

## **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.