

2020-21



University of Toronto Ombudsperson Annual Report

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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 2020-21 the Office dealt with 358 complainants, 331 of which were new cases; the remaining were carried forward from the previous year. The number of new cases received was slightly lower than the 341 new cases received by the Office in 2019-20. In general, the concerns brought to the Office were comparable to those in prior years, with a few exceptions. We had to create a new sub-category of “Covid regulations,” in a year in which all members of the University community had to adapt very quickly to new rules and remote teaching methods. Academic integrity issues more than doubled compared to 2019-20, probably reflecting challenges that can be posed by online learning and evaluation.

While most cases were straightforward, often requiring the provision of information and/or referral, we conducted 9 inquiries (defined as cases needing extensive review of email correspondence as well as virtual meetings with staff and complainants), and we had one case which was sufficiently serious that I requested that Senior Administration authorize and oversee an investigation. The latter was handled with fairness to all concerned parties, and the case was closed.

Based on experience in the past year as well as preceding years, I offer the following recommendations:

1. Consider developing mechanisms to facilitate informal support networks for PMs. While some PMs in large academic units may already have such networks, those in smaller units may benefit from help in connecting them with others in similar positions, both inside the University community and through involvement in professional associations external to the University.

2. Consider an enhanced communication strategy, aimed at informing PMs about and encouraging them to take advantage of the many learning opportunities that are or soon will be available. In particular, priority could be given to publicizing the Manager's Academy, which is aimed at new managers, and the many aspects of effectively building and leading a team (<https://ulearn.utoronto.ca/leadership>).

3. I encourage the University to examine its policies and practices in regard to uncivil conduct and harassment, with an eye towards a) encouraging disclosure of problems, b) improving the clarity of the policies and guidelines, c) increasing the transparency of the processes, and d) enhancing the quality and alacrity of responses to complaints. A critical examination of how these complex problems have been handled *across academic units and across constituencies* (students, staff, and faculty), could lead to recommendations with wide-ranging benefits for the University community.

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.

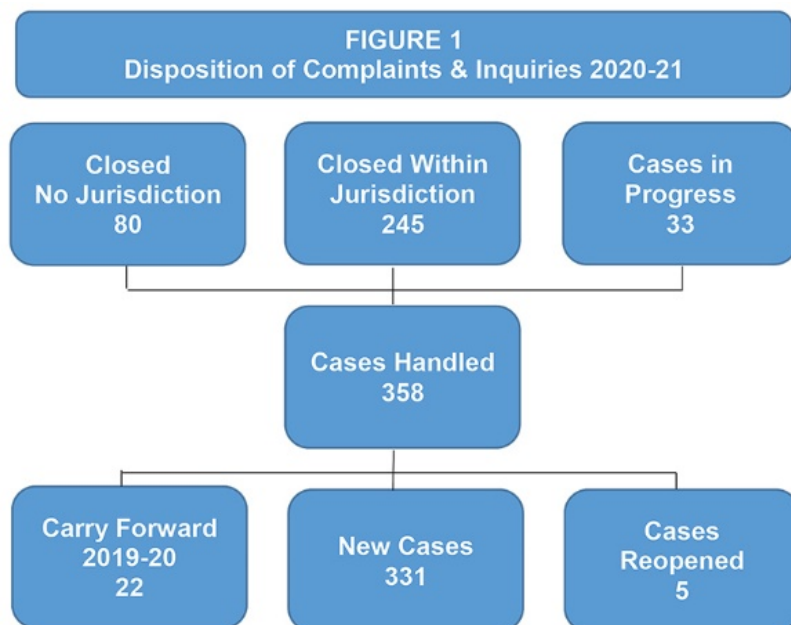
This Report to Governing Council covers my sixth and final year as University Ombudsperson. The Report is presented in the following sections:

- I. Who sought our assistance, why they came, and how we helped them;
- II. Recommendations;
- III. Concluding Statement;
- IV. An Appendix which includes a list of all recommendations I made in previous Annual Reports.

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

The Office dealt with 358 complainants: 331 of which were new cases; the remaining cases were carried forward from the previous year. The number of new cases received was slightly lower than the 341 new cases received by the Office in 2019-20. By June 30, the Office had closed 325 cases, leaving 33 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 2020-21, i.e. both new and continuing cases. When discussing who contacted us and why, I will refer to only new cases opened during the year, in order to enable tracking of trends over time

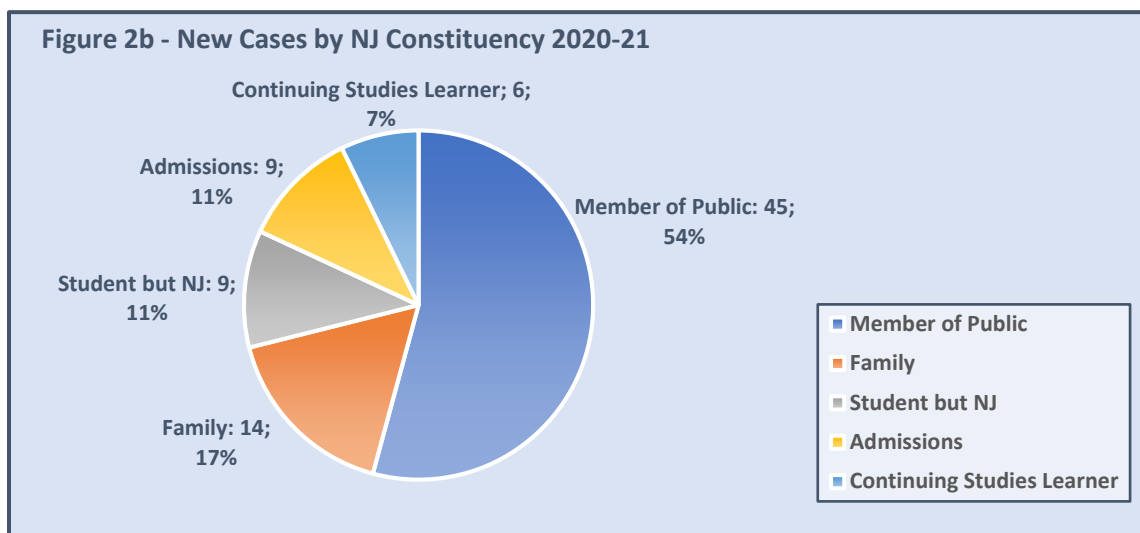
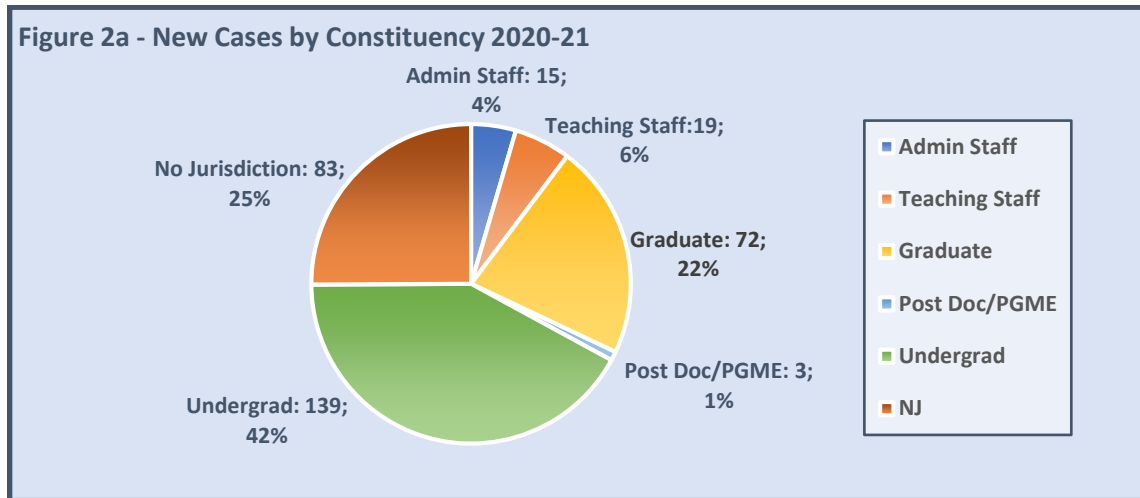
Figure 1 - Disposition of Complaints and Inquiries 2020-21



Who Sought Our Assistance?

The following section describes the various constituent groups who sought our assistance. “NJ” (“No Jurisdiction”) refers to those who were either not part of the University of Toronto community, and/or their concerns were not within our purview 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 illustrates case counts by constituency. Most numbers were comparable to those in 2019-20, with a few exceptions: The number of graduate students who sought assistance was lower (72 vs 94 in 2019-20); the number of complainants in the NJ category was higher (83 vs 60), and the number of administrative staff who contacted the Office was lower (15 vs 19).



Undergraduate students: Of the 138 cases brought by undergraduate students, 76 were from UTSG; of these, 55 were in the Faculty of Arts & Science (compared to 64 in 2019-20). All other UTSG complaints were scattered among the other academic divisions. Of the 40 cases brought by UTM students, 9 were in Life Sciences, 6 in Computer Science, and the remaining were scattered among the other academic departments. Of the 21 UTSC students who contacted the Office, 9 were in Computer and Mathematical Sciences, and the remaining were scattered among six other departments. One student did not identify a campus or academic division.

Graduate students: Considerably fewer graduate students sought assistance, compared to 2019-20 (72 vs 94). Of these, 66 were from UTSG departments, 4 from UTM, and 2 from UTSC. An examination by SGS Division revealed that 15 were in Division 1 (Humanities), 22 in Division II (Social Sciences), 6 in Division III (Physical Sciences), 25 in Division IV (Life Sciences), and 4 were unknown.

Administrative Staff: Fifteen administrative staff members contacted the Office for assistance, compared to 19 in 2019-20.

Teaching Staff: The number of teaching staff who contacted the Office (19) was comparable to the number in the previous year (21).

No jurisdiction: Of the 83 complainants over whom our Office had no direct jurisdiction, the majority (n=54) were members of the public with various issues, including applicants for admission to the University, individuals with complaints about social media posts of members of the University community, and alumni whose issues did not occur while they were students. Others were family members of students, students in continuing studies courses, or students whose issues did not fit within the Office's Terms of Reference. The percentage of "No Jurisdiction" cases (25%) was comparable to last year.

Ombudsman Ontario: We had no inquiries from Ombudsman Ontario.

Why Did They Contact Us?

We classified the reasons why individuals, regardless of their constituency, contacted us in two steps. First, we assigned each case to one (or occasionally more) of four broad categories to give a more general overview of the nature of concerns. Next, we assigned each concern to one or more of a wide range of sub-categories.

The list of broad categories and sub-categories is as follows:

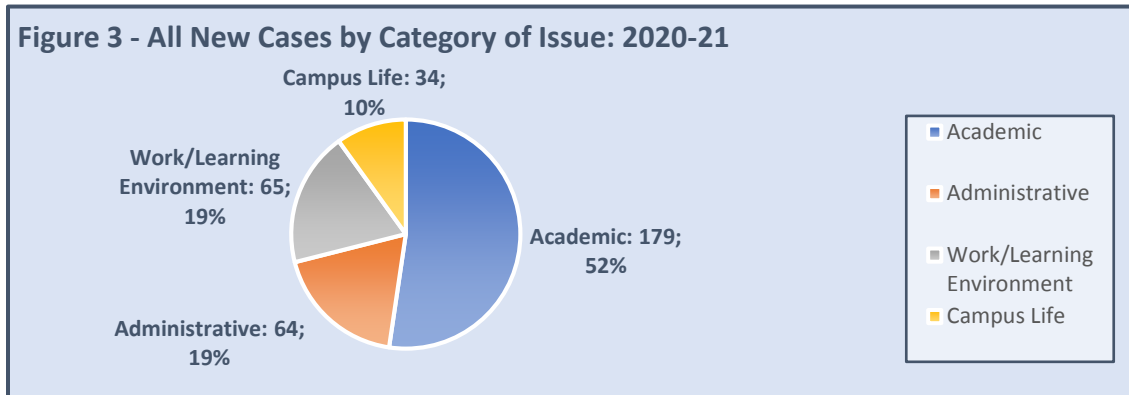
Academic: academic integrity, academic policy/procedures, admissions, grading concerns, petitions/appeals process, graduate candidacy termination, graduate supervision, intellectual property, research misconduct, teaching methods.

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

Administrative: administrative policy/procedure, 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. Cases related to administrative issues and the work/learning environment were the next most common, followed by campus life issues.



Student Issues

Figure 4a shows the broad category of reasons students gave for seeking our assistance during 2020-21. Given that most learning took place remotely because of the pandemic, it is not surprising that campus life concerns were lower in 2020-21 (18 compared to 37 in 2019-20), but work/learning environment concerns went from 0 in the previous year to 23 in 2020-21.

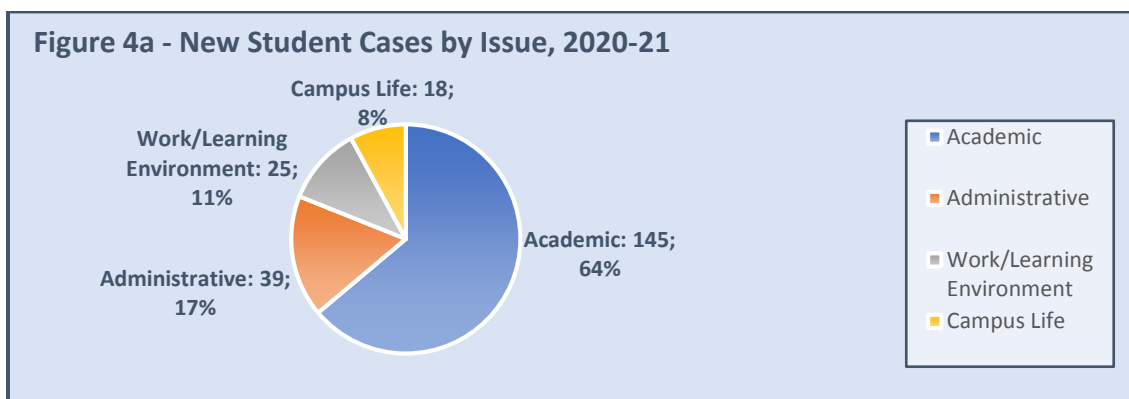
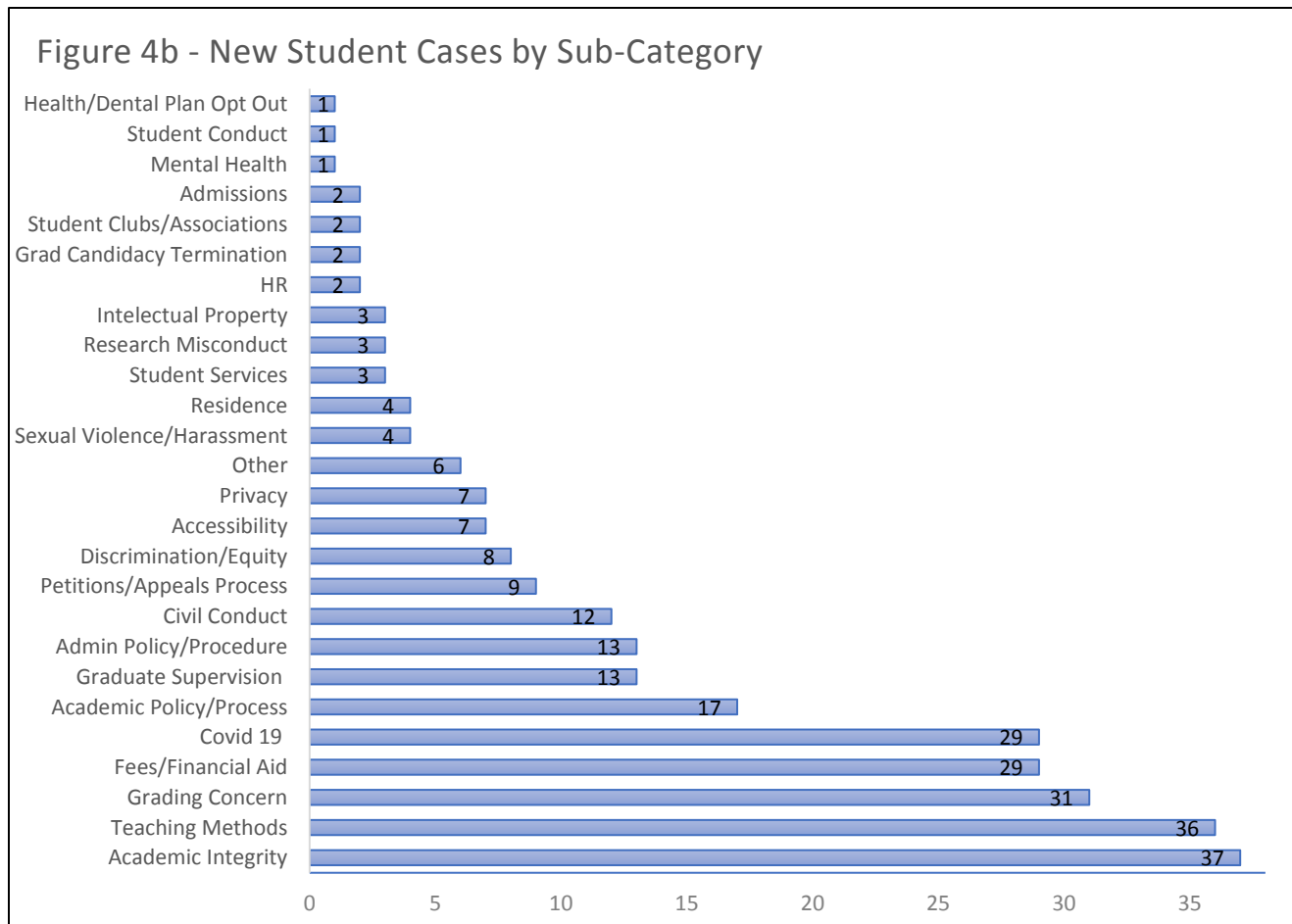


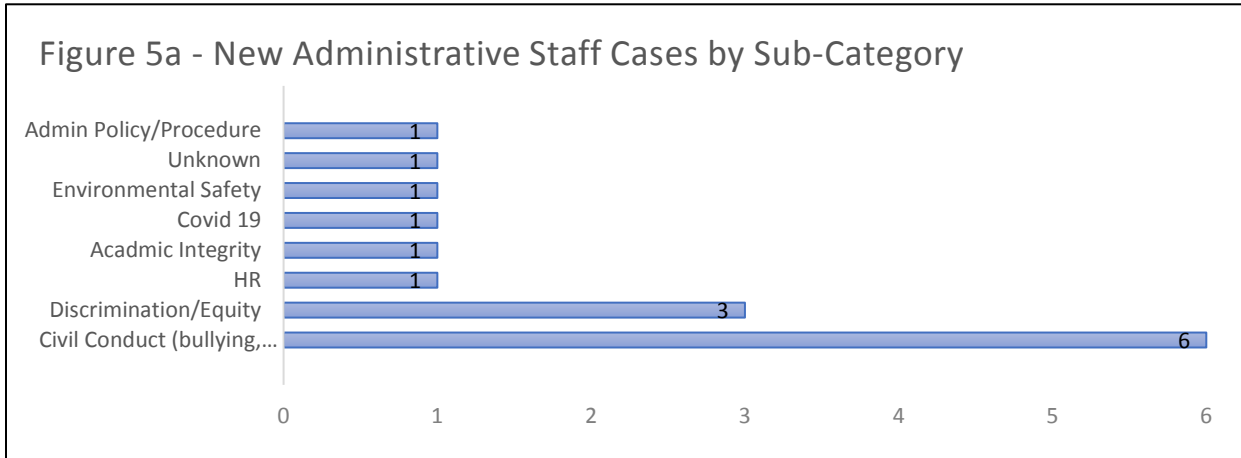
Figure 4b shows the sub-categories of student concerns. The most common concerns were academic integrity issues (n=37), teaching methods related to the switch to remote learning (n=36), grading (n=31), fees/financial aid (n=29), and a variety of concerns about the impact of COVID-19 on teaching and learning (n=29).



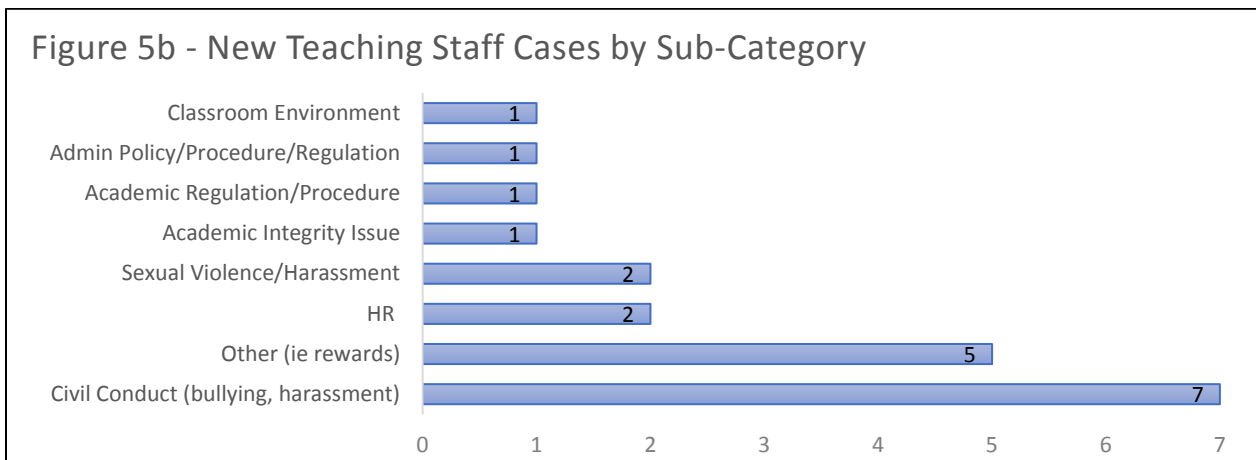
Issues Brought by Administrative and Teaching Staff

Administrative Staff: Figure 5a shows the concerns about which staff contacted us in 2020-21. The number and types of concerns were comparable to the previous years. The majority involved various HR related matters, including discrimination/inequity, harassment/bullying/incivility, and job loss. One case alleging incivility and harassment, brought initially by two staff members and subsequently joined by three former staff members, was sufficiently serious that I brought it to the attention of senior administration and requested an investigation.

The case was thoroughly investigated and handled with fairness for all parties and has been closed.



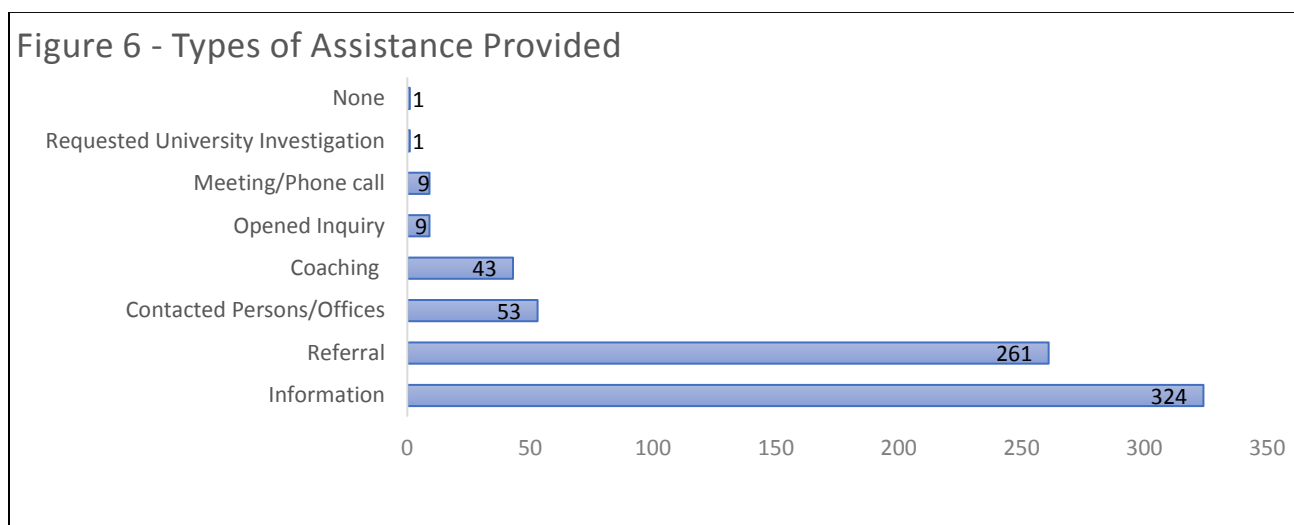
Teaching Staff: Figure 5b shows the 21 concerns about which 19 members of the teaching staff contacted us. There were no remarkable changes in types of concerns or the number who reported them, compared to 2019-20. As with the administrative staff issues, civil conduct was the most common concern (n=7).



How Did We Help?

Figure 6 summarizes the types of assistance the Office provided for the 325 cases which were closed during 2020-21. We offered more than one type of assistance for most cases. Most issues were resolved promptly, while the more complex ones often took several months. As in the previous year, providing information and providing referral(s) were the two most common types of assistance.

We conducted 9 inquiries; these were cases which required extensive examinations of email correspondences and often several (virtual) meetings with University administrators and the complainants.



Key Findings and Emerging Trends

The total caseload (n=358) was close to that of the previous year (n=370). The concerns brought to the Office were generally comparable to the concerns in previous years. We were not surprised when we had to create a sub-category of “Covid-related concerns since the year was one in which all members of the University community had to adapt very quickly to new rules and remote teaching methods. Academic integrity issues more than doubled, compared to 2019-20, probably reflecting challenges in revising teaching and evaluation methods to fit the context of remote learning (these were not included in the COVID sub-category unless specifically indicated in the complaint).

A sizeable percentage (25%) of the new cases were in the “No Jurisdiction” category. As in past years, when appropriate we offered advice as to where to take the concern, but we aimed to avoid burdening University staff with frivolous or vexatious complaints. One emerging trend relates to complaints about postings on social media. These complaints are of course beyond the scope of the Office. To date the complaints have been generally frivolous, e.g. someone saying something online that someone else doesn’t like. But as in past years, we encouraged anyone whose complaint may have warranted a police investigation, e.g., because of the perceived threat of harm, to report it to the appropriate authorities.

II. Recommendations

My first two recommendations concern ways to support those in management positions. While the recommendations focus primarily on those in the Professional Manager (PM) category, there are also implications for newly-appointed teaching staff. PMs in particular can feel quite isolated, caught between faculty members who have their own collegial support systems, and unionized staff. New PMs may have no experience or formal training in management, and little access to peer support. Since they have neither a union nor a faculty association to consult, both new and experienced PMs can feel quite vulnerable when they experience conflicts with superiors or faculty members. Some lack knowledge of how to manage, and others feel isolated.

The University already offers or is planning many learning opportunities for PMs, within the Centre for Learning, Leadership, & Culture (<https://ulearn.utoronto.ca/>). Courses and webinars, either in place or under development, cover areas such as leadership, management, coaching, and mentoring. One such example is the popular Rose Patten Mentorship Program. Another is the Manager's Academy.

My first two recommendations are:

1. Consider developing mechanisms to facilitate informal support networks for PMs. While some PMs in large academic units may already have such networks, those in smaller units may benefit from help in connecting them with others in similar positions, both inside the University community and through involvement in professional associations external to the University.
2. Consider an enhanced communication strategy, aimed at informing PMs about and encouraging them to take advantage of the many learning opportunities that are or soon will be available. In particular, priority could be given to publicizing the Manager's Academy, which is aimed at new managers, and the many aspects of effectively building and leading a team (<https://ulearn.utoronto.ca/leadership>).

My third recommendation pertains to all academic units and all members of the University of Toronto community. During my tenure as Ombudsperson, I have observed a pattern which cuts across all categories of the University community. Graduate and undergraduate students in diverse academic units have come forward as individuals and in groups to report bullying and harassment by teaching staff, in classrooms and in laboratories. Administrative and teaching staff have made similar complaints about their superiors. In all instances reported to our Office, the bad behaviour has gone on for years. Those who come forward do so while aware of the distress that the ensuing process would cause them, and fearful of the potential for harm to their own careers. Some have made formal complaints, others have written open letters, and still others have decided not to do either. As with the “Me Too” movement, there is no evidence that the problem has increased, but rather, those experiencing the problem have felt more confident in bringing their cases forward. Nor is the problem unique to the University of Toronto; it is reflective of a worldwide pattern of increased disclosure.

The appointment of Professor Kelly Hannah-Moffatt in the newly-expanded role of Vice-President, People Strategy, Equity and Culture is a sign that more support will be available for employees engaging in complaints processes. Students need similar support. My third recommendation is:

3. I encourage the University to examine its policies and practices in regard to uncivil conduct and harassment, with an eye towards a) encouraging disclosure of problems, b) improving the clarity of the policies and guidelines, c) increasing the transparency of the processes, and d) enhancing the quality and alacrity of responses to complaints. A critical examination of how these complex problems have been handled *across academic units and across constituencies* (students, staff, and faculty), could lead to recommendations with wide-ranging benefits for the University community.

Finally, a reference to past recommendations:

The Committee to Review the Office of the Ombudsperson recommended that Administration report to Governing Council annually, on progress in implementing the accepted recommendations of the Ombudsperson. This is a principle of good governance, one which I articulated in my first Annual Report. To assist Governors in monitoring the process, Appendix A lists, by year, each of the recommendations I made in my prior Annual Reports.

III. Concluding Statement

After an extremely rewarding academic career, I was given a great gift—six years of service as the Ombudsperson for the University of Toronto. It has truly been an honour and a privilege.

I benefited greatly from the support of Sheree Drummond and Anwar Kazimi, while relying on excellent frontline work of the staff of the Office -- Emma Thacker, Cindy Ferencz-Hammond, Kristi Gourlay, and Stephanie Goldner. I would also like to acknowledge and thank the many members of the administrative and teaching staff, whose responses to our inquiries were invariably prompt and thorough. Finally, a sincere thank-you to those who brought their concerns to our Office.

A handwritten signature in black ink, appearing to read "Ellen Hodnett". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ellen Hodnett, PhD, FCAHS

IV. Appendix A - List of Recommendations 2015-16 to 2019-20

2015-16

1. Develop and implement a multi-faceted, pedagogically grounded plan to assist academic units in accommodating student mental health needs, especially in those programs that are structured in cohort-based or lock step modes.
2. Ensure consistency and accountability in the application of relevant guidelines and regulations across academic units. There were situations this year in which other members of the University community and the wider community were potentially at risk, because of lax application of the Code of Student Conduct and School of Graduate Studies policies on leaves of absence and extensions of the length of time to degree. There are and should always be exceptions in unusual circumstances, but the exceptions should not become the norm.
3. Require a section on accessibility and accommodation in all new program proposals submitted to the Committee on Academic Policies and Programs of Governing Council, as well as in the periodic reviews of existing programs, and proposed changes to programs, as part of UTQAP (University of Toronto's Quality Assurance Process: There should be a description of the potential or actual problems in accessibility and how (and if) they have been or are being overcome. The plan should require accountability. Programs that lack sound pedagogical rationale for restricting accessibility and refusing recommended accommodations should be given clear guidelines, and a timeline, for either providing the rationale or making necessary changes.
4. Develop guidelines and supports for professional programs who are dealing with students with mental health issues which create the potential for harm to the wider community. When a student is in a professional program which will prepare her/him to interact with vulnerable populations, there is a special ethical obligation to protect the public, both during clinical practica in the program, and after graduation. The guidelines should acknowledge the need to balance the rights of the individual student with the need to protect the wider community.

- 5*. I ask that the University administration provide an annual update to Governing Council, on progress being made in implementing those recommendations from the Ombudsperson's Annual Report which had been previously accepted. The update would logically occur simultaneously with the review of the Annual Report of the Ombudsperson. Some recommendations require more than one year to implement, and others must be modified as circumstances change. An annual update would allow Council members to follow and understand the process.
6. I request that our Office be provided with a brief description of the process used in the decision to institute "no trespass" orders, and the general mechanism whereby such orders may be reviewed/ appealed.

* Not accepted in Administrative Response.

2016-17

No new systemic issues were identified, and thus no recommendations were made.

2017-18

1. 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.
2. 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.

3. 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).

2018-19

1. When an external investigator produces a report and recommendations, the summary of the report and recommendations should be written by someone who was neither directly nor indirectly the focus of the complaints.
2. Consider offering an option for undergraduate students which is similar to that offered by the School of Graduate Studies, whereby students, who are on approved leaves of absence or whose registrations have been suspended because of poor academic performance, can continue to access services which will help them to succeed when they return to their studies. The concerns of most clients fell into multiple categories of issues, so this number does not represent distinct issues.
3. The School of Graduate Studies should consider developing and implementing a strategy which identifies, celebrates, and effectively communicates the characteristics of optimum learning environments for students in basic science laboratories.

2019-20

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.