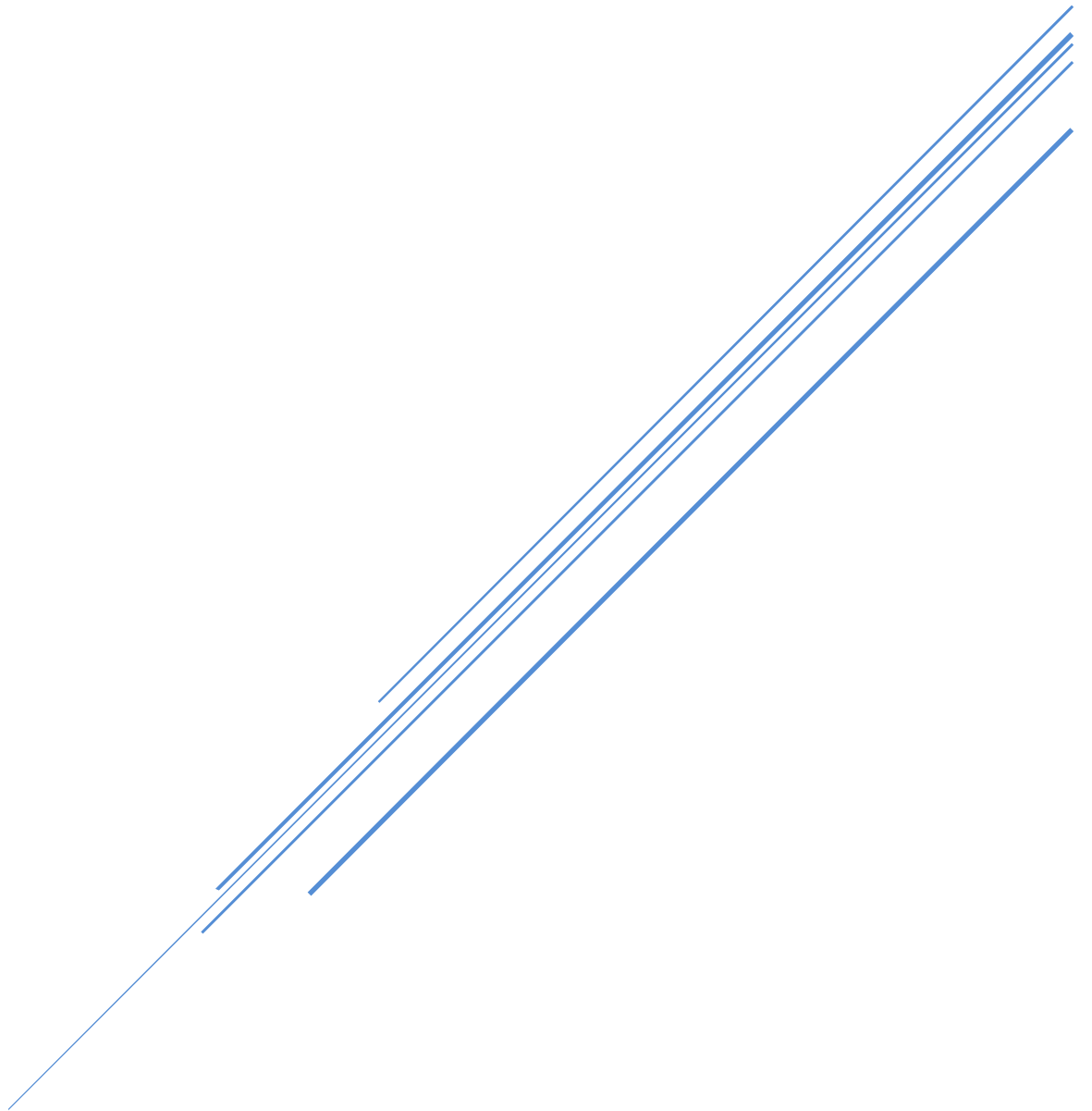


REPORT OF THE COMMITTEE
TO REVIEW THE OFFICE OF THE
UNIVERSITY OMBUDSPERSON
2020-2021
(April 27, 2021)



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Summary of Recommendations

1. The Office of the University Ombudsperson (the Office) actively pursue engagement with multiple stakeholders within the university community, including student government leaders and academic leaders, to create a greater awareness of the mandate of and services available from the Office.
2. The Office seek additional resources from the Office of the Vice-President, Communications, in the development and delivery of a communications plan to help raise the awareness of the Office among the university community.
3. Divisional leaders and registrars be invited to consider including a reference to the services provided by the Office in the appropriate sections of their Faculty/divisional calendars, student handbooks, and websites, for the benefit of administrative staff, teaching staff, and students.
4. The Office continue to maintain a presence at all three campuses.
5. On an annual basis, the administration report back progress against each recommendation made in the annual report of the Ombudsperson in a prior year that was adopted by the administration until such a time as implementation of the recommendation has been completed and reported as such.
6. The Office consider appropriate ways in which clients can provide feedback on the level of satisfaction of the service received from the Office.
7. The Office give careful consideration to modes of service delivery with virtual interfaces, while ensuring and maximizing equity of access of services, and reassess its physical space needs.
8. The Office undertake a review of the ways in which technology could enhance operations and service delivery.

Part I. - Background and Context

Ombudsperson – a definitionⁱ

The Association of Canadian College and University Ombudsperson's (ACCOU) Standard of Practice describe the ombudsperson in Canadian institutions:

“With a focus on fairness, equity and respect, the ombudsperson builds capacity to help the institution be accountable to its own value and mission statement. In working with individuals, the ombudspersons facilitate fair resolutions that build trust and fortify the relationship between individual and institution.”

Ombuds offices are founded on the following principles and characteristics: independence, impartiality, confidentiality, accessibility; the provision of information and advice (e.g. help understanding rights and responsibilities, help analyzing or framing issues, coaching); the ability to intervene (e.g. to listen, problem-solve, inquire, investigate: the ability to make recommendations and a commitment to accountability, fairness and constructive change.)

The ombudsperson provides information, guidance, and mechanisms for the effective and fair resolution of grievances and disputes. The effectiveness of the ombudsperson rests on an ability to form an independent opinion and to influence positive change.

The Office of the University Ombudsperson

The Office of the University Ombudsperson (the Office) 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.

The Governing Council approved the re-appointment of Professor Emeritus Ellen Hodnett for a further year from July 1, 2018 to June 30, 2019.

At its meeting of May 16, 2019, the Governing Council resolved:

THAT Professor Emeritus Ellen Hodnett be re-appointed as University Ombudsperson, for a two-year term effective July 1, 2019 until June 30, 2021.

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 20, 2020, 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, 2017-2018*, approved by the Governing Council on May 17, 2018;
- (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:

P.C. Choo (Administrative staff governor)
Joan Johnston (Alumni governor)
Susan Froom (Student governor)
Claire Kennedy (Lieutenant-Governor-in-Council governor), Chair
K. Sonu Gaiind (Teaching Staff 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.

Part II. - Work Plan

The Review Committee met four times in virtual meeting rooms between November 2020 and March 2021, during which time it held consultations, received, and discussed on-line and written submissions, and considered potential candidates for the position of University Ombudsperson.

The Committee met separately with the following:

- Professor Emeritus Ellen Hodnett, University Ombudsperson
- Professor Alex Gillespie, Vice-President and Principal, University of Toronto Mississauga (UTM)
- Professor Bill Gough, Vice-Principal, Academic, and Dean, University of Toronto Scarborough (UTSC)
- Professor Charmaine Williams, Vice-Dean, Students, School of Graduate Studies
- Ms Meredith Strong, Office of the Vice-Provost, Students and Students Policy Advisor
- Ms Sheree Drummond, Secretary of the Governing Council

The Review Committee also met with student government leaders:

- Ms Sarah Abdillahi, President, Scarborough College Students' Union (SCSU)
- Ms Muntaka Ahmed, President, University of Toronto Students' Union (UTSU)
- Ms Mitra Yakubi, President, University of Toronto Mississauga Students' Union (UTMSU)

The Associate of Part-Time Students' Union (APUS) provided a written submission. The University of Toronto Graduate Students' Union (UTGSU) was invited several times to meet with the Committee. However, the UTGSU did not take up the offer to meet with the Committee nor did it provide a written submission.

Finally, the Committee met with Professor J. Roy Gillis, Vice-President, University and External Affairs, University of Toronto Faculty Association (UTFA). United Steelworkers Local 1998 declined the invitation to meet with the Committee and did not provide a written submission.

Status and Progress of Recommendations from the Report of the Committee to Review the Office of the University Ombudsperson, 2017-2018

Presence across all three campuses

Professor Hodnett noted that the restructuring of the Office had led to the presence of Ombuds officers at each of the three campuses. The appointment of three strong Ombuds officers had resulted in an exponential improvement in the quality of service and visibility of the Office of Ombudsperson. Continued enhancement to the data management system resulted in appropriate follow-up with both the administration and the clients. The need for a more robust and interactive database was identified to allow for a better sense of any emerging trends in the nature of queries received from clients.

Professor Gillespie and Professor Gough welcomed the presence of Ombuds officers at UTM and UTSC respectively. Ms Drummond noted that the role of the Ombuds officer, that had been coupled with the role of the Assistant Secretary of the Governing Council, had worked well with cases being triaged between the three Ombuds officers.

Awareness of the existence, mandate, and services of the Office of the University of Ombudsperson

A recommendation of the Report of the 2017-18 Review Committee called for the University Ombudsperson to continue to work with the Office of the Vice-President, Communications, in the development of strategies to help raise the awareness, mandate, and services of the Office to the university community.

Professor Hodnett noted outreach remained an unsolved matter. As noted in the following section of this report, the need to create greater awareness of the existence and the services of the Office was a recurring theme from the members of the administration and the student leaders who met the Committee.

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.

Suggestions made to the Review Committee are listed under three broad categories:

Communications/Awareness

- Continuing need for a greater awareness of the responsibilities and mandate of the Office
- Collaborative initiatives with the executive of student governments to effectively promote the Office and its services.
- Written material on the Office be distributed widely in high-traffic student areas such as registrar offices, Student Life offices, offices of student governments and student societies.
- Inclusion on information on the Office in student handbooks and divisional calendars.
- Education campaign for University leaders – chairs, deans, academic and staff leaders – to destigmatize the idea of approaching the Office.
- Need for a “designated champion” within University of Toronto Communications to promote the Office.

Governance/Oversight/Monitoring

- Ensure that the office has the ability to hold the University administration accountable on systemic issues, with a focus on non-academic issues – even as it was recognized that the Office does not assume the role of an advocate on behalf of individuals or organizations.
- The ability for the Ombudsperson to propose solutions to any systemic issues identified in the annual report.
- In addition to its annual report, the Ombudsperson be invited to present a brief mid-year report to the Governing Council.
- Better reporting back and cataloguing from the administration on the progress of the recommendations made by the Ombudsperson in previous annual reports
- Use of appropriate metrics to gauge the satisfaction of the service received from the Office – acknowledging that while the client needs to be heard and each situation fairly assessed, the client may not always recognize that the ‘test of fairness’ was met if they are not satisfied with the outcome.

Operations and Service Delivery

- The St. George office to be located at a discreet site that is away from the administrative block but close to where a number of other student services are accessed to increase the visibility of the Office and its services – recognizing that there is reduced need for space with increased virtual engagements.
- The Office undertake a review of the ways in which technology could enhance operations and service delivery.

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

Communications/Awareness

As noted earlier, Professor Hodnett noted that the lack of awareness within the University community of the existence of the Office and the services offered by it remained a challenge.

A common theme of the Review Committee's discussions with student leaders and members of the senior administration, as well as the written feedback provided to the Committee, was the challenge of communicating the existence and the role of the Office to the student body. Of note, was the additional challenge in raising awareness of the Office among the student estate due to the cyclical turnover of the leadership of the student governments. It was suggested that the Office facilitate annual orientation and information sessions with elected executive of the five student governments on its work and its accessibility.

The Review Committee heard a variety of opinions and suggestions on how to raise awareness of the Office. These included use of participation of the Office in town hall meetings, the use of social media, greater use of posters and information literature, with a FAQ factsheet, in locations where students congregate to access services. It was noted that the services of the Office be also prominently highlighted in student calendars and handbooks. Professor Hodnett suggested the need to have key influential people – local champions – in offices that catered to student services who would in turn create awareness of the role of the Ombudsperson.

Professors Gillespie and Gough suggested similar initiatives to create greater awareness of the services of the Office among academic leaders including deans, chairs, academic and staff leaders. This to be followed with regular reminders by way of divisional newsletters.

The Review Committee was informed that administrative staff and teaching staff can, and do, approach the Office. However, many administrative and teaching staff have recourse to other mechanisms within the purview of collective agreements and such arrangements. Nonetheless, efforts can, and should, be made to raise awareness among administrative staff and teaching staff of the services offered by the Office.

The lack of awareness of the Office of the Ombudsperson and its services continues to be an ongoing issue which the Ombudsperson must work to address in partnership with the University's Division of Communication. Conveying awareness includes explaining the impartiality of the office, the confidentiality of its processes, its structural independence from the University Administration, and its accountability to Governing Council.

Governance/Oversight/Monitoring

Given the University Ombudsperson's organizational independence from the University Administration, its mandate to investigate and help resolve complaints by members of the University community, and its access to senior administrators, the University Ombudsperson works for the betterment of the University's policies, procedures and outcomes. However, the Review Committee notes that the Ombudsperson does not work with the administration in the development of such policies and procedures. When approached by a member of the community, or an organization, on the implementation of policies and procedures, the Ombudsperson provides constructive input to allow for the ongoing improvement of such policies and procedures, leading to outcomes through fairness and in an equitable manner. This is achieved in a manner where the Ombudsperson is not an advocate on behalf of the individual or an organization but is identifying structural changes that would provide accountability and fairness in the implementations of policies and procedures.

The Review Committee heard from the senior administrators that the administration appreciated the complexity of the issues that the Office must navigate, and respect for the purview of the Office to undertake investigations with the full cooperation of, and access to, University authorities.

The Office is mandated to report to the Governing Council annually, and through it to the University community. In making these reports, the Office is required to respect the privacy of members of the University who use the services of the Office in accordance with the requirements of the *Freedom of Information and Protection of Privacy Act*. The Office's annual reports are found on the website of the Office and on the Governing Council Secretariat website.

While each annual report of the Office is accompanied with an administrative response, the Review Committee heard from Professor Hodnett and others, of *the need to develop a feedback loop through which the progress on the recommendations made in the report are included in the administrative response the following year*. It was also suggested that the Ombudsperson be invited to present a brief mid-year report to the Governing Council in addition to the annual report.

The Review Committee received a recommendation that *appropriate metrics be established to gauge the satisfaction of the service received from the Office of the University Ombudsperson*. While noting this recommendation, the Committee acknowledged the 'test of fairness' in the resolution of a matter through the Office might not always be recognized by the client.

Operations and Service Delivery

Professor Hodnett suggested the need for the Office at the St. George campus to be in a better place for greater visibility and, hence, awareness. The Review Committee noted the need for the Office to be located away from the administrative block and have a discrete entrance for

clients. Professor Hodnett and Ms Drummond noted that the pandemic had shown how things could be done differently and whether a permanent physical space for the office was needed. It was suggested perhaps that a hybrid of face to face telecommunications with clients, with an office for the occasional in person appointments be considered, while ensuring equity of access for clients potentially seeking Ombuds services.

Finally, the Review Committee recommended that the Office undertake a review of the ways in which technology could enhance operations and service delivery.

Summary of Recommendations

- The Office of the University Ombudsperson (the Office) actively pursue engagement with multiple stakeholders within the university community, including student government leaders and academic leaders, to create a greater awareness of the mandate of and services available from the Office.
- The Office seek additional resources from the Office of the Vice-President, Communications, in the development and delivery of a communications plan to help raise the awareness of the Office among the university community.
- Divisional leaders and registrars be invited to consider including a reference to the services provided by the Office in the appropriate sections of their Faculty/divisional calendars, student handbooks, and websites, for the benefit of administrative staff, teaching staff, and students.
- The Office continue to maintain a presence at all three campuses.
- On an annual basis, the administration report back progress against each recommendation made in the annual report of the Ombudsperson in a prior year that was adopted by the administration until such a time as implementation of the recommendation has been completed and reported as such.
- The Office consider appropriate ways in which clients can provide feedback on the level of satisfaction of the service received from the Office.
- The Office give careful consideration to modes of service delivery with virtual interfaces, while ensuring and maximizing equity of access of services, and reassess its physical space needs.
- The Office undertake a review of the ways in which technology could enhance operations and service delivery.

ⁱ <http://accuo.ca/resources/toolbox/>