



**FOR APPROVAL**

**CONFIDENTIAL**

***IN CAMERA* SESSION**

**TO:** Governing Council

**SPONSOR:** Mr. Harvey Botting

**CONTACT INFO:** Chair, Committee to Review the Office of the University  
Ombudsperson (2017-2018)

**PRESENTER:** See above.

**CONTACT INFO:**

**DATE:** May 10 for May 17, 2018

**AGENDA ITEM:** 15

**ITEM IDENTIFICATION:**

Report of the Committee to Review the Office of the University Ombudsperson (2017-18)  
*(Note: This document will be made public following approval by the Governing Council)*

**JURISDICTIONAL INFORMATION:**

The *Terms of Reference for the Office of the Ombudsperson* (2010) state that “The Office of the Ombudsperson shall be reviewed on a regular basis. At least eight months before the end of the term of the Ombudsperson, the Executive Committee of the Governing Council will commission a review, state its terms of reference and appoint its membership. The report of the review will be presented to the Governing Council through the Executive Committee, and the recommendations will be considered for approval by the Governing Council, upon their endorsement by the Executive Committee.”

**GOVERNANCE PATH:**

1. Executive Committee [for endorsement and forwarding] (May 8, 2018)
2. **Governing Council [for approval] (May 17, 2018)**

**PREVIOUS ACTION TAKEN:**

At its meeting of October 12, 2017, the Executive Committee resolved:

*THAT a Committee be established:*

*(a) to review the status and progress of the Office of the Ombudsperson in the light of the recommendations contained in the Report of the Committee to Review the Office of the University Ombudsperson, 2015, approved by the Governing Council on May 20, 2015;*

*(b) to make recommendations concerning the appointment of an Ombudsperson.*

**HIGHLIGHTS:**

The 2017-2018 Committee to Review the Office of the University Ombudsperson found that the Office continued to be a responsive and effective resource for the impartial resolutions of complaints and an invaluable source of highly credible advice on the improvement of the University's policies, processes, and outcome.

The 2017-18 Review Committee put forward the following recommendations:

1. THAT the Office of the University Ombudsperson be structured in such a way so as to ensure a presence and provide comprehensive services across all three campuses.
2. THAT the Office of the University Ombudsperson 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.

**FINANCIAL IMPLICATIONS:**

Changes to the office structure will have budgetary implications. These will be managed with relevant internal funds initially and if necessary, will involve a request for further resources as part of the annual budget process.

*Governing Council, May 17, 2018 –Report of the Committee to Review the Office of the University Ombudsperson (2017-2018)*

**RECOMMENDATION:**

Be It Resolved

THAT the *Report of the Committee to Review the Office of the University Ombudsperson (2017-2018)* be approved in principle.

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**DOCUMENTATION PROVIDED:**

*Report of the Committee to Review to Office of the University Ombudsperson (2017-2018)*

Report of the Committee  
to Review the Office of the University Ombudsperson  
2017-2018

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## **Summary of Recommendations**

1. THAT the Office of the University Ombudsperson be structured in such a way so as to ensure a presence and provide comprehensive services across all three campuses.
2. THAT the Office of the University Ombudsperson 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.

## Part I. - Background and Context

### The Office of the University Ombudsperson

The Office of the University Ombudsperson has been offering confidential advice and assistance to students, faculty and staff at the University of Toronto since 1975.

According to Section 1 of the *Terms of Reference of the Office of the Ombudsperson*:

“The University of Toronto provides the services of an independent and impartial University Ombudsperson to assist the University: in protecting the rights of its students, faculty and staff; in fulfilling its obligations to its students, faculty and staff; and in achieving its mission to be an internationally leading public teaching and research university.

The Office of the Ombudsperson provides an impartial and confidential service to assist members of the University who have been unable to resolve their concerns about their treatment by University authorities. The work of the Office is devoted to ensuring procedural fairness and just and reasonable outcomes. While the Ombudsperson does not have the authority to over-rule decisions, she/he can consider complaints, make informal enquiries, carry out formal reviews, draw conclusions and recommend changes to decisions and to University policies and procedures.”

### The University Ombudsperson

The Ombudsperson is appointed by the Governing Council on the recommendation of the President and is accountable to the Governing Council, as per Section 2 of the *Terms of Reference*.

At its meeting of May 20, 2015, the Governing Council resolved:

*THAT Professor Emeritus Ellen Hodnett be appointed as University Ombudsperson, for a three-year term effective July 1, 2015 until June 30, 2018.*

### Review of the Office of the University Ombudsperson

Section 7.2 of the *Terms of Reference of the Office of the Ombudsperson* states that the Office “...shall be reviewed on a regular basis. At least eight months before the end of the term of the Ombudsperson, the Executive Committee of the Governing Council will commission a review, state its terms of reference and appoint its membership. The report of the review will be presented to the Governing Council through the Executive Committee, and the recommendations will be considered for approval by the Governing Council, upon their endorsement by the Executive Committee.”

At its meeting of October 12, 2017, the Executive Committee resolved:

THAT a Committee be established:

- (a) to review the status and progress of the Office of the Ombudsperson in the light of the recommendations contained in the *Report of the Committee to Review the Office of the University Ombudsperson, 2015*, approved by the Governing Council on May 20, 2015;
- (b) to make recommendations concerning the appointment of an Ombudsperson.

THAT the membership of the Committee to review the Office of the University Ombudsperson be:

Harvey Botting (Alumni governor), Chair  
P.C. Choo (Administrative staff governor)  
Mama Adobea Nii Owoo (Student governor)  
Andrea Sass-Kortsak (Teaching Staff governor)  
Howard Shearer (Lieutenant-Governor-in-Council governor)

Kelly Hannah-Moffat (Administrative Advisor)  
Anwar Kazimi (Secretary)

The Committee invited submissions from: members of the Governing Council and its Boards; Principals, Deans, Academic Directors and Chairs; Professional, Managerial and Confidential Staff; the University of Toronto Faculty Association; employee unions; and the representative student governments.<sup>1</sup>

## **Part II. - Work Plan**

The Review Committee met three times between November 2017 and February 2018, during which time it conducted in-person and technology-assisted consultations, received and discussed on-line and written submissions, and considered potential candidates for the position of University Ombudsperson.

The Committee met separately with University Ombudsperson, Professor Emeritus Ellen Hodnett. The Committee also met with: the Assistant Ombudsperson, Mr. Garvin De Four; Ms Sheree Drummond, Secretary of the Governing Council; Professor Sioban Nelson, Vice-Provost, Academic Programs and Vice-Provost, Faculty and Academic Life; and with Professor Luc De Nil, Vice-Dean, Students, School of Graduate Students.

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<sup>1</sup> Memorandum attached as Appendix A.

The Review Committee also met with student government leaders: Ms Mala Kashyap (President) and Ms Caitlin Campisi (Executive Director) from the Association of Part-Time Students (APUS); and with Mr. Mathias Memmel (President) and Mr. Adrian Huntelar (Vice-President, University Affairs) from the University of Toronto Students' Union (UTSU). The Committee received written submissions from APUS, UTSU, the Scarborough Campus Students' Union (SCSU); and the University of Toronto Graduate Students' Union (UTGSU). The University of Toronto Mississauga Students' Union (UTMSU) was invited to meet with the Committee. However, the UTMSU did not take up the offer to meet with the Committee nor did it provide a written submission.

The University of Toronto Faculty Association (UTFA) and United Steelworkers Local 1998 declined the invitation to meet with the Committee and did not provide a written submission.

The Committee also consulted with Professor Bruce Kidd, Vice-President and Principal, UTSC, as well as Professor Ulrich (Ulli) Krull, Vice-President and Principal, UTM.

Finally, the Chair and the Secretary of the Committee met with Mr. David Estok, Vice-President, Communications.

### **Summary of Consultations**

As noted above, the Review Committee met and received input, both in-person and written, from a cross-section of stakeholders from across the University. In addition to this, two members of the Committee had served on the previous Review Committee and were able to share their experience and insight with the other members.

Some of the suggestions made to the Review Committee included:

- A need for a greater awareness of the responsibilities and mandate of the Office of the Ombudsperson
- A desire for a permanent local presence of the Office at the UTM and UTSC campuses; and an Ombudsperson specifically focused on first-entry faculties.
- Collaborative initiatives with the student governments to effectively promote the Office and its services.
- Increase the scope of the Office to hold the University administration accountable on systemic issues, with a focus on non-academic issues.
- The ability for the Ombudsperson to propose solutions to any systemic issues identified in the annual report.
- The St. George office to be located at site close to where a number of other student services are accessed to increase the visibility of the Office and its services.
- In addition to its annual report, the Ombudsperson be invited to present a brief mid-year report to the Governing Council.



- The ideal candidate to serve as the next Ombudsperson could be retired faculty or retired senior staff member with extensive experience and understanding of the structures at the University of Toronto.

The Review Committee carefully considered all of the feedback it received through the consultation process. The following matters are those that the Committee believes require action.

### *Tri-Campus Structure of the Office*

Professor Hodnett recalled that in her last report to the Governing Council<sup>2</sup> she had noted that it continued to be a challenge to encourage the use of Ombudsperson services by academic and administrative staff at UTM and UTSC campuses. Professor Hodnett suggested that to enhance the visibility of the Office of the Ombudsperson and to provide local access to the services of the Office, it might be effective to adopt a tri-campus Office structure similar to that of the tri-campus Secretariat. The Review Committee also heard from the Secretary of the Governing Council and the Vice-President and Principals of both UTM and UTSC on the need for a local presence of a representative of the Office of the Ombudsperson at UTM and at UTSC. The consensus was that with the evolution of the East and West campuses into large, complex divisions with their own distinct cultures, it was now timely to consider having individuals with knowledge and experience of the respective campuses serving in an Ombuds Office at UTM and UTSC. It was suggested that consideration should be given to having a part-time Ombuds Officer on each of the three campuses (as opposed to the current structure of a full-time Ombuds Officer on the St. George Campus only). These part-time Ombuds Officers would report to the Ombudsperson. The Review Committee heard that it would be likely that these part-time roles may need to be paired with another role (with a similar arms-length, independent mandate), however, this is an implementation matter and as such goes beyond the Committee's mandate.

As with recommendations of previous reviews with regard to changes to office structure, it will be important that the effectiveness of the new model is assessed in a subsequent review.

### *Awareness of the Office of the Ombudsperson and Communication of its Services*

As noted previously, 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 primary responsibilities: (a) to respond to requests from individual members of the University community, and (b) to alert Governing Council and the University administration to systemic issues that merit review.

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<sup>2</sup> *Office of the Ombudsperson – Annual Report 2016-2017*

During its consultations, the Review Committee observed that there was a constant need for ongoing explanation of the independence and impartiality of the Office in the context of a large and complex organization like the University of Toronto. A recurring theme in previous reviews was that it should not be an objective of the Office to “drum up business”. This view was expressed once again by the current Ombudsperson and was affirmed by the current Review Committee. The distinction was made between wanting to ensure that there is awareness of the Office and its services among members of the University community versus looking to increase the case load of the Office. The Committee notes that it may be that the reasons for the comparatively low case-load could be because of a potential lack of awareness; and/or because as result of the increased effectiveness of the Office of the University Ombudsperson in identifying systemic issues, and the enhanced responsiveness of the University.

Professor Emeritus Hodnett reported that, the Office continually looked to try to find opportunities to increase awareness of its functions and its services. She highlighted that in addition to the annual report to the Governing Council it is now the practice for the Ombudsperson to address the UTM and UTSC Campus Councils annually. She had also spoken at a meeting of Students for Barrier-Free Access. In addition, Professor Hodnett and Mr. De Four had been part of activities at the St. George campus including the Orientation week and an event held to highlight the various services on the St. George campus. The Office had also worked to build its presence on social media through Twitter and Facebook.

The Review Committee noted that that the varying levels of awareness of the Office and its services remained an on-going issue. As noted previously, imparting awareness includes explaining the impartiality of the Office, the confidentiality of its processes, its structural independence from the University Administration, and its accountability to the Governing Council.

### **Part III. – Findings and Recommendations**

The 2017-2018 Committee to Review the Office of the University Ombudsperson found that the Office continued to be a responsive and effective resource for the impartial resolutions of complaints and an invaluable source of highly credible advice on the improvement of the University’s policies, processes, and outcome.

The 2017-18 Review Committee put forward the following recommendations:

1. THAT the Office of the University Ombudsperson be structured in such a way so as to ensure a presence and provide comprehensive services across all three campuses.
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**Part IV. - Recommendations concerning the appointment of the Ombudsperson**

The Review Committee has provided its recommendation to the Executive Committee for endorsement and forwarding for approval by the Governing Council at its meeting on May 17, 2018.