



**FOR ENDORSEMENT
AND FORWARDING TO
THE GOVERNING
COUNCIL**

PUBLIC

CLOSED SESSION

TO: Executive Committee

SPONSOR: Meric Gertler, President
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PRESENTER: Cheryl Regehr, Vice-President and Provost
CONTACT INFO: provost@utoronto.ca

DATE: October 20 for October 27, 2022

AGENDA ITEM: 3

ITEM IDENTIFICATION:

2021-22 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 19, 2022)
2. **Governing Council [For Information] (October 27, 2022)**

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:

2021-22 Annual Report of the Office of the Ombudsperson

Administrative Response to the *Office of the Ombudsperson 2021-22 Annual Report*



2021-2022

**UNIVERSITY OF TORONTO OMBUDSPERSON
ANNUAL REPORT**

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Executive Summary

The University Ombudsperson is appointed by the Governing Council. The Ombudsperson oversees the Office of the Ombudsperson, which operates under [Terms of Reference](#) developed by the Governing Council and reports annually to the Governing Council and the University community. Per the *Terms of Reference*, 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 where resolution of the member's complaint is within the authority 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. Appointed effective July 1, 2021, this is the first annual report presented by Professor Emeritus Bruce Kidd in his role as University Ombudsperson.

Between July 1, 2021 and June 30, 2022, the Office handled a total of 405 complaints, an increase of 47 complaints from the previous year (13%). Of those 405 complaints, 358 were new cases; 33 were unresolved cases carried forward from the previous year, and 14 were re-opened because the complainant returned for further assistance. A total of 388 cases were closed during this period. The Office responds to requests for assistance by offering advice, mediating with the responsible office of the University and referring complainants to other offices within the University. In 2021-2022, the Office conducted 16 inquiries, almost double the number of inquiries from 2020-2021. 'Inquiries' are defined as cases that typically include extensive review of documentation, including relevant policy and regulation, and meetings/consultations with the complainants, respondents, and University staff.

Overall, the case types shared with the Office of the Ombudsperson were similar to the previous year, with two exceptions: 1) we received a significant number of cases related to the University's COVID-19 vaccine requirement, implemented in the Fall of 2021, and 2) while the number of cases related to allegations and offences under the *Code of Behaviour on Academic Matters* remained about the same, the number of exceptional delays before resolution increased.

Recommendations

Based on my experience in the past year and the relevant case data, I offer the following overarching recommendations:

1. Communications

- Develop an institutional best practice guide to enhance transparency of communication across all areas of the University, (this is related to Recommendations #2 and #3 in the 2019-20 Report by my predecessor, Professor Emeritus Ellen Hodnett).

2. Academic Misconduct and Integrity

- All divisions should examine the timelines associated with academic misconduct case resolution and consider what supports and practices are needed to ensure that cases are administered with procedural fairness.
- Strengthen transparency and accountability through divisional governance.
- Develop an institutional academic integrity strategy, to be overseen by the Tri-campus Provostial Advisory Group on Academic Integrity.

Request for Update on Prior Recommendations

Each year, the Provost provides an administrative response to the Ombudsperson's Annual Report. This response is greatly appreciated, both in its timeliness and clear support of the Office mandate. That said, some issues are persistent, even in the face of best intentions to mitigate and respond to the issues we bring forward. Therefore, in support of the Office's mandate to reinforce a culture of fairness and civility, and drawing upon this year's case data, I would like to request an update on several prior recommendations made by my predecessor, Professor Emeritus Hodnett.

The **Annual Report 2019-2020** recommended the following:

Recommendation #2 - *Every academic unit and campus resource should set up a system to regularly run a tool, which identifies broken website links.*

Recommendation # 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.*

The **Annual Report 2020-2021** recommended the following:

Recommendation #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 of 1975, the Governing Council established the Office of the University Ombudsperson (the Office), including its [Terms of Reference](#), with a mandate to support the University's commitment to fairness in dealings with its community members. The Office is independent of the University administration, and accountable solely to the Governing Council. Its services are confidential. The Office is currently comprised of the University Ombudsperson, one support staff, and three Ombuds Officers – one Officer on each campus.

As mandated by the *Terms of Reference*, the Office of the Ombudsperson reports annually to the Governing Council and through it, to the University community. The purpose of the Annual Report is to report on the requests for assistance from individual members of the University community, and to alert the Governing Council and the University administration to systemic problems that need to be addressed. In this latter role, the Ombudsperson functions as a catalyst for improvements in University and divisional policies, processes, and procedures.

The Office does not typically intervene in complaints unless the regular channels provided by the University have been exhausted, or there has been an unusual delay, 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 informally assist 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.

The Annual Report is presented in the following six sections:

- I. Who Sought our Assistance, Why did they Contact Us, & How We Helped Them;
- II. Key Findings and Emerging Trends
- III. Recommendations;
- IV. Concluding Statement;
- V. Acknowledgments;
- VI. Appendix (recommendations from previous Annual Reports (2015 - 2021)).

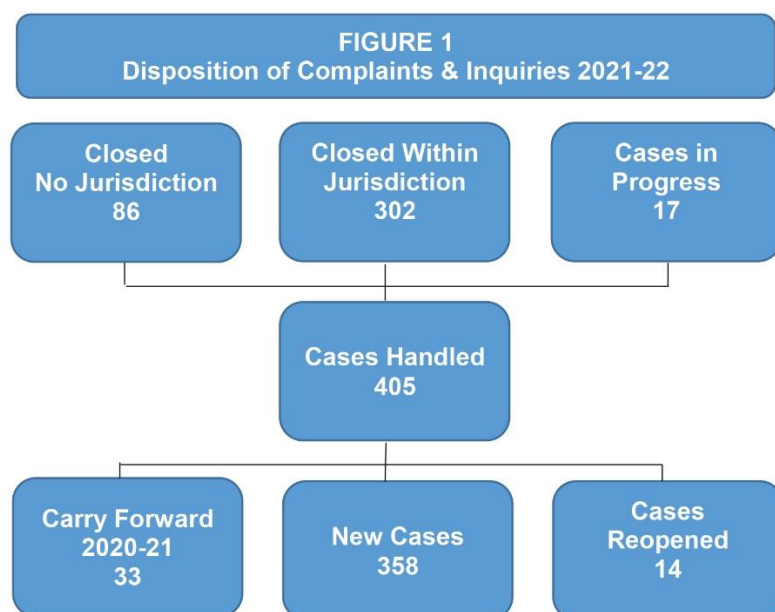
I. Who Sought Our Assistance, Why Did They Contact Us, & How We Helped Them

In 2021-22, the Office handled a total of 405 complaints, which represents an increase of 13% over the 358 cases received 2020-2021 (n=370 in 2019-20). Three hundred and fifty-eight were new cases, an increase of 8% over the 331 new cases handled in 2020-2021 (n=341 in 2019-2020); the Office reopened 14 cases (n=5 in both 2020-2021 and 2019-2020) and the remaining 33 cases were unresolved cases from the previous year. By June 30, 2022, the Office had closed 388 cases, leaving 17 cases still open and in progress.

Of the 358 new cases, 259 were from St. George campus (UTSG; n=244 in 2020-21, n=294 in 2019-20), 52 from the University of Toronto Mississauga (UTM; n=61 in 2020-21, n=51 in 2019-20), and 43 from the University of Toronto Scarborough (UTSC; n=34 in 2020-21, n=25 in 2019-20) with four cases not affiliated to any campus.

In order to provide a picture of the workload of the Office, Figure 1 and the section on the assistance we provided refers to the cases resolved in 2021-2022, i.e., both new cases and unresolved cases from previous years. When discussing who contacted us and why, the report will refer to only new cases opened during the year, to enable tracking of trends over time.

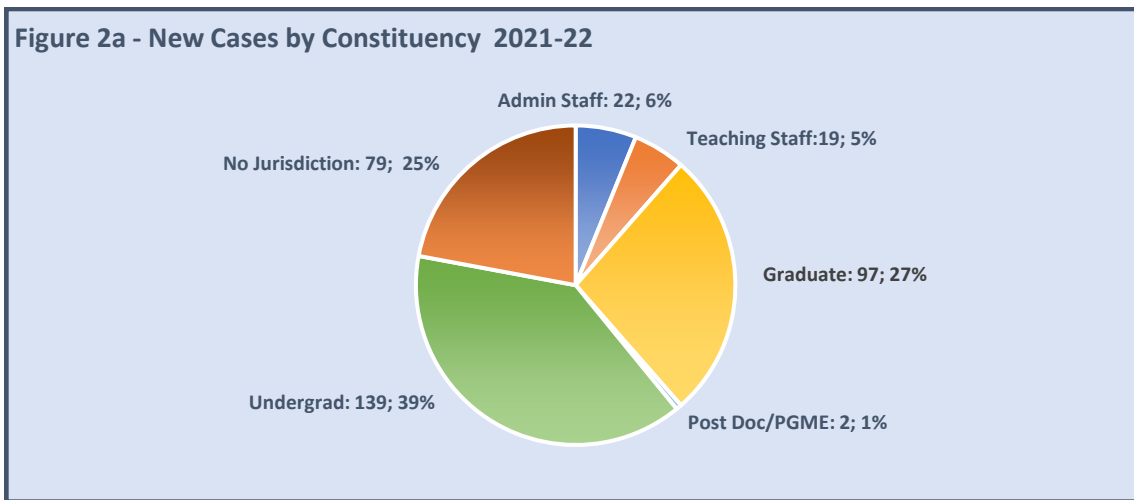
Figure 1 - Disposition of Complaints and Inquiries 2021-2022



Who Sought Our Assistance?

The following section describes the various constituent groups who sought our assistance in 2021-22. “No Jurisdiction” (NJ) refers to those who were not with in our jurisdiction and/or their concerns were not within our purview according to the *Terms of Reference* for the Office. Throughout this Report, our statistics reflect what we were told by complainants.

New Cases by Constituency



The breakdown of new cases into constituencies was comparable to that in 2020-2021, with a few exceptions: The number of new graduate students who sought our assistance was higher (n=97 vs. n=72 in 2020-2021 and n=94 in 2019-2020); as was the number of administrative staff who contacted the Office (n=22 vs.14 in 2020-2021 and n=19 in 2019-2020).

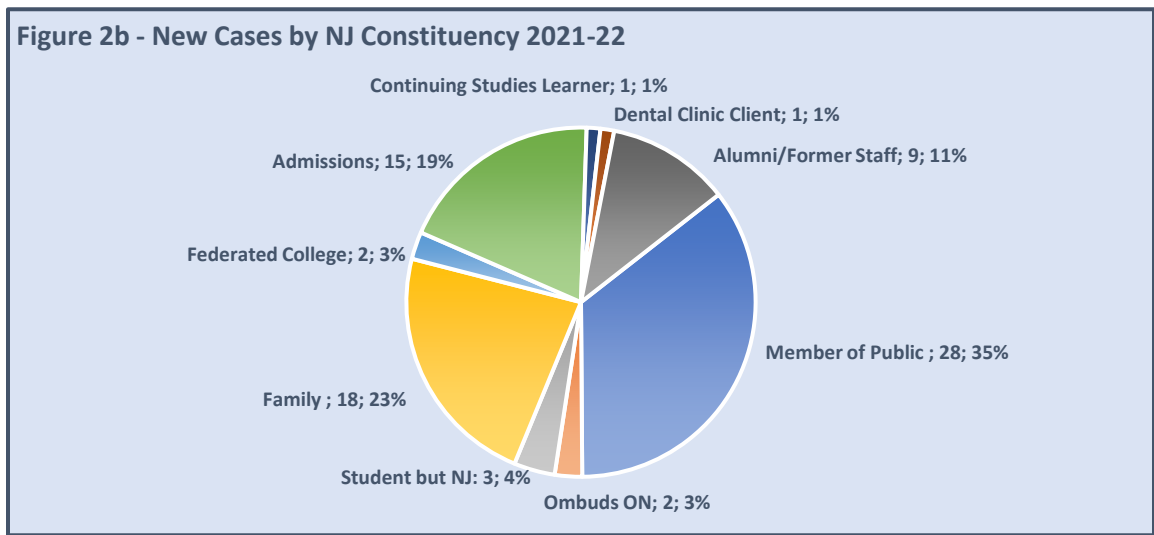
Undergraduate students: Of the 139 cases brought by undergraduate students (n=138 in both 2020-2021 and 2019-2020), 86 were from UTSG (n=76 and n=87); of these, more than half were in the Faculty of Arts & Science. Thirty-one cases were from UTM (n=40 and n=36), and 22 from UTSC (n=21 and n=14).

Graduate students: Ninety-seven graduate students sought assistance, which was notably more than the 72 in 2020-2021, but comparable with numbers in 2019-2020 (n=94). Of these, 86 identified as located within a UTSG graduate unit (n=66 in 2020-21), 4 from UTM (n=4 in 2020-21), and 7 from UTSC (n=2 in 2020-21). Of those who indicated their SGS division, 11 were in Division 1 (Humanities) (n=15), 35 in Division II (Social Sciences) (n=22), 15 in Division III (Physical Sciences) (n=6), 27 in Division IV (Life Sciences) (n=25), and 9 were unknown (n=4).

Administrative Staff: Twenty-two administrative staff members contacted the Office for assistance, compared to 15 in 2020-21 (n= 19 in 2019-20). Two were from UTM and one was from UTSC.

Teaching Staff: Nineteen members of the teaching staff contacted the Office, comparable to the numbers in the previous two years. One was from UTM and three were from UTSC.

New Cases by Non-Jurisdiction Constituency



No jurisdiction: Of the 79 individuals who did not fall within the Office’s jurisdiction (n=83 in 2020-2021 and n=66 in 2019-2020) many were members of the public with various issues (e.g. complaints about social media posts of members of the University community). Others were alumni/ae or former staff whose issues did not occur while they were at the University, applicants for admission to the University, family members of students, students at the federated colleges with issues not under our jurisdiction, learners in continuing studies courses, or students whose issues did not fit within the Office’s *Terms of Reference*. Even in cases with no jurisdiction, the Office of the Ombudsperson does its best to assist, by providing referrals to University resources as appropriate but we aimed to avoid burdening University staff with frivolous or vexatious complaints. 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.

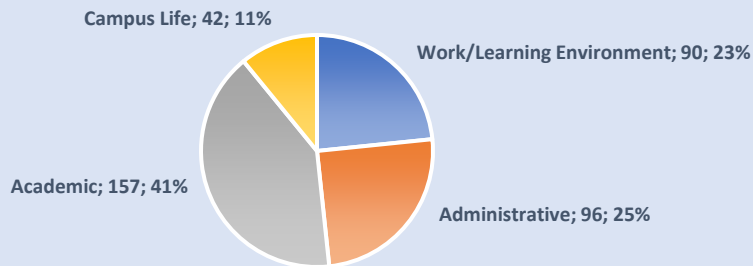
Ombudsman Ontario: The Office received two inquiries from Ombudsman Ontario (n=0 in 2020-2021 and n=1 in 2019-2020).

Note: Ombudsman Ontario is an independent office of the provincial legislature who resolves complaints about government and public sector bodies, including post-secondary institutions. See the website for more information: <https://www.ombudsman.on.ca/>

Why Did They Contact Us?

All requests for assistance are classified by the reasons why individuals, regardless of their constituency, contacted us in two steps. First, each case is assigned one (or occasionally more) of four broad categories to give a more general overview of the nature of concerns. Next, the case is assigned one or more of a wide range of sub-categories which could fall under more than one broad category (e.g. mental health).

Figure 3 - All New Cases by Category of Issue: 2021-22



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

Academic: academic accommodation, academic integrity, academic policy/procedures, admissions, COVID-19 impact on academic study, grading concerns, graduate candidacy termination, graduate supervision, intellectual property, mental health, petitions/appeals process, research misconduct, teaching methods.

Administrative: administrative policy/procedure, COVID-19 policies, fees/financial aid, health/dental plan opt-out, some human resource concerns.

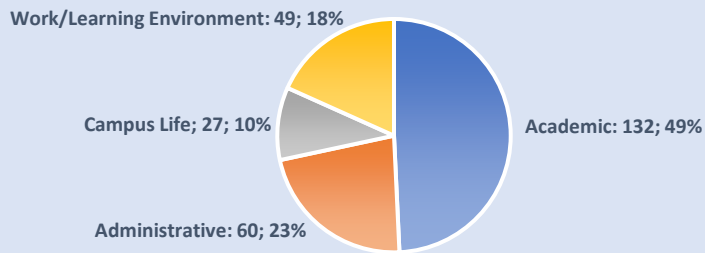
Campus Life: campus police, mental health, physical access, privacy, residence, sexual violence/harassment, student clubs/associations, student conduct, student services.

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

Consistent with the past two years, 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.

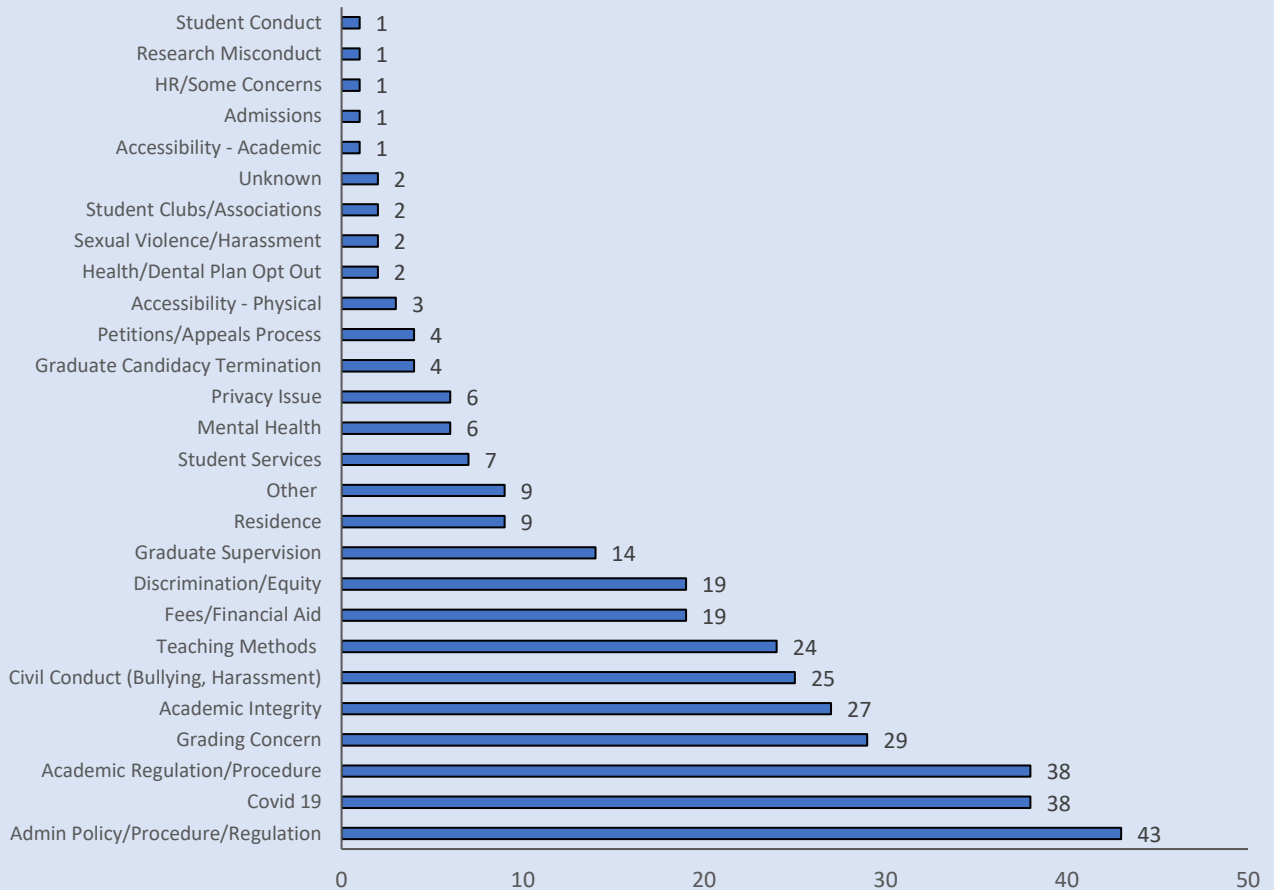
Student Issues

Figure 4a - New Student Cases by Issue, 2021-22



As pandemic-related restrictions eased and students returned to in-person instruction, it is not surprising that campus life concerns were higher in 2021-22 (n=27 vs. n=18 in 2020-21; n=37 in 2019-20), but work/learning environment concerns rose significantly to 49 cases (vs. n=23 in 2020-2021; n=38 in 2019-2020).

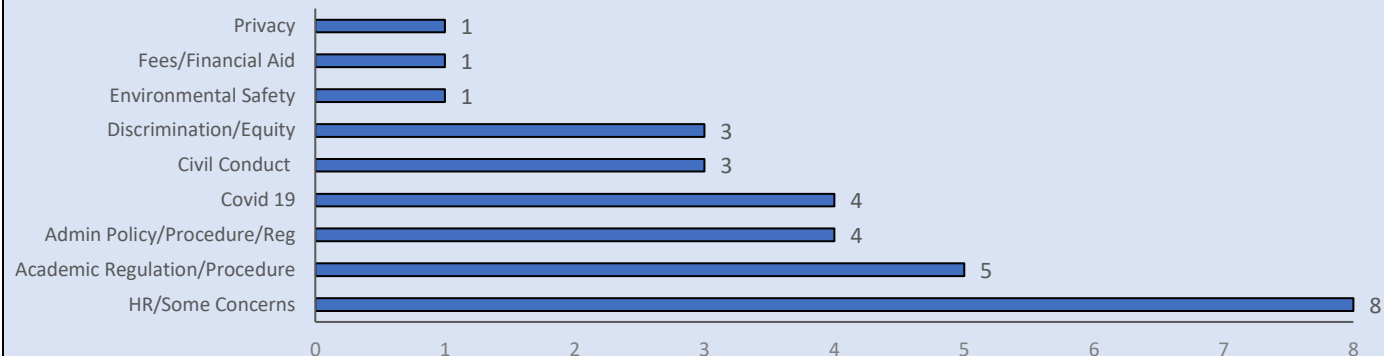
Figure 4b - New Student Cases by Sub-Category, 2021-22



Unlike previous years, concerns about academic and administrative regulations were the most common student concerns in 2021-2022, many of which were associated with COVID-19, the vaccine mandate, and the deregistration of unvaccinated students from courses with in-person components. Although there were fewer cases related to academic integrity than the previous year, 27 compared to 37 in 2020-21 (n=14 in 2019-20), they were still significant in number and seriousness. Unsurprisingly, teaching methods (n=24 vs. n=36 in 2020-2021; n=34 in 2019-2020) and grading concerns (n=29 vs. 36 in 2020-2021; n=43 in 2019-2020) remained common areas of student concern, some cases being related to the move to online teaching and learning. Civil conduct/bullying cases doubled from the previous year (n=25 vs. n=12 in 2020-21) returning to levels in 2019-20 (n=29), and cases involving discrimination/equity (n=19 vs. n=8 in 2020-21) returned to levels similar to 2019-2020 (n=20). There were fewer cases involving fees/financial aid (n=19 vs. n=29 in 2020-2021; n=24 in 2019-2020). Although there were more graduate cases this year (n=97 vs. n=72 in 2020-21; n=94 in 2019-20), graduate supervision cases remained similar to last year (n=14 vs. n=13 in 2020-2021) and were fewer than in 2019-2020 (n=22). The most common graduate student concerns involved issues with grading and teaching methods, civil conduct and discrimination, fees, and funding.

Administrative Staff Issues

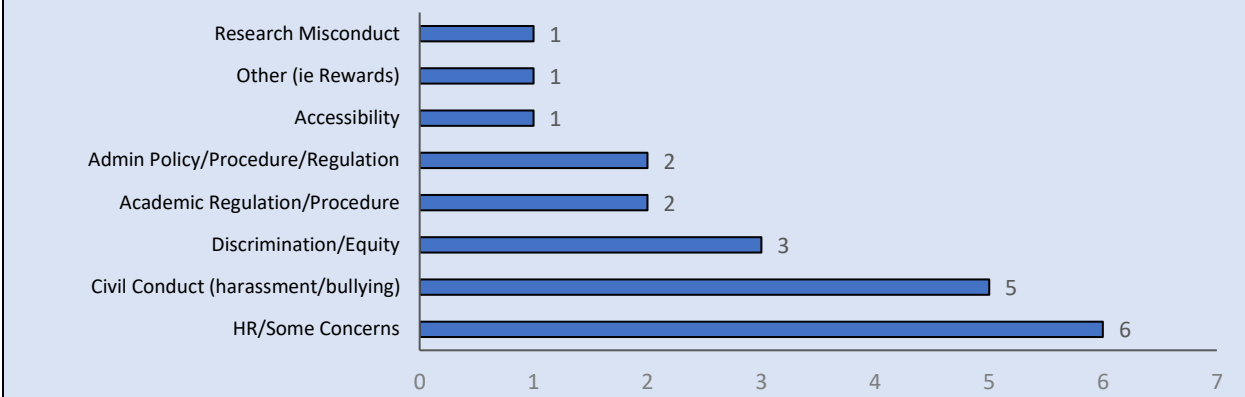
Figure 5 - New Administrative Staff Cases by Sub-Category



Twenty-two administrative staff members contacted us in 2021-22 (n=15 in 2020-21; n=19 in 2019-20), some with issues that fell into two or more sub-categories. Sixteen were from UTSG (n=14 in 2020-21; n=16 in 2019-20), four from UTM (n=0 in 2020-21; n=2 in 2019-20), and two from UTSC (n=1 in 2020-21; n=1 in 2019-20). Most cases involved various Human Resources (HR) related matters, including discrimination/equity, harassment/bullying/incivility, and job loss.

Teaching Staff Issues

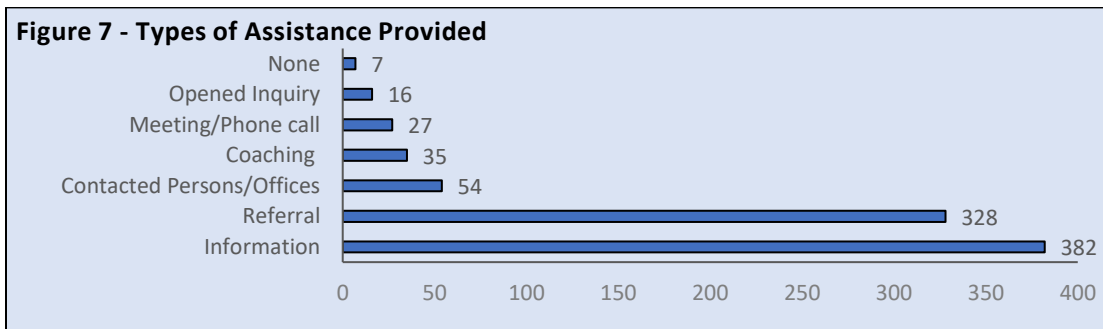
Figure 6 - New Teaching Staff Cases by Sub-Category



Nineteen members of the teaching staff contacted us in 2021-2022 (n=19 in 2020-21 and n=21 in 2019-20). Fifteen were from UTSG (n=18 in 2020-21; n=15 in 2019-20), one from UTM (n=1 in 2020-21; n=4 in 2019-20), and three from UTSC (n=0 in 2020-21; n=2 in 2019-20). As with the administrative staff, issues were similar to last year. The most common concerns were related to HR issues, civil conduct, and discrimination/equity.

How Did We Help?

The Office provided more than one type of assistance for most of the 388 cases which were closed during 2021-2022. As with previous years, almost all involved providing information and referrals, and many required more in-depth involvement. We conducted 16 inquiries (n=9 in 2020-2021; n=13 in 2019-2020); these were cases which required extensive examinations of email correspondences and often several meetings and/or consultations with University administrators, others involved in the case, and with the complainants. Coaching, although slightly reduced from last year, continues to be part of the many ways the Office supports those who seek assistance. Most cases were responded to and closed promptly, although many required research and follow-up with various administrative offices for more information and appropriate triaging of the issue. Of the cases referred elsewhere for resolution, most which were under our jurisdiction received a follow-up email inquiry to determine if the complainant was able to resolve their concern with the referral offered.



II. Key Findings and Emerging Trends

Overview

Some of the trends and themes that were observed this year could, and likely were, affected in some way by the ongoing unprecedented challenges and uncertainty stemming from the COVID-19 pandemic, now in its third year. For the most part, teaching staff, administrative staff, students, academic leaders, and administrators responded with creativity, understanding, and civility to the radically changed circumstances created/necessitated by the pandemic. The University is to be commended for the way it maintained and, in some cases, strengthened teaching and learning, research, and service while ensuring the safety and inclusion of its members. I am pleased to see the continued efforts to strengthen mental health and well-being for all members of the University community.

That said, the disruptions to familiar procedures and practices, the extra efforts required to develop and conduct digital and hybrid operations, and the frequent pivots required as circumstances and regulations suddenly changed have taken a heavy toll. The disruptions slowed response times and decisions and postponed updates to vital websites and other critical sources of information. It exacerbated stress and burnout. It undermined the culture of fairness. Ironically, as the University moves back to in-person operations, it may well trigger additional stress, because some members found working digitally at home less stressful and more conducive to work-life balance. While some prefer on campus work activities, many others fear the return to full-time commuting and more structured schedules. While the University of Toronto work culture is ambitious and determined, these are extraordinary circumstances, and the University must continue its efforts to ensure the health, well-being, and work-life balance of all its members. President Gertler has recognized this need in his University-wide message of June 8, 2022¹ and the announcement of three additional 'Presidential Holidays' for faculty and staff. The Office understands that other groups and teams are working to address ongoing challenges (e.g., the University Resilience Project Team²). We cannot emphasize enough how important such efforts are. A healthy community is vital to the University's cherished culture of fairness and civility, one which the Office has been created to ensure. It is essential that the University reiterate the importance of the culture of fairness and civility and the necessity for prompt, transparent, and clear communication with all estates. That is reflected in the first recommendation of this report, and the first trend listed below. The Office of the Ombudsperson will

¹ <https://www.president.utoronto.ca/a-message-from-president-gertler-to-u-of-t-faculty-librarians-and-staff/>

² <https://www.provost.utoronto.ca/establishment-of-the-university-resilience-project-team-rpt/>

certainly reinforce this in its own outreach efforts and communications. The following offers statistics and commentary on several new or reoccurring trends found within the annual data.

Lack of Transparency and Availability of Key Information on University Websites

During the course of helping clients connect with the appropriate people, offices, and resources, we continue to be concerned about the challenges presented in locating key contact information within areas of responsibility on the websites of many services and units (see recommendation #3 from 2019-20). For example, we have noticed that key contact information for Department Chairs and Associate Chairs is often buried on websites, if included at all, making it impossible for students to identify on their own who they should be contacting regarding concerns. Likewise, we continue to encounter many broken hyperlinks which present further challenges to finding information (see recommendation #2 from 2019-20). It is also not always clear to those looking for support, to whom they should speak. We continue to note (see recommendation #1 from 2019-2020) that information on the academic appeals process can be difficult to locate and is often unclear or incomplete. If we have trouble locating this information, other members of the community will as well. Students especially should be able to locate this information easily given that such a significant number of cases involve concerns about grades and teaching methods.

No Jurisdiction Cases and Social Media

Similar to last year, a sizeable percentage of the 358 new cases fell under the “No Jurisdiction” category (22.6%). Two emerging trends relate to complaints from members of the public about faculty members’ postings on social media, such as Twitter and Facebook, and University policies with respect to COVID. These complaints are beyond the scope of the Office, but interesting to note, nevertheless.

Graduate Students

During 2021-2022, there was an increase in overall graduate student cases (n=97 vs. n=72 in 2020-21; n=94 in 2019-20; n=67 in 2018-19), although the number of cases related to graduate supervision (n=14) remained consistent with last year (n=13; n=22 in 2019-20). The complaints came from across the tri-campus University from all disciplines, with the most common issues being supervision, grading and teaching methods, civil conduct and discrimination, fees, and funding.

The Office is very pleased to note that despite the pandemic, the School of Graduate Studies has begun to implement the eight recommendations of the 2020 report, *Promoting a Healthy Lab Culture at the*

*University of Toronto*³, and strengthen its recently launched Centre for Graduate Mentoring and Supervision⁴, with initiatives directed at all graduate units and members of the SGS community. The Office of the Ombudsperson will continue to monitor the types and volume of graduate issues brought forward to support the identification of any future systemic trends.

Civility/Bullying

During 2021-2022, across all constituencies under our jurisdiction, a full 9% of cases involved concerns about uncivil conduct or bullying, many of which also involved concerns about discrimination/equity. This suggests that the University needs to make further efforts at providing resources to address incivility and/or bullying behaviour in the classroom and the workplace. Given this trend, and to reinforce a culture of fairness and civility on campus, you will find included in the upcoming Recommendations section a request for follow-up regarding former Ombudsperson, Professor Emeritus Hodnett's third recommendation from 2020-2021 regarding uncivil conduct and harassment policies and practices.

Academic Integrity

While the number of cases related to the *Code of Behaviour on Academic Matters* dropped from the previous year (n=27 cases in 2021-2022 vs. n=37 in 2020-2021), the number of these cases regarding procedural fairness increased significantly. This trend is no doubt due to the overwhelming increase of academic misconduct cases throughout the COVID-19 pandemic. As noted in the Provost's 2020-2021 *Annual Report on Cases of Academic Discipline*⁵, the sharp rise in academic misconduct cases during the pandemic is now documented across the post-secondary sector, and the University of Toronto was not immune to the crisis that unfolded.

Many of the concerns our Office received related to academic integrity regarded delays and lack of communication at the divisional level, and the consequences of delays on academic progress. While many factors can contribute to delays, and not all delays are undue, over time, I became concerned that those divisional staff and offices responding to the increased caseload did not have the resources needed to maintain procedural fairness for students. It became clear that not enough was being done to support the timely resolution of cases within the divisions.

³ <https://www.provost.utoronto.ca/establishment-of-the-university-resilience-project-team-rpt/>

⁴ <https://www.cgms.utoronto.ca/>

⁵ https://governingcouncil.utoronto.ca/system/files/agenda-items/20211117_AB_08a.pdf

The Provost's Annual Report 2020-2021 on Cases of Academic Discipline reported that that the Provost's Office was closely monitoring the increase in case numbers and resulting time it took for cases to be heard and resolved at the Tribunal, and that with the new University Counsel and Chief Legal Officer are "closely examining ways in which to further increase the speed in which cases are resolved while maintaining the integrity, fairness, and transparency of our processes." It also noted the efforts of the Appeals, Discipline & Faculty Grievances Office, which facilitates the academic discipline process at the Tribunal level, to improve the timelines once charges have been laid by the Provost's Office, which I commend. However, it remains unclear what the expectation is for timeliness throughout the process, and how the divisions are being supported to ensure timeliness at their level. This concern is not simply an issue of procedural fairness: it is an issue that impacts the student experience, academic progress, and has health and wellbeing implications (for students, faculty, and staff). Overall, I remain concerned about the backlog of cases and the standard of timeliness to resolve cases in several of the divisions and the seeming lack of an institutional strategy to address these issues. I have included a recommendation to support this concern. It is hoped that as both teaching and learning returns to more familiar patterns, with reduced stressors from the pandemic, the pedagogical lessons learned from the pandemic will also improve academic integrity. However, a holistic institutional strategy to both support academic integrity and allegations of academic misconduct is needed.

III. Recommendations

Stemming from the review of the 2021-2022 cases statistics, and consultation with the Ombuds Officers, I present the following recommendations for the Administration's consideration.

1. Communications

- Develop an institutional best practice guide to enhance transparency of communication across all areas of the University, with particular attention to the accuracy of website content and hyperlinks, and the clarity of contact information and area of responsibility of those University staff who support student issues and inquiries.

2. Academic Misconduct and Integrity

- All divisions should examine the timelines associated with academic misconduct case resolution and consider what supports and practices are needed to ensure that cases are administered with procedural fairness (i.e., without undue delay; notice of potential timeliness issues).
- All divisions should strengthen the transparency and accountability of their processes through annual reporting to their divisional governance bodies (e.g., divisional annual report which include statistics, case resolution timelines, educational efforts, and initiatives).
- With broad consultation, the University should develop an institutional academic integrity strategy, to be overseen by the Tri-campus Provostial Advisory Group on Academic Integrity.

Request for Update on Prior Recommendations

Each year, the Provost provides an administrative response to the Ombudsperson's Annual Report. This response is greatly appreciated, both in its timeliness and its general support of the Office mandate. That said, some issues are persistent in the face of all best intentions to mitigate their impacts and challenges. Therefore, in support of my mandate to reinforce a culture of fairness and civility, and drawing upon this year's case data, I would like to request an update on several prior recommendations made by my predecessor, Professor Emeritus Hodnett.

The **Annual Report 2019-2020** recommended the following:

Recommendation #2 - *Every academic unit and campus resource should set up a system to regularly run a tool which identifies broken website links.*

Recommendation # 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.*

Request: Given my first recommendation regarding Communications in this Annual report, it would be helpful if these prior recommendations were considered again as part of the administrative response.

The **Annual Report 2020-2021** recommended the following:

Recommendation #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.*

Request: Based upon the ongoing high number of cases involving concerns about civility and/or equity/discrimination, we encourage the University to follow up with specific strategies about how to address what is clearly an ongoing issue and consider this prior recommendation as part of the administrative response.

IV. Concluding Statements: Update on Recommendations from the 2020-2021 Report of the Committee to Review the Office of the University Ombudsperson

I would like to provide a brief update on some of the recommendations from the 2020-2021 *Report of the Committee to Review the Office of the University Ombudsperson* (dated April 27, 2021).⁶

Recommendation #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.*

We are in the process of meeting with the student unions to raise awareness of the Office and its services. We intend to have similar meetings with various stakeholders around the University who are in positions in which they advise community members, as part of a strengthened communications plan.

Recommendation #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.*

In response to the pandemic, the Office was fully remote during 2021-22 and conducted all interactions via email, Teams, Zoom, or telephone. This model proved very successful and allowed us to be even more accessible than pre-pandemic, and we intend to continue leveraging virtual interfaces to provide our services.

Recommendation #8: *The Office undertake a review of the ways in which technology could enhance operations and service delivery.*

We are continuing discussions on how to utilize technology to enhance operations. In particular, we are considering how the implementation of a case management system would enhance service delivery, and the analysis of data to determine concerning trends and systemic issues. Given that consideration for systemic issues and policy deficiencies is part of the Office's *Terms of Reference*, the exploration of a case management system will be a key focus in the year ahead.

⁶ https://governingcouncil.utoronto.ca/system/files/agenda-items/20210513_GC_12.pdf

V. Acknowledgments

Finally, I would like to thank the three Ombuds Officers Cindy Ferencz-Hammond (UTM), Kristi Gourlay (UTSG), and Emma Thacker (UTSC) and Secretary Stephanie Goldner for their outstanding dedication and contributions.

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.

Respectfully submitted,

Bruce Kidd, O.C., OLY, PhD., LL.D.
Ombudsperson, University of Toronto

VI. Appendix A - List of Recommendations from Prior Reports of the Ombudsperson

A copy of each Annual Report of the Ombudsperson, and the University's Response can be found on the Ombudsperson's website:

<https://governingcouncil.utoronto.ca/annual-reports-and-administrative-responses>

Annual Report 2015-2016

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.

Annual Report 2016-2017

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

Annual Report 2017-2018

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 those involved 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).

Annual Report 2018-2019

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.

Annual Report 2019-2020

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.

Annual Report 2020-2021

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.

Administrative Response to the *Office of the Ombudsperson 2021-22 Annual Report*

October 2022

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 *2021-22 Annual Report* is Professor Emeritus Bruce Kidd's first report as University Ombudsperson.

Response

The Administration congratulates Professor Kidd on his appointment as University Ombudsperson. Former Dean of the Faculty of Kinesiology and Physical Education, past Principal of the University of Toronto Scarborough, former Warden of Hart House, and esteemed member of the faculty for nearly 50 years, Professor Kidd brings extraordinary experience and institutional knowledge to the role of University Ombudsperson. The Administration is grateful for his continued and exemplary service to the University of Toronto. Professor Kidd's excellent first report is characteristic of this service. The President, Provost, and U of T Administration are grateful to him for this year's report, one that showcases Professor Kidd's care for the University of Toronto community and his knowledgeable approach to systemic challenges.

The Administration is particularly grateful to Professor Kidd and his team in the Office of the University Ombudsperson for the role they played in the institution's continuing response to COVID-19. As the Annual Report makes clear, concerns about "academic and administrative regulations", especially those associated with "COVID-19, the vaccine mandate, and the deregistration of unvaccinated students from courses with in-person components", were more prevalent among the Office's caseload than in pre-pandemic years. It is important that the University of Toronto community has an impartial, independent office to review these kinds of systemic issues to recommend improvements as appropriate, but also to provide the community with transparent, impartial advice and support. The Administration appreciates the role the Office of the University Ombudsperson has played in this regard.

The *Office of the Ombudsperson 2021-22 Annual Report* indicates that the Office dealt with 358 new complainants, very slightly higher than the ten-year average caseload of 338. The Annual Report's statistical reporting continues to be extremely useful and informative. It is noteworthy that of the 358 new complaints in 2021-22, the Office deemed they had no jurisdiction in 79. Many of these involved "complaints from members of the public about faculty members' postings on social media, such as Twitter and Facebook" as well as about University policies regarding COVID-19. Both of these trends are likely a result of the pandemic, given the very high number of our faculty members communicating their research on COVID to the public via social media.

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

Recommendation 1

Communications: Develop an institutional best practice guide to enhance transparency of communication across all areas of the University, with particular attention to the accuracy of website content and hyperlinks, and the clarity of contact information and area of responsibility of those University staff who support student issues and inquiries.

The Annual Report notes that this recommendation reiterates and builds upon a recommendation made in the 2019-20 Annual Report of the University Ombudsperson. As the Administration response emphasized at the time, this is an especially difficult challenge at an institution as large, diverse, and administratively decentralized as the University of Toronto.

As noted in the previous report's recommendations, the Academic and Collaborative Technology team (ACT) within Information Technology Services continues to run a by-request service that aims to help UofT website owners and administrators improve their websites for both accessibility and search engine optimization. This includes scanning websites for broken links (<https://seo.act.utoronto.ca/>). To date, a number of departments and units have availed themselves of the full, customized, staff-led analysis service at no cost to the client unit (50 sites so far). In the meantime, as per the previous report, ITS enhanced the service with information on how departments could do basic checks of their websites themselves (<https://seo.act.utoronto.ca/cheatsheet/>), including access to open-source self-services for broken-link checking. As noted in the 2019-20 Annual Report of the University Ombudsperson, the University's webspace is fully decentralized and in constant flux, and managed virtually entirely at the unit and sub-unit level. As such, we believe this combination of custom full-service website assistance and basic self-service remains the best option for our community.

In the meantime, the Provost commits to bringing the issues of website accuracy, transparency, reliability, and clarity of contact information to a meeting of *Principals and Deans* and *Principals, Deans, Academic Directors, and Chairs* for a second time this academic year. The Provost raised these issues at those meetings in 2020, as she had undertaken to do in the *2019-20 Administrative Response*. The Administration is grateful to the Ombudsperson for bringing these concerns forward and refocusing our attention on them again. Improving web-based aspects of the University's communications is both a priority and a collective challenge.

Recommendation 2

Academic Misconduct and Integrity

- ***All divisions should examine the timelines associated with academic misconduct case resolution and consider what supports and practices are needed to ensure that cases are administered with procedural fairness (i.e., without undue delay; notice of potential timeliness issues).***
- ***All divisions should strengthen the transparency and accountability of their processes through annual reporting to their divisional governance bodies (e.g., divisional annual report which include statistics, case resolution timelines, educational efforts, and initiatives).***
- ***With broad consultation, the University should develop an institutional academic integrity strategy, to be overseen by the Tri-campus Provostial Advisory Group on Academic Integrity.***

Academic integrity is fundamental to our university community's intellectual life.

The Administration agrees that divisions should continue to examine timelines associated with their academic misconduct case resolutions and strengthen the transparency and accountability of their processes. Unfortunately, online classes and examinations during the pandemic have significantly impacted the number of academic integrity offences in some of our largest undergraduate divisions. However, with the broad return to in-person assessments, the number of offences is expected to start trending down.

In accepting this recommendation, the Administration commits to articulating the University's existing strategy on academic integrity, which is guided by the University's *Code of Behaviour on Academic Matters* and its principles of fundamental procedural and administrative fairness. The University's strategy has always been led by the Tri-Campus Provostial Advisory Group on Academic Integrity. However, responsibility for academic integrity is shared with the divisions, faculty, instructors, librarians, writing centre instructors, and academic advisors, all of whom continue to work together to support students to meet our expectations regarding academic integrity.

The Administration will also strongly encourage the divisional Vice-Deans who participate in the Tri-Campus Provostial Advisory Group to provide regular reports on academic integrity processes to their divisional governance bodies.

The recently created Office of the University Counsel, working with Discipline Counsel, has already added more legal resources to support timelier resolutions of cases at or before reaching the University's Tribunal. The Office of the Vice-President and Provost actively monitors academic integrity issues and reports annually to Governing Council on the number of cases and timeliness; it offers an annual Academic Integrity Workshop for divisional staff and faculty who work on academic integrity cases and ensures students are informed about resources available to them, through various communication strategies. The Administration will work with all divisions and continue encouraging conversations and action on this critical topic.

Update regarding policies around uncivil conduct/harassment

Lastly, the Administration is pleased to provide the following update from the Ombudsperson Annual Report 2020-2021 (*Recommendation #3* regarding policies and practices to address uncivil conduct and harassment). The University continues to prioritize this recommendation made by the Ombudsperson, as well as by the Anti-Black Racism Task Force. Updates include:

1. Significant positive negotiations with the University's largest union USW and the establishment of a milestone Letter of Understanding this past year that clarifies that: workplace harassment and discrimination in any form are unacceptable and unwelcome at the University; issues, concerns and complaints will be addressed in a timely and transparent manner; access will be increased, and barriers reduced to raising complaints; ensures staff are protected from reprisals for raising a concern or complaint; and establishes pathways for unions to raise concerns on behalf of employees and activate early interventions.
2. A new, expanded [website for workplace complaints](#), linked clearly and directly from the Division of People Strategy, Equity & Culture main website, provides more robust information about the University's Workplace Harassment Program, and provides an overview of the complaint process, including the steps and people involved. The site allows employees to better understand the process and to file a complaint easily and directly to the Workplace

Investigations Office, bypassing local HR offices if need be.

3. Overhaul of the summary of findings letters issued to the parties of an investigation that provides more details on the investigation process, the findings, the reasons for findings, the evidence considered and the steps to be taken as a result of the investigations.
4. Annual reissuing of the memo to all employees of the University that reminds them of the University's *Workplace Harassment Policy* and other related policies and clarity on how to raise a concern or complaint.

Concluding Observations

The Administration is grateful for the valuable insights that the Ombudsperson's Annual Report offers and appreciates the opportunity it provides to examine and address some of the more complex and sometimes systemic issues at the University. The Ombudsperson is an important resource in our community and the Administration commends the Ombudsperson's outreach to and engagement with students, faculty and staff on all three campuses. The Administration extends its sincere appreciation to Professor Kidd and his team for their dedication to the University of Toronto and for their continued service to our community.