



FOR INFORMATION

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| TO: | Governing Council |
| SPONSOR: CONTACT INFO: | Meric Gertler, President president@utoronto.ca |
| PRESENTER: CONTACT INFO: | Cheryl Regehr, Vice-President and Provost provost@utoronto.ca |
| DATE: | October 22 for October 29, 2020 |
| AGENDA ITEM: | 3 |

ITEM IDENTIFICATION:

2019-20 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 20, 2020)
2. **Governing Council [For Information] (October 29, 2020)**

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.

HIGHLIGHTS:

The *Report* and the *Administrative Response* are enclosed.

FINANCIAL IMPLICATIONS:

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

RECOMMENDATION:

For information.

DOCUMENTATION PROVIDED:

2019-20 Annual Report of the Office of the Ombudsperson

Administrative Response to the *Office of the Ombudsperson 2019-20 Annual Report*

ANNUAL REPORT



2019
2020



University Of Toronto
Office of the Ombudsperson



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Executive Summary

The University Ombudsperson is appointed by the Governing Council (GC) under the *Terms of Reference* it developed and reports annually to the GC 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 who fall under the responsibility of the Governing Council, and 2) to alert the Governing Council and the University administration to those issues of broader significance (systemic issues) that merit review.

In 2019-20 we handled 370 cases, including 341 new contacts, roughly an 18% increase over the new cases received by the Office in 2018-19 (288), and close to the same as the number of cases received in 2017-18. We also reopened 5 cases closed from prior years. Of the 341 new cases, 275 fell under the responsibility of the Governing Council, i.e. undergraduate or graduate students, teaching staff, administrative staff, or alumni whose issues occurred while they were students. The remaining 66 did not fall under the responsibility of the GC, and thus were not under the Office's jurisdiction; we referred these contacts to other resources.

While the number of cases received was significantly higher than last year, the number of very complex issues brought to the Office decreased. The total number of new cases from the University of Toronto Scarborough campus (UTSC) continues to be very low (25 vs 21 in 2018-19), whereas the number of cases from the University of Toronto Mississauga (UTM) campus, while still low, rose from 30 to 52.

My recommendations all focus on the theme of communication, specifically communication via websites and email. While these recommendations were formulated prior to the onset of the pandemic, they have become even more salient:

1. All divisions should ensure that information about the academic appeals process is transparent and easily accessed on their websites and other resources for students. In some cases, the process for graduates versus undergraduates is unclear, and in others it is unclear that students have the right to appeal beyond the departmental level.

2. Every academic unit and campus resource should set up a system to regularly run a tool which identifies broken website links.
3. Rather than the commonly used “one size fits all” email address for all inquiries, it would be helpful to list email addresses linked to specific areas of responsibility within an academic unit or campus resource.
4. A quick response, as soon as possible after an email is received, to acknowledge it and to indicate a reply will be forthcoming within an estimated timeframe, would alleviate much distress. In addition, a reply which communicates caring and interest in the recipient’s well-being will be particularly helpful when the message being delivered is not a welcome one.

The Review of the Office of the Ombudsperson will take place in the coming year, followed by the appointment of my successor. The Ombuds Officers, Secretary, and I will do our utmost to ensure a smooth transition.

Introduction

In October 1975, the Governing Council (GC) established the Office of the University Ombudsperson (Office), 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 report on the 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 *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.

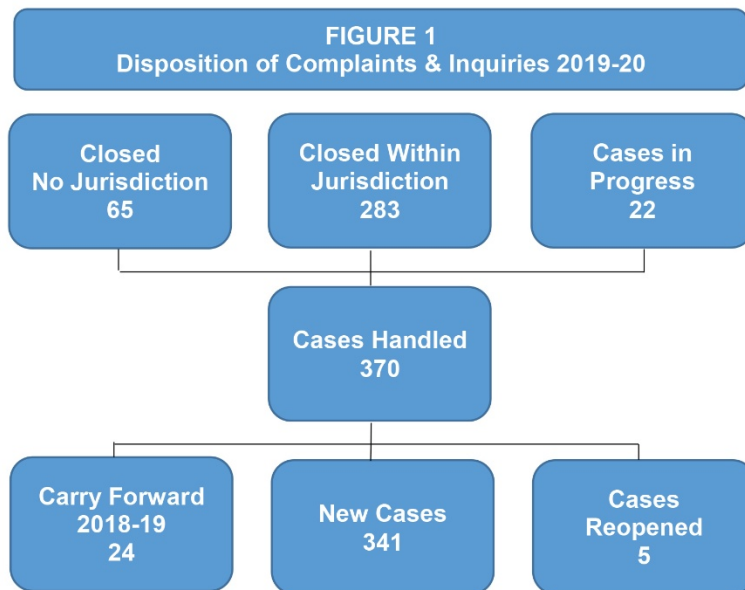
This Report to Governing Council covers my fifth year as University Ombudsperson. The Report is presented in four sections:

- I. Who sought our assistance, why they came, and how we assisted them;
- II. Recommendations;
- III. Other activities of the Office; and
- IV. Looking ahead.

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

The Office dealt with 370 complainants: 341 new, 24 carried forward from the previous year, and 5 reopened cases. The number of new cases received was notably higher (18%) than the 288 new cases received by the Office in 2018-19. By June 30, the Office had closed 348 cases, leaving 22 in progress. In order to give a picture of the workload of the Office, Figure 1 and the section on the assistance we provided refers to the Office's total caseload in 2019-20, i.e. both new and continuing cases. To enable tracking of trends over time, when discussing who contacted us and why, I will refer to only new cases opened during the year.

Figure 1. Disposition of Complaints and Inquiries 2019-20



Who Sought Our Assistance

The following section describes the various constituent groups who sought our assistance. Some were part of the University of Toronto community, but their concerns were not within our purview. “NJ” refers to those individuals who did not fall within our jurisdiction according to the *Terms of Reference* for our Office, set by the GC. 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.

Figure 2a. New Cases by Constituency 2019-20

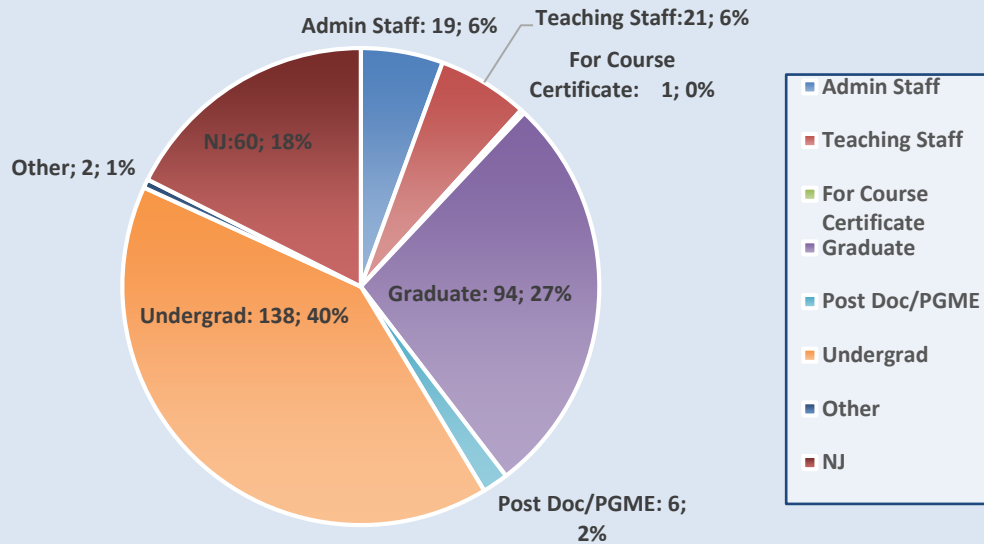
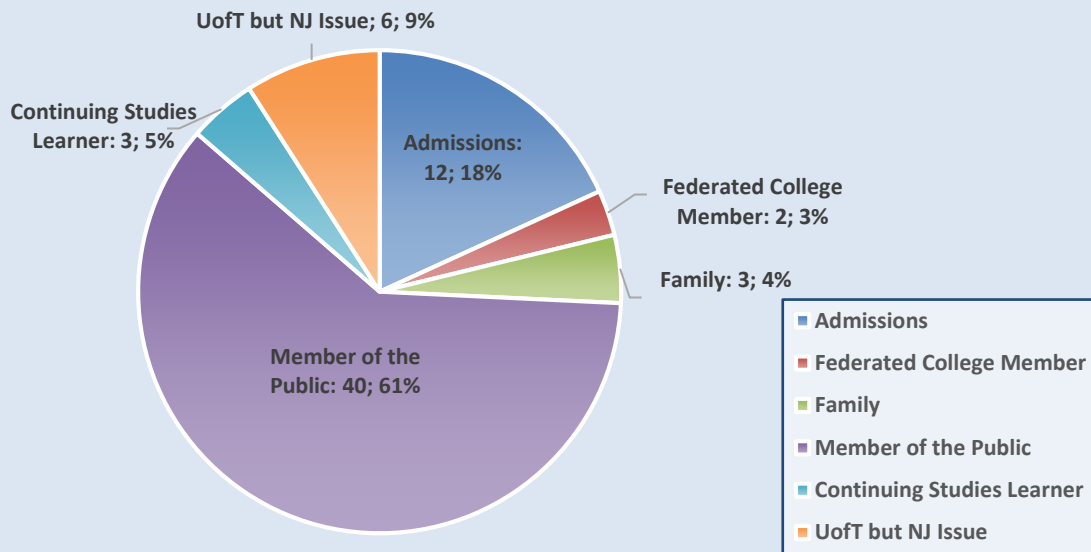


Figure 2b. New Cases by NJ Constituency 2019-20



Undergraduate students. Of the 138 undergraduate students who contacted us, 137 indicated the campus in which they were enrolled. Of these, 36 stated they were from UTM, 14 from UTSC, and the remaining 87 were from UTSG. Of the latter, 64 were from Arts & Sciences, 8 from Applied Science & Engineering, 3 each from Medicine and Architecture, Landscape & Design, 2 from Kinesiology & Physical Education, 1 each from Law, Nursing, OISE and Pharmacy, while 3 did not list their academic units.

Graduate students. The number of graduate cases increased by 42% in 2019-20, to 94 cases compared to 67 in the previous year. The graduate students came from a wide variety of academic units within the four Divisions, in roughly the same proportions as last year. Of the 87 who indicated their academic unit, 11 stated they were from Division I (Humanities), 37 from Division II (Social Sciences), 12 from Division III (Physical Sciences), 26 from Division IV (Life Sciences), and 1 was from Theology. In addition, we were contacted for help by 5 postdoctoral fellows in Medicine and 1 physician in a post-medical specialist program.

Administrative staff. The number of cases from administrative staff more than doubled, from 9 cases last year to 19 cases in 2019-20. Unlike last year, when all of the cases were from UTSG, this year 2 were from UTM and 1 was from UTSC.

Teaching Staff: Twenty-one members of the teaching staff contacted the Office in 2019-20, a roughly 60% increase from last year. The increase occurred at UTSG, which had 16 cases; 1 was from UTSC, and 2 were from UTM.

No jurisdiction. Of the 66 complainants over whom our Office had no direct jurisdiction, the majority were members of the public with various issues, including alumni whose issues did not occur while they were students, and applicants for admission to the University. Others were family members, or students enrolled at one of the Federated colleges or in a continuing education course. The percentage of “No Jurisdiction” cases (24%) was slightly lower than in past years, where it was consistently within range of 30%.

Ombudsman Ontario. We had one inquiry from Ombudsman Ontario. The individual in question was known to us and had not pursued all available channels in the University.

Why Did They Contact Us?

We classified the reasons why individuals contacted us in two ways. We assigned each case to 1 (sometimes 2) of 4 broad categories to give a more general overview of the nature of concerns. We further assigned each concern to one or more of a wide range of sub-categories.

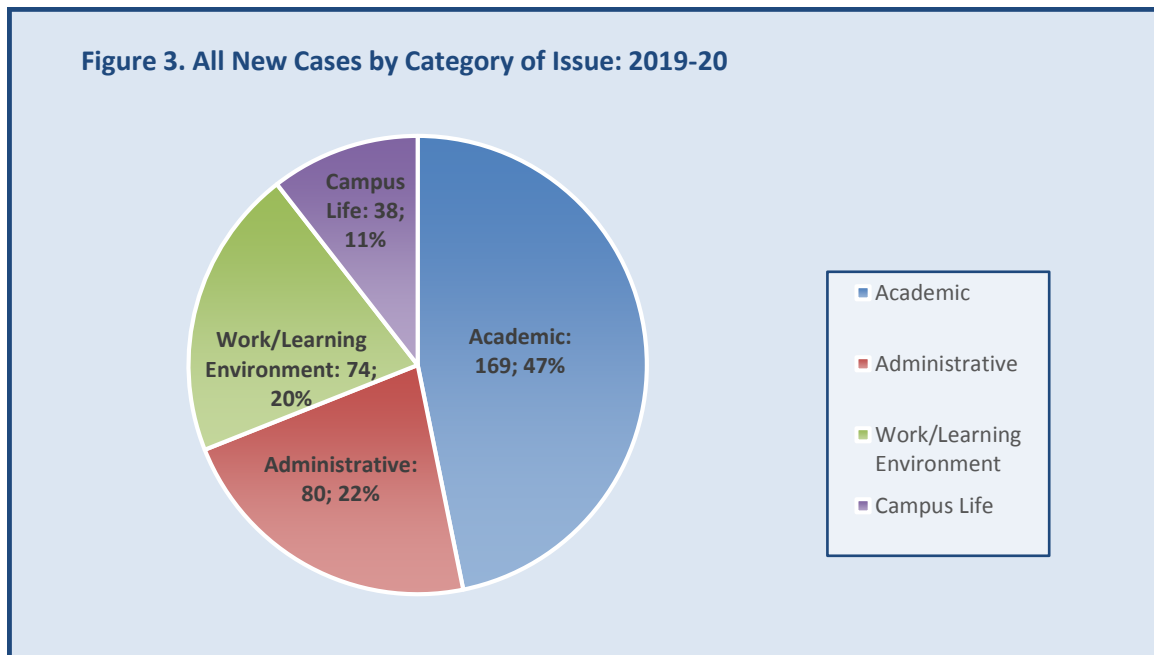
Academic: academic integrity, academic policy/procedures, grading concerns, graduate candidacy termination, graduate supervision, intellectual property, research misconduct, teaching methods.

Campus Life: campus police, student conduct, privacy, residence, student groups, and student services.

Administrative: administrative policy/procedure, admissions, fees/financial aid, health/dental plan opt-out, and some human resource concerns.

Work/Learning Environment: accessibility, civility, classroom environment, discrimination, environmental safety, harassment/bullying (non-sexual), mental health; sexual violence/harassment.

Figure 3 shows the breakdown of all new cases received by the broad category. Cases related to academic issues continued to be the most common, although the number of cases was higher this year (47% vs 35% in 2018-19). Cases related to administrative issues continued to be the second most common but were lower than last year (22% vs 34% in 2018-19).



Student Issues

Figure 4a shows the broad category of reasons students gave for seeking our assistance during 2019-20. Compared to 2018-19, the percentage of academic issues was higher this year (57% compared to 46%), while the percentage of administrative issues was lower (17% compared to 27%).

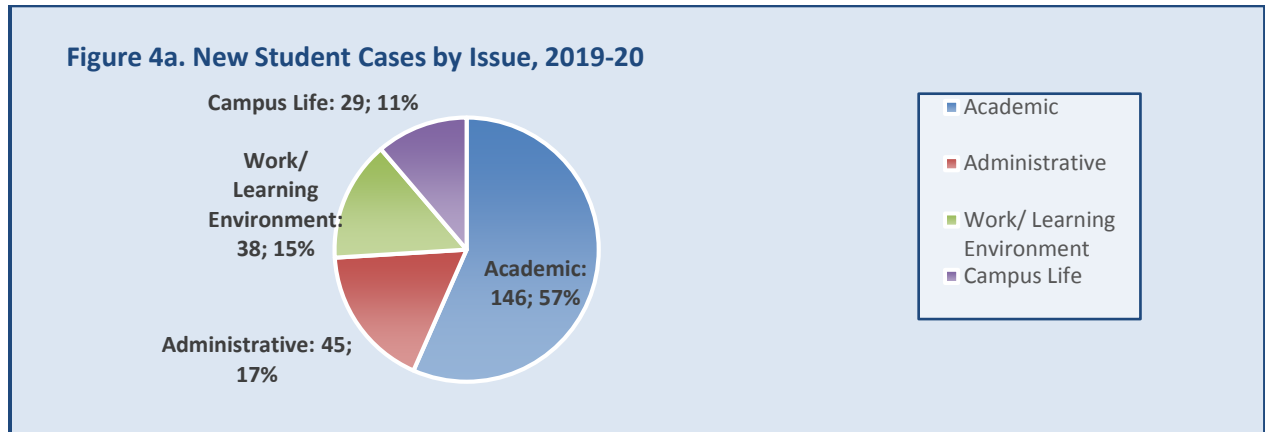
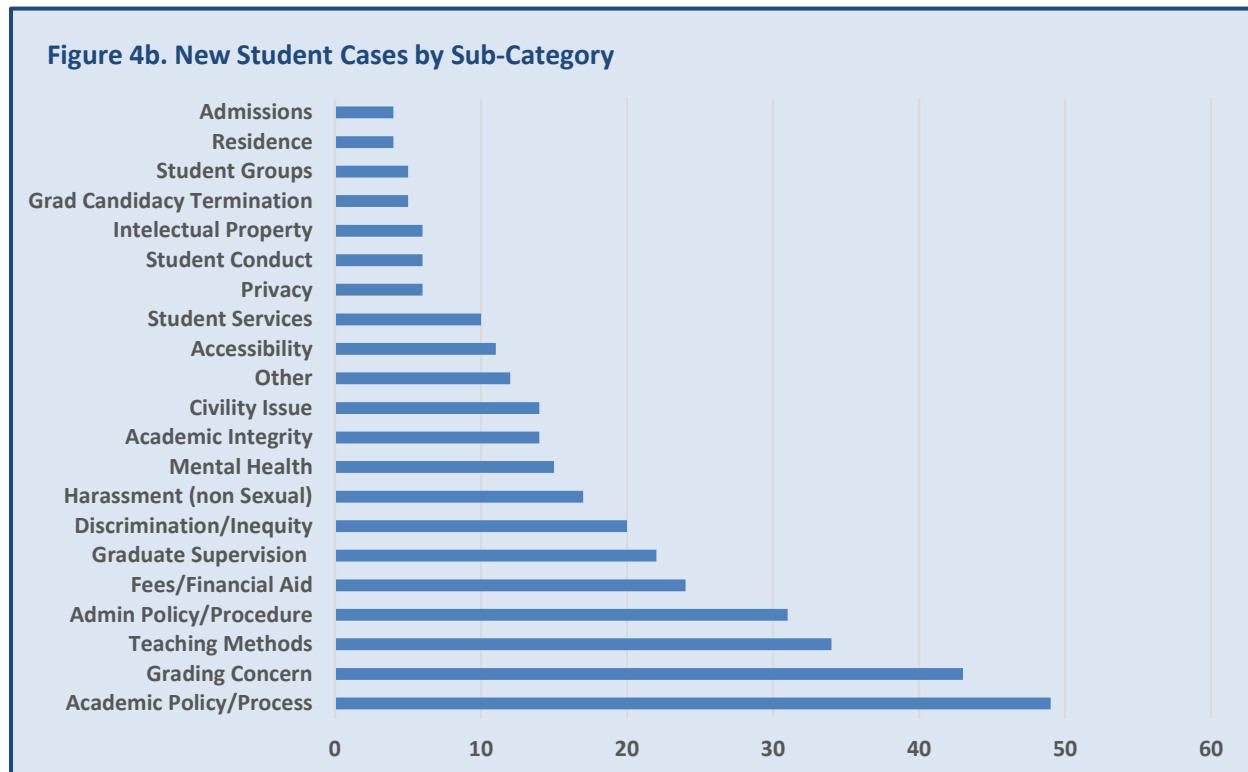
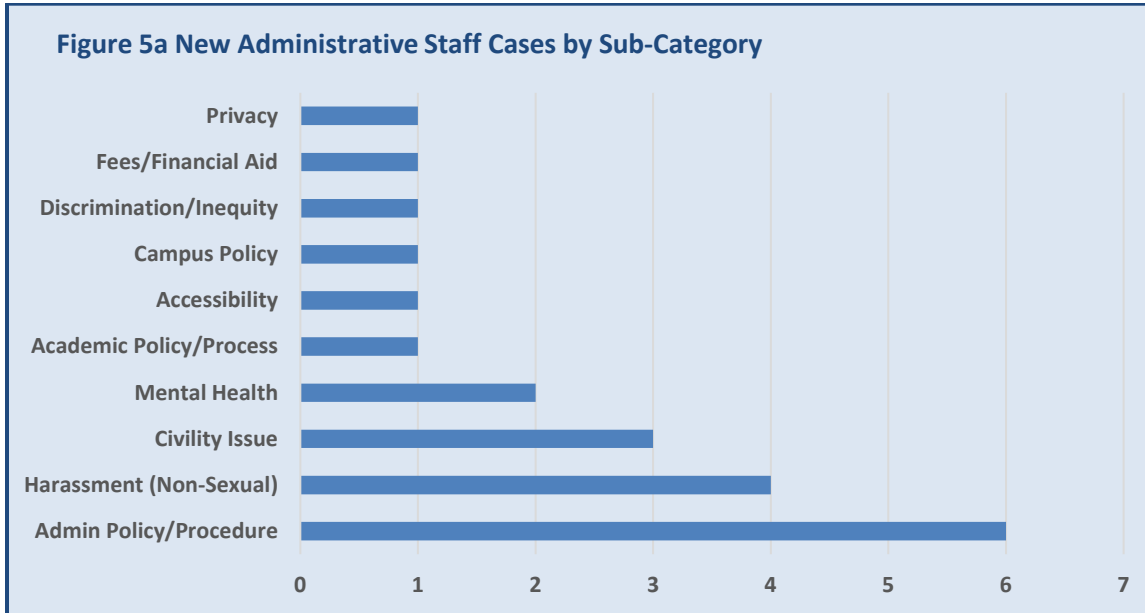


Figure 4b shows the sub-categories of student concerns. While most students had only one concern, some had complicated concerns that fell into several sub-categories. As in 2018-19, academic issues (academic policy/process; grading; teaching methods) predominated in the undergraduate group, while similar academic issues and graduate supervision difficulties predominated in the graduate group.

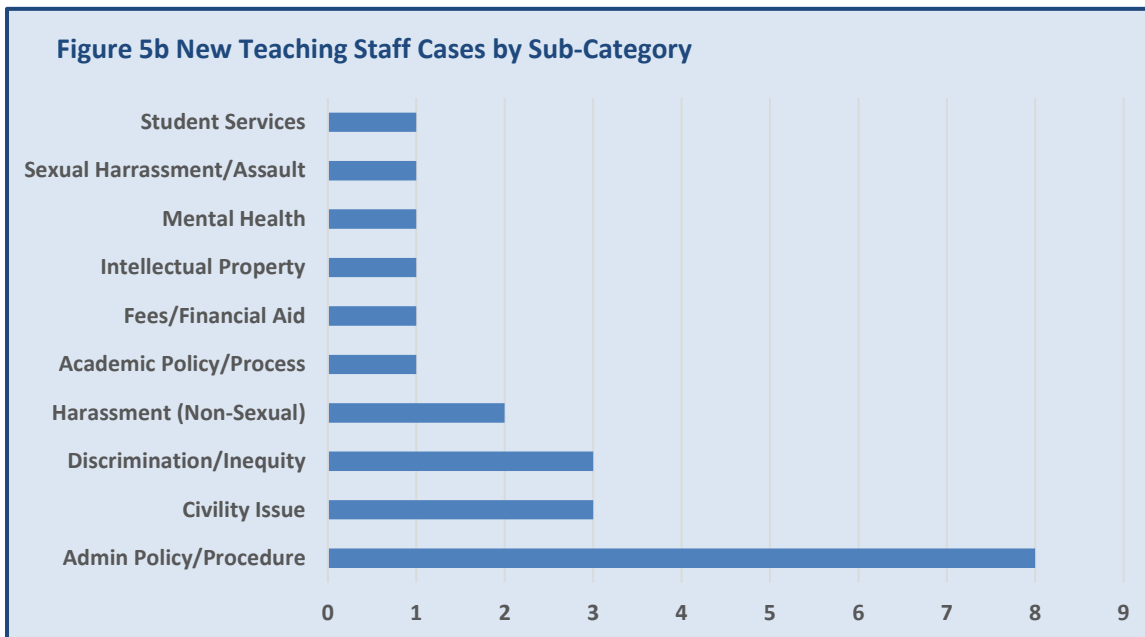


Issues Brought By Administrative and Teaching Staff

Administrative Staff: Figure 5a shows the 21 concerns about which 19 administrative staff contacted us in 2019-20. The majority involved various HR related matters, including discrimination/inequity, harassment/bullying/incivility, and job loss.



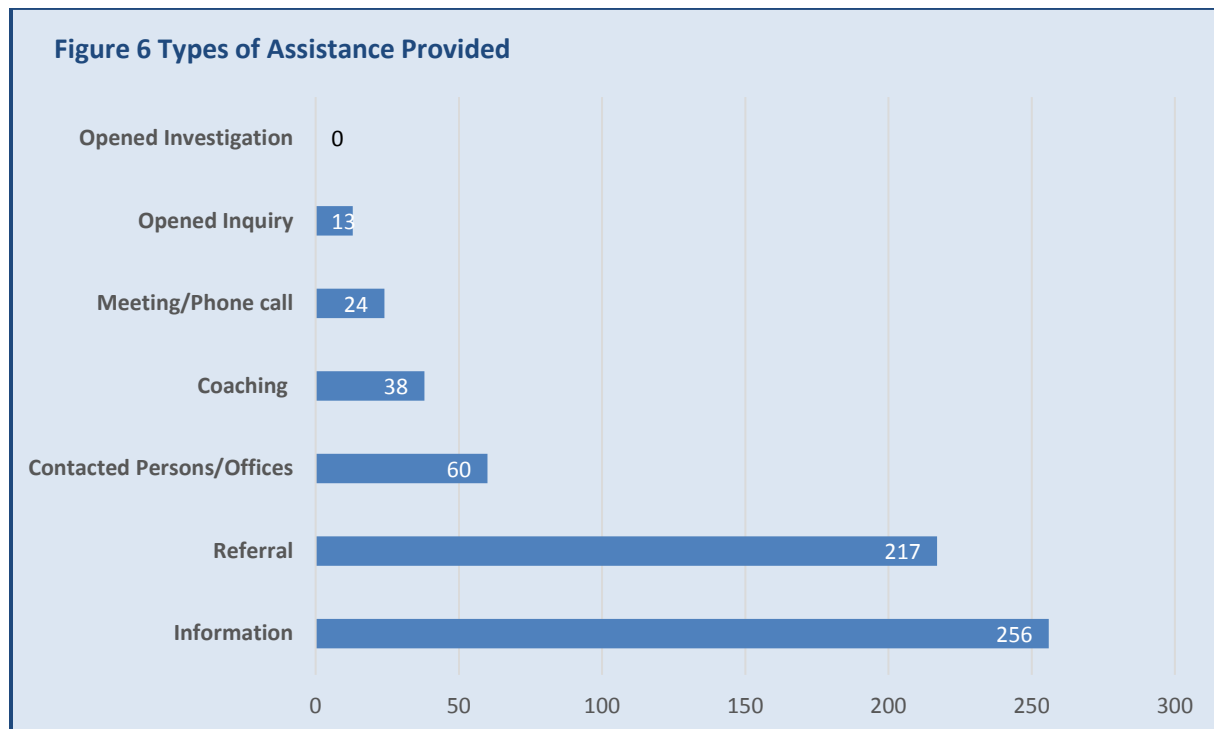
Teaching Staff: Figure 5b shows the 22 concerns about which 21 members of the teaching staff contacted us in 2019-20. Like administrative staff, many concerns were related to the workplace.



How Did We Help?

Figure 6 summarizes the types of assistance the Office provided for the 348 cases which were closed during 2019-20. We offered more than one type of assistance for most cases. Most issues were resolved promptly, while the more complex ones often took months.

“Inquiries” includes cases in which our contact with other offices went beyond a single call and for which we asked for documentation from the complainant. We had no investigations this year, which would have involved contacts with multiple offices and extensive document reviews.



Key Findings, Emerging Trends

1. The total caseload was noticeably higher than the previous year. However, while numbers were higher, there were no cases requiring investigations.
2. The increase in complaints by graduate students may reflect the increased publicity about graduate student issues, as a result of my 2018-19 Annual Report.

3. We observed a trend towards more complaints from administrative staff, regarding their supervisors. It is premature to draw any conclusions, but we will continue to monitor this issue. Senior, non-unionized staff were particularly hesitant to pursue their complaints, out of fear of reprisal. One new case, brought by several current and former staff, is ongoing.

II. Recommendations

My recommendations all focus on the theme of communication, specifically communication via websites and email. When I began to draft them, the COVID-19 pandemic had not yet hit Canada. Since then, they have become even more important. The magnitude of the proposed changes is small, but the impact could be great. Many of those who contact us simply need to know how and where to get help. A large percentage of the work of the Office consists in referring those who contact us to the appropriate University resources.

1. All divisions should ensure that information about the academic appeals process is transparent and easily accessed on their websites and other resources for students. In some cases, the process for graduates versus undergraduates is unclear, and in others it is unclear that students have the right to appeal beyond the departmental level.
2. Website links are often broken. Broken links cause frustration, especially for students. There are tools which scan for broken links. It would help if each academic unit and campus resource set up a system to make regular use of this tool. Best practice suggests running the tool monthly.
3. Many University websites contain a general contact email for all inquiries. We have had many complaints that emails to these general “one size fits all” email addresses either go unanswered or land with the wrong person. Ombuds Officers are also frequently frustrated, when their attempts to find the right person to deal with a complaint are made more difficult because of the lack of contact details for those who deal with specific issues. It is not necessary to list the name of each staff member, but it would be very helpful to list email addresses linked to specific areas of responsibility within an academic unit or campus resource.

4. Another common complaint we received both before and after the pandemic hit is “I emailed XX a week ago [or longer] and have not had a reply.” The complainant does not know if the email was received and is being acted upon, or if it has been forgotten or ignored. The sheer volume of emails coming to academic and administrative staff has undoubtedly increased greatly during the pandemic, and of course this only magnifies the problem. A quick response, as soon as reasonably possible after an email is received, to acknowledge it and to indicate a reply will be forthcoming within an estimated timeframe, would alleviate much distress. In addition, a reply which communicates caring and interest in the recipient’s well-being will be particularly helpful when the message being delivered is not a welcome one.

III. Other Activities of the Office

Review of the cases managed under the new University-Mandated Leave of Absence Policy. I reviewed seven cases, in two of which the students opted for voluntary leaves of absence. There was just one new case in 2019-20; the others were carried over from the previous year. One of the students who returned to studies has since graduated. Currently there are four active cases. It was clear to me that every case has been handled fairly, with strict adherence to the Policy, as well as with compassion.

IV. Looking Ahead: Plans for 2020-21

Our Office has adapted easily to providing services remotely, primarily because it was the choice of nearly all of those who contacted us, prior to the pandemic. While workload is never easy to estimate, we expect to see an increase in inquiries as everyone adjusts to the inevitable pandemic-created disruptions.

The Review of the Office of the Ombudsperson will take place in the coming year, followed by the appointment of my successor. The Ombuds Officers, Secretary, and I will do our utmost to ensure a smooth transition.

Acknowledgements

I would like to acknowledge the outstanding work of the Ombuds Officers –Kristi Gourlay, Cindy Ferencz Hammond, and Emma Thacker—and the Secretary, Stephanie Goldner. We greatly appreciate the cooperation from front-line administrators and members of the Senior Administration, who respond to our inquiries with careful attention and patience. In addition, I am very grateful to the support provided by and those who work in front of and behind the scenes of the Office of Governing Council -- including but not limited to Sheree Drummond, Anwar Kazimi, Christina da Rocha-Feeley, and Angelo Poretta.

Administrative Response to the *Office of the Ombudsperson 2019-20 Annual Report*

October 2020

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." The Governing Council also requests a response from the University Administration to each of the Ombudsperson's annual reports. The *2019-20 Annual Report* is Professor Ellen Hodnett's fifth report as University Ombudsperson.

Response

The Administration remains grateful to Professor Hodnett for her ongoing service to the University of Toronto in the role of Ombudsperson. As she has demonstrated over the years, Professor Hodnett's institutional knowledge, compassion, and depth of expertise have served the University and its broad community very well. The President, Provost, and entire U of T Administration welcome this year's report, which showcases her care for the community and her insightful approach to solving common challenges.

As noted in last year's report and administrative response, Professor Hodnett successfully restructured the Office of the Ombudsperson into a tri-campus entity, installing Ombuds Officers on each of the three U of T campuses. We are especially heartened by the success of this restructured model and the relative increase in inquiries as a result of the community's renewed engagement. This success has rested on a well-executed plan and help from U of T Communications, the Office of the Governing Council, and several offices at UTM and UTSC.

The Administration once again thanks Professor Hodnett for conducting a review of the second year of cases managed under the *University-Mandated Leave of Absence Policy*, including one new case in 2019-20 along with the six cases from last year. The Administration was gratified to read Professor Hodnett's view that "every case has been handled fairly, with strict adherence to the Policy, as well as with compassion."

The *Office of the Ombudsperson 2019-20 Annual Report* indicates that in 2019-20, the Office dealt with 370 complaints, which were brought forward by undergraduate students, graduate students, administrative staff, and faculty members from all three campuses. The new format of presenting the case statistics from last year continues to be immensely helpful in understanding the scope and variety of the Office's work, as well as the sources and types of cases that it handles. The Ombudsperson notes that some professional managerial staff were hesitant to pursue complaints due to a fear of reprisal; this issue is one of importance and we appreciate it being brought to our attention. We seek to ensure that employees are aware of the resources that are available should they wish to file a complaint, and the safeguards that are in place in the event that they choose to do so.

The Office of the Ombudsperson's recommendations, based on its work this year, are provided below together with the Administration's responses.

Recommendation 1: *All divisions should ensure that information about the academic appeals process is transparent and easily accessed on their websites by undergraduate and graduate students.*

The Administration agrees that accessibility of information and transparency about processes such as academic appeals is critical in ensuring that University community members requiring assistance can find what they need. This recommendation, when implemented by academic divisions, should also help reduce the number of requests received by the Office of the Ombudsperson.

The [University's academic appeals process](#) is currently posted in the Policies section on the Provost's Office website. With it appears the framework for the divisional appeals process, which sets out minimum standards, provides 'checklists,' and suggests best practices such that academic appeals are operated fairly and consistently across the University. Divisional appeals processes are linked to from the '[Process Specific Resources & Documents](#)' section of the Office of Appeals, Discipline and Faculty Grievances page on the Office of the Governing Council's website.

In accepting this recommendation, the Administration undertakes to review both websites and ask each of the University's 19 divisions, including the School of Graduate Studies, to provide and/or update their own link/s for inclusion.

The Provost's Office organized a new training workshop this past year on U of T policies and best practices for academic appeals processes for representatives from all academic divisions. This training will now be offered every second year and will include discussion of updates to academic appeals processes. The organizers will note this recommendation and the need for improved communication and transparency on the part of academic divisions.

Recommendation 2: *Each academic unit and campus resource should set up a system to make regular use of web tools to scan for broken links on their websites in order to mitigate student frustration when seeking information.*

The Administration accepts this recommendation and will consider how existing and emerging technologies can be leveraged to reduce the number of inaccurate or broken links on University websites.

The University's web space is complex and distributed; unfortunately, there is no centralized inventory of U of T websites or webpages. Fixing broken links can depend on how a website is created and hosted, and could involve a complete rewrite of the underlying code. Nonetheless,

identifying broken links using the type of tool described in the Ombudsperson's report can be one important step in addressing a larger problem with rapidly changing information.

The University currently runs a service that scans websites for broken links through the Academic and Collaborative Technology team (ACT) within ITS. This is not an automated service and is done at the request of individual units – similar to a one-time audit. ACT is exploring the procurement of a new tool that could be deployed in a self-service way to identify and address broken links more systematically. Provided that procurement is successful, ACT will initiate an awareness campaign over the Fall and Winter to promote the tool's use across academic units and administrative divisions.

Recommendation 3: University of Toronto websites that currently contain a general contact email for all inquiries should consider adding a list of email addresses linked to specific areas of responsibility within each academic unit and campus resource so student inquiries can more efficiently reach the responsible person or office.

The Administration accepts this recommendation, which will be conveyed to University Principals and Deans, Vice-Presidents, and Vice-Provosts so that they may work to implement it on their respective websites and other communication channels.

The University has recently made significant inroads in implementing a new service built on ServiceNow, an online help desk tool that tracks, triages, and reports on service requests of all kinds. By way of example, the Human Resources department is using ServiceNow to consolidate myriad connection points into one site, and to triage questions efficiently and effectively, assign queries to appropriate individuals, and provide information that leads to timelier self-service. ITS and several academic divisions have begun to use the tool for IT service management, issuing 'tickets' when help requests are received and tracking service and resolution. The COVID-19 Recovery & Adaptation Unit has also been using the ServiceNow tool under the leadership of U of T Communications to track, refer, and answer questions about the University's COVID-19 response.

In addition to improved web listings for email inquiries, expanding the use of ServiceNow should improve the experience for complainants who use email to send inquiries and resolve complex concerns. More information is available through the Enterprise Service Centre, which can be accessed with a UTORID from [the ITS homepage](#).

Recommendation 4: Academic and administrative offices should send a quick response, as soon as reasonably possible after an email is received, to acknowledge it and to indicate a reply will be forthcoming within an estimated timeframe, in order to alleviate distress or frustration experienced by complainants. In addition, a reply which communicates caring and interest in the recipient's well-being will be particularly helpful when the message being delivered is not a welcome one.

The Administration fully endorses this recommendation, which will be discussed among the Tri-Campus Vice-Presidents' group, and Principals and Deans.

It remains a priority for the Administration to foster a caring community across all University campuses and constituencies. The Administration recognizes that, particularly with respect to complex or difficult issues, responsiveness is an important factor in avoiding or alleviating potential frustration. Leveraging the capacity of ServiceNow will address this gap and should result in less distress for complainants as well as for those who are simply seeking information.

Concluding Observations

The Administration is grateful for the insight that the Ombudsperson's Report provides and appreciates the opportunity it affords to examine and address some of the complex and systemic issues at the University. The Office of the Ombudsperson continues to play a vital role in the U of T community, offering deeply considered, compassionate, and responsive assistance to those who reach out to it. The Administration thanks the entire staff of the Office for their work on this report and on behalf of our community throughout the year.