

**UNIVERSITY OF TORONTO OFFICE
OF THE OMBUDSPERSON**



2017-18 ANNUAL REPORT

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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 2017-18 we handled 374 cases, including 351 new contacts who expressed concerns about 399 issues. The total caseload continues the trend of modest annual increases in new cases (n=339 and 316 in the previous two years). Of the 351 new cases, 246 (69%) 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. Eight of the remaining 105 were family members of a constituent, 4 were students enrolled at a Federated College/University, 3 were members of the public enrolled in continuing education courses, 1 was a member of the public who was a client of a Faculty-run clinic, 2 were student advocates for other students, 3 were inquiries by Ombudsman Ontario, and the remainder had no affiliation to the University.

The only remarkable change from the previous year was a 25% increase in the number of graduate students who contacted us. The types of issues which were brought to us were comparable to those in previous years. The total number of cases from the University of Toronto Mississauga and the University of Toronto Scarborough Campus communities continued to be very low (12 and 20, respectively).

I welcomed the opportunity to meet with the Committee to Review the Office of the Ombudsperson and was very pleased to see its Report was accepted by the Governing Council. Of particular importance was the Committee's recommendation to offer Ombuds services locally on each campus.

My **recommendations** fall into three categories:

I. Investigating Serious Allegations Within an Academic Unit

At present, students making serious allegations (such as bullying, harassment, professional and/or academic misconduct) about professors may be left under the supervision of the professors, while an investigation (which can take many months) is undertaken. I recommend that the University implement measures to protect the students from real or perceived threats while the investigation is under way. I am also concerned about the need for complaints of this nature to be responded to in an expeditious fashion, given the impact on all parties, and students in particular. There may be ways to make the process more efficient.

When an investigation into serious, complex issues is launched at the request of the Ombudsperson, it would be helpful if s/he were provided with the terms of reference given to the investigator, as well as regular progress updates.

II. Responsiveness of Campus Police to our Inquiries

I recommend that Campus Police be instructed that they have a duty to respond to inquiries from our Office. For several years, pre-dating and during my term in Office, Campus Police have been largely unresponsive to our inquiries.

III. Internal Policies of Graduate Departments

I recommend that Graduate Departments review their internal policies, to ensure they have solid and transparent rationale for policies which are more restrictive than those covered by policies of the School of Graduate Studies (SGS).

Plans for 2018-19 include: to finalize the restructuring of the Office, such that Ombuds Services are offered locally on each campus, and a new database is developed; to continue to follow closely the progress in investigating and dealing with systemic issues in one academic unit; to work with the Vice-President, Communications in developing and implementing a comprehensive communications strategy for the Office; to increase outreach activities; and to emphasize the need to relocate the St. George campus office.

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.

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 recommendations, but all decisions remain in the hands of the University administration.¹

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

- I. Who sought our assistance, why they came, and how we assisted them;
- II. Systemic issues and recommendations;
- III. Other activities of the Office, both internal and external; and
- IV. Plans for 2018-19

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 2017-18, 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 inquiries in 2017-18, and Table 1 shows the caseload by constituency. The Office dealt with 374 complainants: 351 new and 23 in progress from the previous year. The total of 351 was a modest increase from the 339 new cases handled by the Office in 2016-17. Initial contacts were made by direct email or submission of the online request for assistance form in 89% of cases, by telephone in 10%, and by either walk-in or letter mail in the remaining 1%. By June 30 the Office had closed 358 cases, leaving 16 in progress.

FIGURE 1

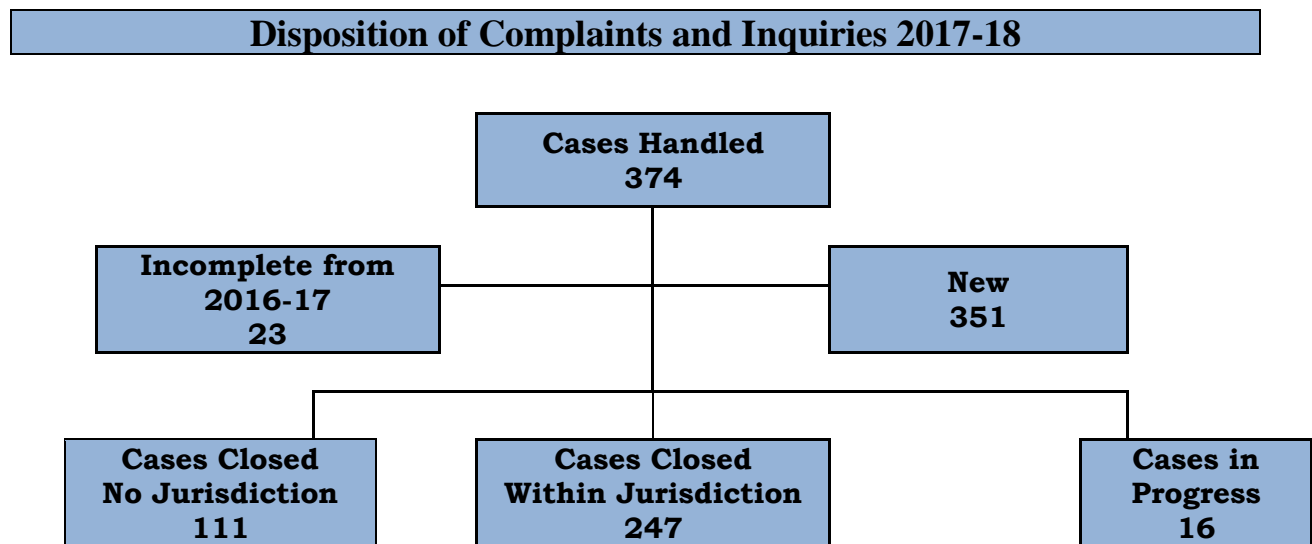


Table 1 - Caseload (New and Continuing) by Constituency¹ 2017-18

Constituency	N
Undergraduate	127
Graduate	94
Specialist program	1
Administrative staff	23
Faculty	19
Alumni	9
NGC ² :	98
Admissions	15
Continuing Education	3
Dental Clinic	1
Family member	9
Federated College/University	5
Student Advocate ³	3
Miscellaneous ⁴	62
Ombudsman Ontario	3
Total	374

¹"Constituency" refers to the individuals who sought our assistance. Some were part of the University of Toronto community, but their concerns were not within our purview.

²"NGC" refers to those individuals who were not within the Terms of Reference for our Office, set by the Governing Council.

³We offered advice to student advocates who were acting on behalf of others, but did not take further action unless the students themselves contacted us.

⁴Includes: complaints about public statements by a professor, trespass issues, social media posts, a rally on campus, queries about scholarship opportunities, perceived inappropriate use of campus facilities, and a wide variety of issues beyond the scope of the Office

The following section describes the students who contacted or continued contact with the Office during 2017-18, 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 127 undergraduate students, 85 indicated the academic unit in which they were enrolled. Of these, 7 stated they were from the University of Toronto Mississauga, 19 from the University of Toronto Scarborough, and the remaining 59 were from UT St George (39 from Arts & Sciences, 5 from Applied Science and Engineering, 2 each from Medicine, Nursing, Dentistry, Law, Pharmacy, and Architecture, Landscape, & Design, and 1 each from Music, Forestry, and Rotman Commerce).

Graduate students: Among the 94 graduate students, 83 indicated their academic unit. Of these, 11 stated they were from Division I (Humanities), 29 from Division II (Social Sciences), 11 from Division III (Physical Sciences), and 32 from Division IV (Life Sciences). The graduate students came from a wide variety of academic units within the four Divisions. The total is a 25% increase from the 75 who sought our assistance in 2016-17. There were 11 more complaints from Division II (which had 18 in 2016-17), and 9 fewer who declined to give their academic unit. 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 *shows new cases only* and shows the reasons students gave for seeking our assistance during 2017-18. (Describing new cases only allows us to track trends by year.) No remarkable differences were noted in the types of issues in 2016-17 and 2017-18. The great majority of students (85% of undergraduate and 80% 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.

Table 2. Student Caseload by Issue

Type of Issue	Undergraduate	Graduate
Academic (concerns about teaching methods, grading)	75	30
Academic integrity (alleged Code violations)	8	2
Accessibility	15	6
Administrative policy/procedure	14	7
Campus life	8	1
Campus Police issue	2	-
Employment/workplace issue at the University	-	3
Environmental Safety Issue	-	1
Fees/financial aid	7	11
Graduate supervision	-	13
Admissions	3	2
Dental Plan opt-out issue	1	1
Noise/classroom environment complaint	-	1
Non-sexual harassment/discrimination	4	10
Termination of graduate candidacy	-	4
Privacy	1	1
Sexual violence/harassment	-	3
Student group issue ²	1	-
Student Conduct issue	-	1
Other	4	4

The following paragraphs describe in sequence, the administrative staff, faculty members, alumni, and non-constituents who contacted the Office. *All are new cases only.*

Administrative Staff: We were contacted by 21 administrative staff members. Four did not indicate the campus in which they worked. Eleven stated they were from the St. George Campus, 5 from UTM and 1 from UTSC. Their reasons for contacting us included allegations of racism, sexual harassment, ethics in the work place, problems with a supervisor, job termination, and improper docking of time off for illness.

Faculty members: Eighteen faculty members contacted the Office. Seventeen were from the St. George campus. None identified themselves as from UTSC or UTM. One did not specify their location. Their reasons for contacting us included intellectual property infringement, academic misconduct, accessibility concerns, discrimination, and research misconduct, and disputes over office space and funding allocations.

Alumni: Nine alumni contacted our Office, concerning problems which had occurred while they were students. Three former students from one graduate department brought multiple serious allegations of harassment and professional misconduct against that department. Others had complaints related to accessibility concerns, a grade change, and graduate supervision. One wished to have a trespass order rescinded.

No jurisdiction: Of the 96 complainants over whom our Office had no direct jurisdiction, 17 were connected in some fashion to the larger University of Toronto community, but they were 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), 1 was a complaint by a client of a Faculty clinic, some were unintelligible or were wholly unrelated to the University, and the remainder were a wide variety of complaints. In almost all 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 had three inquiries from Ombudsman Ontario; 2 were in regard to cases we had closed because we saw no evidence of unfairness, and 1 involved a person unknown to our Office, who was subsequently referred to the appropriate University resource. Ombudsman Ontario contacted us just once about each of the three cases.

Table 3 summarizes the types of assistance the Office provided. In December 2017, we opened a multi-faceted inquiry into several major issues in one academic unit. Senior Administration launched an internal investigation, which remains in progress at the time of writing.

Most 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 358 CASES CLOSED BY JUNE 30, 2018)

Constituency	Consult /Advice	Coaching	Contacted Persons/Offices	Referral	Information	None²
Administrative staff	9	7	4	9	23	-
Alumni	1	1	1	3	5	-
Faculty	5	4	1	12	12	-
Graduate student	26	29	14	61	73	
Undergrad student	17	30	24	94	109	1
NGC-Continuing Ed	-	-	-	3	1	-
NGC ¹ -Family	-	1	1	7	8	-
NGC-Federated College/University	1	1	1	3	5	-
NGC-Miscellaneous	4	1	3	28	40	3
NGC-Student Advocate	2	-	1	2	2	-
NGC-Admissions	2	1	1	6	14	-
NGC-Dental clinic	-	-	1	-	1	-
Specialty Program	1	1	-	1	-	-
Ombuds Ontario	3	-	-	-	3	-
TOTAL	71	76	52	229	296	4

¹“NGC” is an abbreviation of “Not Governing Council”, referring to those who were not constituents according to the Terms of Reference for the Office, as set by the Governing Council

²Did not respond to our offer to assist

I. Systemic Issues and Recommendations

Investigating Serious Allegations Within an Academic Unit

Several current and former students contacted our Office about very serious systemic issues within one academic unit, including extreme bullying and harassment, and academic and professional misconduct. Some of the allegations also had implications for institutions external to or partnered with the University. After I brought the issues to the attention of senior administration, an internal investigation was launched by the Provost's office. I periodically requested and received progress updates. As of this writing, the issues remain unresolved.

The University has a number of policies and statements concerning violence and harassment:

http://www.governingcouncil.utoronto.ca/Governing_Council/policies.htm#S. These include the Policy on Sexual Violence and Sexual Harassment, the Statement on Discrimination and Discriminatory Harassment, and policies on workplace harassment and workplace violence. Currently, while bullying and harassment pertaining to staff can be dealt with under established processes, there is no clear analogue in the case of faculty-student relations. At present, students making serious allegations about professors may be left under the supervision of the professors, while an investigation (which can take many months) is undertaken. I recommend that the University implement measures to protect the students from real or perceived threats while the investigation is under way. Such measures seem to be particularly important, given the power differential between faculty and students, and the lasting negative psychological sequelae of bullying.

I appreciate that finding an investigator (internal or external to the University) can take time, in that the investigator must have the appropriate area(s) of expertise and the time to undertake the investigation. Finding the right investigator in a timely fashion is particularly challenging, when the allegations cover a range of issues. But I am concerned about the need for complaints of this nature to be responded to in an expeditious fashion, given the impact on all parties, and students in particular. There may be ways to make the process more efficient.

Finally, when an investigation is launched at the request of the Ombudsperson, it would be helpful if s/he were provided with the terms of reference given to the investigator, as well as regular progress updates.

Responsiveness of Campus Police to our Inquiries

I recommend that Campus Police be instructed that they have a duty to respond to inquiries from our Office. For several years, pre-dating and during my term in Office, Campus Police have been largely unresponsive to our inquiries about, for example, trespass orders. According to Section 3.6, paragraph 2 of the Office's Terms of Reference, "The Ombudsperson shall have such access to all University files and all University Officers as she/he deems necessary in the pursuit of official duties, and Officers are required to provide prompt and full responses to the Ombudsperson's enquiries."

Internal Policies of Graduate Departments

I recommend that Graduate Departments review their internal policies, to ensure they have solid and transparent rationale for policies which are more restrictive than those covered by policies of the School of Graduate Studies (SGS). SGS policies and guidelines often include general statements, leaving departments to make more restrictive decisions. There are good reasons for having a broad policy which provides a framework within which departments may tailor their internal decisions. For example, what is appropriate in a laboratory-based program in the life sciences may be unworkable in a humanities department. However, some variations appear to have little justification, and can be unfair to and pose undue burdens on students. I recommend that graduate departments examine their internal policies, ideally asking for student input, to ensure they are based on sound rationale and are transparent.

II. Other Activities of the Office

Our "Just in Time" slides (included in last year's Annual Report), advertising the work of the Office, continued to be projected on public display screens on all three campuses.

We have been on Twitter and Facebook since January 2017. The relevant links are: (Facebook) University of Toronto Ombudsperson and (Twitter) @UofTOmbuds. We now have approximately 100 followers on Twitter, double that of last year.

In late Fall 2017, I met with the Committee to Review the Office of the Ombudsperson. And I met with the Vice-President, Communications in the Spring, 2018, to begin planning a comprehensive communications strategy for the Office.

The Office also participated in the Association of Canadian Colleges and University Ombudspersons (ACCUO), through its listserv and periodic online meetings. With three Ombuds Officers, I expect we will be more active in ACCUO in the coming year.

In late March 2018, the Ombuds Officer and the Manager of the Graduate Conflict Resolution Centre conducted two joint workshops for faculty, on tips for fair and productive informal discussions between faculty and graduate students.

III. Plans for 2018-19

The major reorganization of the Office will be implemented in 2018-19, as recommended in my previous Annual Report and by the Review Committee for the Office of the Ombudsperson. We will have Ombuds Officers on each of the three campuses. I am optimistic that we will see an increase in contacts at UTSC and UTM, after faculty, students, and staff become aware that there is a local Ombuds Officer on each campus. We will also work with software developers, as the Office moves to a more sophisticated database.

The Office will continue its outreach to opinion leaders, student leaders, student advocates, Accessibility Services, the Graduate Conflict Resolution Centre, and other formal and informal leaders in the University community, to promote our services. Outreach activities will be a focus of each of the three Ombuds Officers, who will be uniquely positioned to educate and inform, using locally appropriate strategies.

The Report of the Review Committee of the Office of the Ombudsperson (<http://www.governingcouncil.lamp4.utoronto.ca/wpcontent/uploads/2018/05/r2017-2018-review-Ombuds-office.pdf>) recommended that the Office continue to work with the

Office of the Vice-President, Communications, in the development of strategies to help raise the awareness of the existence, mandate, and services of the Office of the University Ombudsperson to the University Community. As soon as the restructuring is in place on all three campuses, I plan to meet with The Vice President, Communications again, to continue this work.

I was pleased to note the other suggestions in the Report of the Review Committee, including one about the relocation of the St. George office. Because of its isolation, the present location is far from ideal, both from the point of view of the work day experience and safety of our small staff, and also from the point of view of potential users of our services. Finding appropriate space is always challenging for any large institution with multiple competing demands, but I hope the University can find a more suitable location for the St. George office, in the coming year.

Acknowledgements

I would like to extend my sincere gratitude to Harvey Botting (Chair) and the members of the Review Committee of the Office of the Ombudsperson, for an extremely helpful Report which captured the challenges faced by the Office and made substantive recommendations to address them.

I am indebted to Sheree Drummond, Secretary to Governing Council, and Anwar Kazimi, Deputy Secretary, for their wise counsel and support through the complexities of initiating and managing the restructuring of the Office.

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

I would like to thank Garvin De Four, the Ombuds Officer, for his diligent and conscientious service before leaving the University in the summer, 2018. Sincere thanks also go to Stephanie Goldner, the Office Secretary, who manages our database, assists with the preparation of the Annual Report, and as always, handles telephone and in-person inquiries with unfailing kindness.