issues were indicative of systemic problems. While individual problems brought to our Office were sometimes extremely complex, in 2016-17 we had no new concerns about disparities in the application of policies and guidelines, and we were pleased to note progress in the approach to accommodations in the academic unit which caused us the most concern last year.

II. Systemic Issues and Recommendations

In 2016-17, in almost all instances, when our Office brought issues to the attention of the appropriate administrators, communication with our Office was prompt, and the problems were addressed. The University's commitment to meeting the needs of those who require accommodations was evidenced by a memo by Professor Sandy Welsh, Vice Provost, Students, in November 2016, which served as an important reminder to Principals, Deans, Academic Directors, and Chairs, of the University's responsibilities regarding academic accommodations (<https://memos.provost.utoronto.ca/academic-accommodation-for-students-with-disabilities-pdadc-34/>).

No new systemic issues were identified, and thus there are no implications for new changes to or additions to existing policies. An individual case, mentioned in last year's Report, involved an academic unit's rationale for refusing to adjust a full-time, "lock step" program to accommodate students with disabilities. The student in question has informed us that the case will be taken to the Human Rights Tribunal. While I cannot comment on the merits of an individual case, it serves as a reminder of the broader need, shared by University administration, to develop guidelines for cohort-based, "lock step" programs that are pedagogically sound but also consistent with legislation and best practices for students with disabilities. I look forward to the report of the working group that was convened by the Vice-President and Provost, to address this issue.

Despite outreach efforts (detailed in Section III, below), including the “Just in Time” slides and the use of social media (Twitter and Facebook), as well as our Office’s offer of Skype meetings in order to increase accessibility, and the fact that 93% of our contacts were initiated by email or through our website, it continues to be a challenge to encourage the use of Ombudsperson services by academic and administrative staff at the University of Toronto Mississauga and University of Toronto Scarborough campuses. In 2016-17, we were contacted by only 2 employees at the former and 1 at the latter. While geography is not an issue in access, since we can and are reached by email, our website, and phone, and we offer Skype for interviews, I believe it is time to recognize that campus culture also matters. The three campuses have unique features which distinguish them from one another. Faculty, staff, and students get to know one another on the campus where they work and study. As such, contacting an Office and people on a campus other than one’s home campus may not come naturally. In the University of Toronto, we have a governance structure that is unicameral but also tri-campus. It may be wise to adopt a similar model for the Office of the Ombudsperson. In recognition that campus culture matters, and to promote more visibility of the Office across all three campuses, it seems timely to consider whether it would be appropriate to offer Ombuds services on each campus.

It appears our Office is widely accessible, given that 30% of those who contacted us were not individuals who are considered constituents as defined by our Terms of Reference. It is certainly not a problem for us to deal with the latter, within the present workload of the Office, but we must limit our activities to advice and referrals.

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 2017-18.

Outreach to the University Community, and External Activities

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. I also spoke at a meeting of Students for Barrier-Free Access.

The Ombuds Officer and I hosted a booth at the School of Graduate Studies’ Graduate Orientation in the fall, and another one at Campus Services Expo (an event for St. George Campus staff) in the spring. We would welcome invitations for similar opportunities at UTSC and UTM.

Our “Just in Time” slides (included in last year’s Annual Report), advertising the work of the Office, were projected on public display screens on all three campuses.

On January 2, 2017, we went “live” on Twitter and Facebook. The relevant links are: (Facebook) University of Toronto Ombudsperson and (Twitter) @UofTOmbuds. To date we have approximately 50 followers on Twitter. An examination of our monthly statistics prior to and after December 2016 showed no discernable impact of social media on our numbers in the first six months versus second six months of our year.

The Office also participated in the Association of Canadian Colleges and University Ombudspersons (ACCUO), through its listserv and periodic online meetings.

Plans for 2017-18

The Office will continue to reach out to opinion leaders, student leaders, student advocates, Accessibility Services, the Conflict Resolution Centre for Graduate Students, and other formal and informal leaders in the University community, to promote our services.

At the suggestion of a member of the UTSC Campus Council, we have produced a poster (Appendix A) which can be placed on bulletin boards on the three campuses, where members of the University community are likely to see it. The poster and our slides include our Twitter, Facebook, and website links.

The Office will continue to seek advice regarding effective outreach strategies, particularly at UTSC and UTM. As I stated in Section II, “Recommendations,” I believe it is time to consider whether the current approach of a single Office located on the St. George campus is the best way to serve all three campuses.

Acknowledgements

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

We are very grateful to the members of the Administration (senior administrators and frontline staff), nearly all of whom responded to our requests with goodwill, alacrity, and an obvious desire to help. The wide range of services available to members of the University community, and the people who provided the services and implemented University policies, are, I believe, the reason why our Office noted no new systemic issues and made no recommendations for changes or additions to policies in 2016-17.

APPENDIX A - POSTER



UNIVERSITY OF TORONTO

OFFICE OF THE OMBUDSPERSON

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Administrative Response to the 2016-17 Annual Report of the Office of the Ombudsperson

October 2017

Overview

The Terms of Reference for the Office of the University Ombudsperson 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 *2016-17 Annual Report of the Office of the Ombudsperson* is Professor Ellen D. Hodnett’s second annual report as University Ombudsperson.

Response

The Administration thanks Professor Hodnett for her continuing service to the University of Toronto. The Administration has corresponded and collaborated with the Office of the Ombudsperson on several occasions over the last year and greatly values her deep understanding of the University and her expertise and sensitivity in handling cases and difficult situations. Professor Hodnett’s knowledge of and respect for the role of University Ombudsperson is exemplary.

The *2016-17 Annual Report of the Office of the Ombudsperson* makes no formal recommendations. The *Annual Report* offers detailed summary statistics of the Office’s work, including which constituencies sought assistance, how often, and which general topics were addressed. The *Report* also provides constructive considerations surrounding the visibility of the Office to encourage use of the Ombudsperson services in general.

The *Annual Report* notes that in 2016-17, the Office of the Ombudsperson handled 339 cases, a marginal increase from the 316 cases reported in the year prior. These cases primarily reflect enquiries from constituencies within the jurisdiction of the Office: undergraduate students, graduate students, administrative staff, faculty members, and alumni. However, most of the increase in the total number of cases stemmed from enquiries by individuals who were not within the jurisdiction of the University Ombudsperson as defined by the Terms of Reference for the Office of the Ombudsperson. The Administration is sensitive to the jurisdiction challenges faced by the Office and recognizes that they can put considerable demands on the time and energy of the staff in the Office. The Administration appreciates that even in cases where it did not have jurisdiction, the Office undertook to offer referrals and advice. This is emblematic of the staff’s dedication and professionalism. At the same time, the Administration acknowledges that, should the Office’s workload change, responding to individuals who are not considered constituents may place a difficult strain on the Office.

The *Report* also makes reference to a recommendation from last year concerning student accommodations in cohort-based and “lock step” programs. The Office requests a progress

update on the working group that was convened to identify procedures and best practices for student accommodation in such programs.

The working group developed a document entitled “Best Practices: Ensuring Academic Quality & Success When Meeting Accommodation Needs of Students in Professional Programs”. It provides guidance to professional programs, especially those with structures or requirements connected to professional standards and/or safety (patient or student) that pose challenges when it comes to accommodating students who require extensive modifications. The best practices document covers a program’s lifecycle, from recruitment to graduation, addressing proactive program design and communication as well as accommodation practices. The document provides examples of practices and resources already in place at the University of Toronto and elsewhere. A penultimate draft was discussed at the group’s September meeting and will be finalized this fall.

In addition, this summer, all divisions that participated in the working group assessed their websites and other communications tools in view of the best practices. Divisions reported on their findings at the September meeting, and discussed their plans to close any gaps in communications this academic year. Support for implementing best practices in divisions will be facilitated by a new position – Accommodations Specialist – created in Accessibility Services. Working with professional divisions, the Accommodations Specialist will develop an understanding of the academic and professional contexts and requirements of professional programs in order to support solutions to complex accommodations scenarios, and develop resources to support decision making around accommodations.

Finally, the Administration commends the ongoing outreach initiatives and measures taken to further engage with the University of Toronto Mississauga (UTM) and University of Toronto Scarborough (UTSC) communities. The Administration applauds the efforts made by the Office of the Ombudsperson to increase visibility and expand avenues for communication, such as the increased use of social media and the use of Skype for meetings. Nevertheless, the *Report* explains that it remains a challenge for the Office of the Ombudsperson to engage with the academic and administrative staff at UTM and UTSC. The Administration agrees that further examination of outreach and communications to those campuses is warranted. In this context, the Administration welcomes input and suggestions from the Office of Governing Council and the Office of the Ombudsperson. As one University with three campuses, the tri-campus nature of the role of Ombudsperson inherently requires a proactive approach to continuously explore new possibilities and avenues to be present, visible, and available. The Administration notes that the successes of other tri-campus offices and initiatives that have considered similar issues – for instance, the Equity Offices or the Sexual Violence Prevention & Support Centre – could be instructive examples as the Office examines different approaches. Raising awareness about the services offered and promoting engagement with students, staff, and faculty at all campuses is of paramount importance in fulfilling the Office’s mandate.

Concluding Observations

The Administration is pleased to see that members of the University community continue to avail themselves of the services of the Office of the Ombudsperson. The Ombudsperson is an important resource in our community. The Administration extends its sincere thanks to Professor Hodnett and her team for their dedication to the students, faculty, and staff on all three campuses of the University of Toronto.