

Office of the Ombudsperson

2018-19 ANNUAL REPORT



UNIVERSITY OF
TORONTO

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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 Council 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 GC, and 2) to alert GC and the University administration to those issues of broader significance (systemic issues) that merit review.

In 2018-19 we handled 310 cases, including 288 new contacts who expressed concerns about 381 issues.¹ Of the 289 new cases, 210 met the criteria for constituencies under the responsibility of Governing Council, i.e. undergraduate or graduate students, faculty, administrative staff, or alumni whose problems occurred while they were students. The remaining 79 who did not fall under the responsibility of GC included family members of a constituent, students enrolled at a Federated College/University, alumni whose issues were unrelated to their time as students, members of the public enrolled in continuing education courses or were clients of a Faculty-run clinic or had no affiliation to the University.

While the number of new cases received was 18% lower than the 351 new cases received by the Office in 2017-18, the complexity of the problems brought to the Office increased markedly, as evidenced by the 33 investigations and inquiries which were conducted. The total number of cases from the University of Toronto Mississauga (UTM) and the University of Toronto Scarborough (UTSC) Campuses continued to be very low (30 and 21 respectively).

Based on problems brought to the Office during 2018-19 and in prior years, I offer three recommendations:

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.

¹ 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.

During the year, the restructuring of the Office was completed. As of April 1, 2019, there are Ombuds Officers on each of the three campuses. Progress was also made in the development and implementation of a multi-faceted communication plan, tailored to the unique features of each campus, and the new and substantially improved website, part of the new Governing Council website, should make it easier to search for and understand our services. Major changes have been made to how we conduct our business. The coming year will be one of consolidation, ongoing evaluation of our services, and implementation of new and updated communication strategies.

Introduction

In October 1975, Governing Council established the Office of the University Ombudsperson, 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.

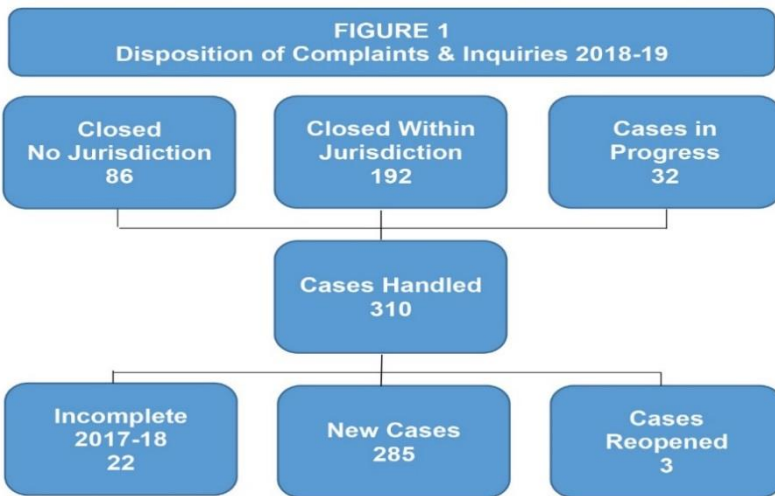
This Report to Governing Council covers my third year as University Ombudsperson. The Report is presented in five sections:

- I. Who sought our assistance, why they came, and how we assisted them;
- II. Update on last year's recommendations;
- III. Systemic issues and recommendations;
- IV. Other activities of the Office; and
- V. Looking ahead.

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

The Office dealt with 310 complainants: 288 new and 22 in progress from the previous year. The number of new cases received was notably lower (18%) than the 351 new cases received by the Office in 2017-18. By June 30, the Office had closed 278 cases, leaving 33 in progress (see Figure 1). In order to give a picture of the workload of the Office, Figure 1 and the section on the assistance we provided makes reference to the Office's total caseload in 2018-19, i.e. both new and continuing cases. To enable tracking of trends over time, when discussing who contacted us and why, I will make reference to only new cases opened during the year.

Figure 1. Disposition of Complaints and Inquiries 2018-19



WHO CONTACTED US

The following section describes the various constituent groups who sought our assistance. Some were part of the University of Toronto community, but their concerns were not within our purview. “NGC” refers to those individuals who did not fall within the Terms of Reference for our Office, set by the Governing Council. Throughout this Report, our statistics reflect what we were told by complainants. We asked for but did not require complainants to complete every item in our Request for Assistance form.

Figure 2a. New Cases by Constituency 2018-19

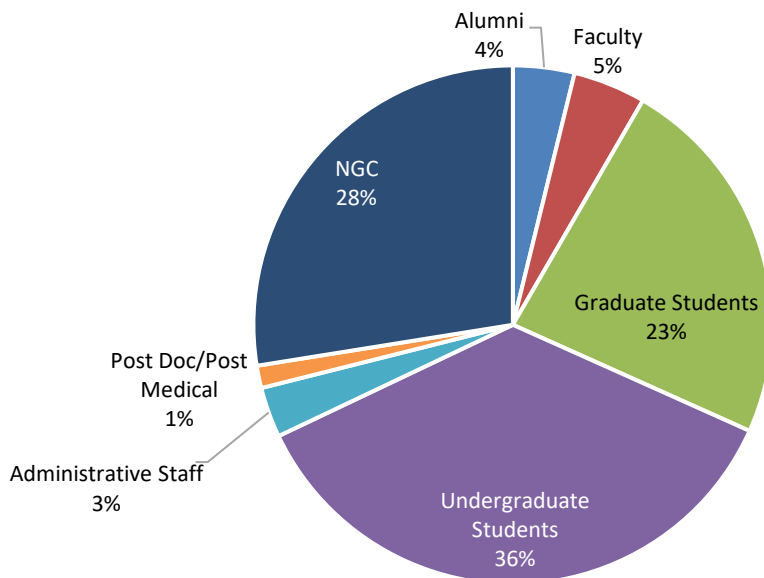
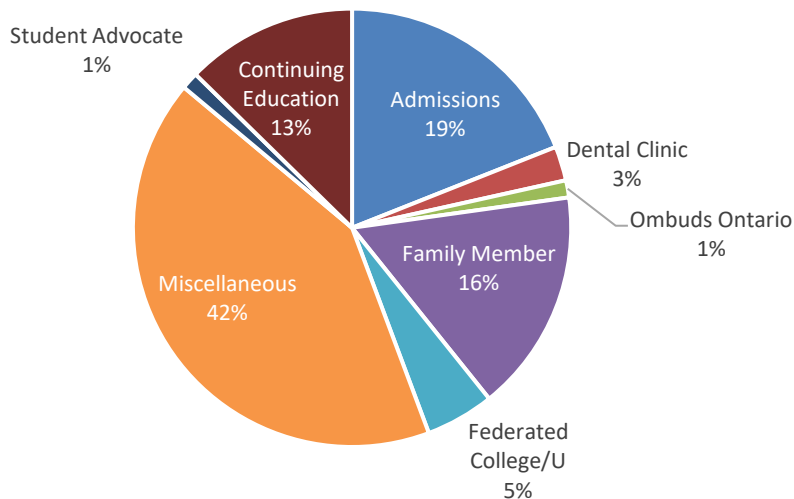


Figure 2b. New Cases by NGC Constituency 2018-19



Undergraduate students: Of the 104 undergraduate students, 91 indicated the academic unit in which they were enrolled. Of these, 14 stated they were from the UTM, 9 from the UTSC, and the remaining 68 were from the University of Toronto St George (UTSG). Of the latter, (51 were from Arts & Sciences, 6 from Applied Science & Engineering, 3 from Medicine, 2 each from Architecture, Landscape & Design, and Kinesiology & Physical Education, and 1 each from Nursing, Dentistry, Law, and Pharmacy.

Graduate students: The 67 graduate students came from a wide variety of academic units within the four Divisions. The proportions from each Division were very comparable to last year's. Of the 63 who indicated their academic unit, 8 stated they were from Division I (Humanities), 26 from Division II (Social Sciences), 9 from Division III (Physical Sciences), 19 from Division IV (Life Sciences), and 1 was from the Master of Divinity program. In addition, we were contacted for help by two postdoctoral fellows and two physicians in post-medical specialist programs.

Administrative staff: Nine administrative staff members from UTSG contacted us.

Faculty members: Thirteen faculty members contacted the Office. Ten were from UTSG, 2 were from UTSC, and 1 was from UTM.

Alumni: Eleven alumni contacted our Office concerning problems which had occurred while they were students.

No jurisdiction: Of the 78 complainants over whom our Office had no direct jurisdiction, the majority were connected in some fashion to the larger University of Toronto community, but they were not within our ability to directly assist. These included family members, students enrolled in one of the Federated colleges or universities or in a continuing education course, alumni whose concerns did not relate to their time as a student, and a student advocate. The remainder were members of the general public or individuals applying for admission to the University.

WHY THEY CONTACTED US

This year, we classified the reasons why individuals contacted us in a different way than previous years, in order to provide a better overview of the issues of concern. We categorized issues into four broad categories, each including a wide range of sub-categories. In many cases, concerns were complex and fell into multiple categories. The four main categories are:

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

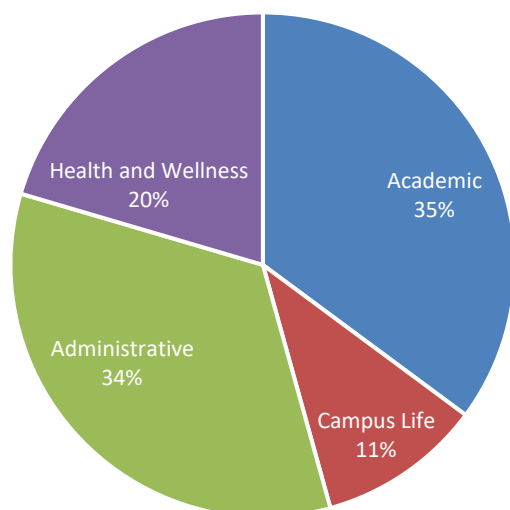
Campus Life: campus police, student conduct, privacy, student groups, and student services.

Administrative: administrative policy/procedure, admissions, fees/financial aid, and human resources.

Health & Wellness: accessibility, civility, classroom environment, dental clinic, discrimination, health/dental plan opt-out, employment/workplace, environmental safety, harassment/bullying (non-sexual), sexual violence/harassment.

Figure 3a shows the breakdown of all new cases received by the broad category into which the client's issue fit.

Figure 3. All New Cases by Category of Issue: 2018-19



STUDENT ISSUES

Figure 4a shows the broad reasons students gave for seeking our assistance during 2018-19. No remarkable differences were noted in the types of issues in 2017-18 and 2018-19.

Figure 4a. New Student Cases by Issue, 2018-19

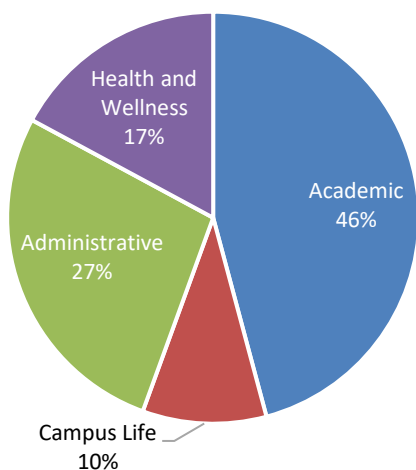
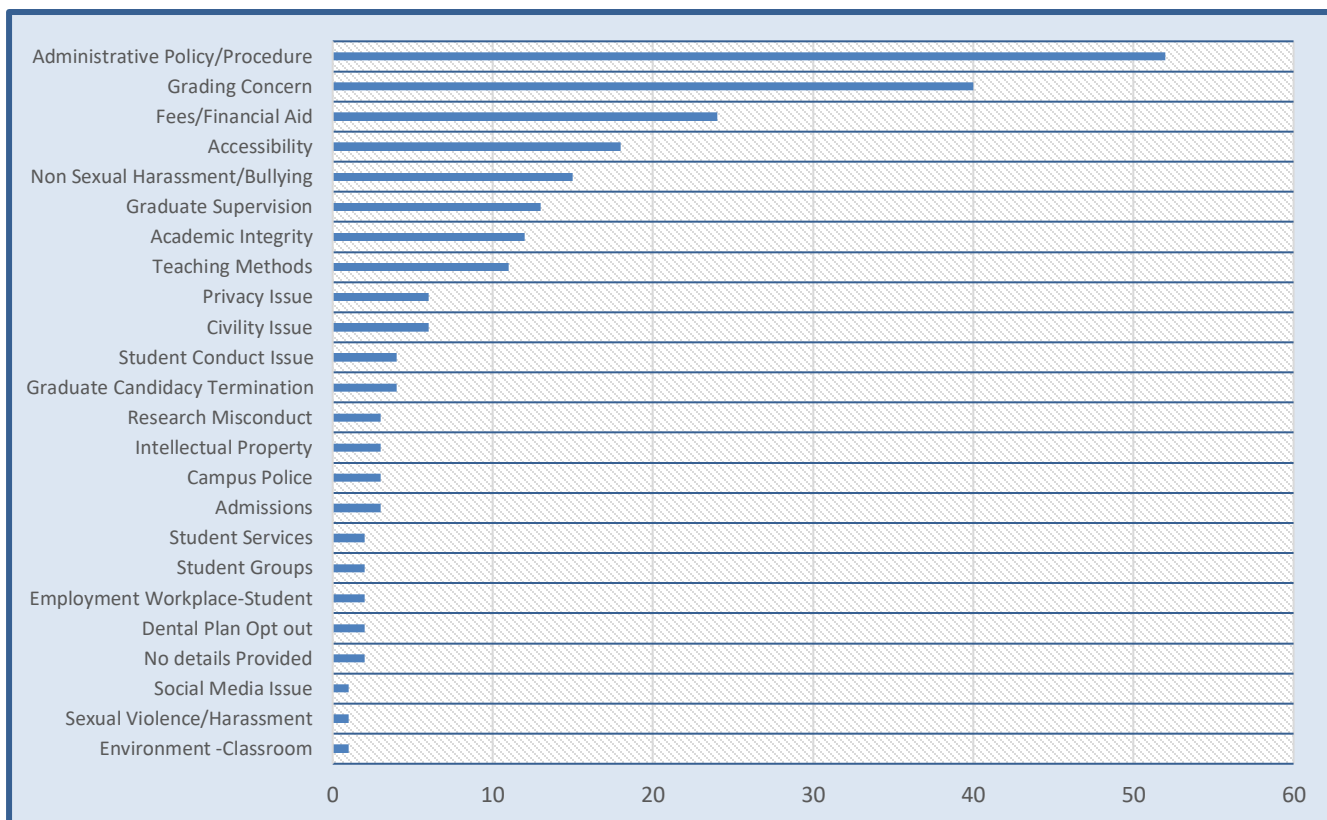


Figure 4b shows the sub-categories into which student concerns fell. While most students had only one concern, that concern could fall into a number of sub-categories. As in the previous year, academic issues predominated in the undergraduate group, while academic issues, graduate supervision difficulties, and policy/procedure issues predominated in the graduate group.

Figure 4b. New Student Cases by Sub-Category, 2018-19



ISSUES BROUGHT BY OTHERS

The following paragraphs describe the issues brought to the Office by the administrative staff, faculty members, alumni, and non-constituents who contacted the Office.

Administrative Staff: Reasons for contacting us included various workplace/employment issues, including discrimination, harassment/bullying, and job loss.

Faculty members: Reasons for contacting us included allegations of racism, bullying/harassment, employment issues, privacy concerns, and questions about policies.

Alumni: Alumni contacted us regarding a variety of issues which occurred while they were students including administrative policy/procedure, graduate supervision, harassment/bullying/discrimination.

No jurisdiction: Of the contacts from individuals not under our jurisdiction, 15 were complaints about admissions decisions (which are not appealable), 2 were complaints by clients about a Faculty clinic, some were wholly unrelated to the University, and the remainder included complaints about public statements by a professor, trespass issues, social media posts, a rally on campus, queries about scholarship opportunities, perceived inappropriate use of campus facilities, and a wide variety of other issues beyond the scope of the Office. In almost all cases we were able to refer the individuals to the appropriate office or agency.

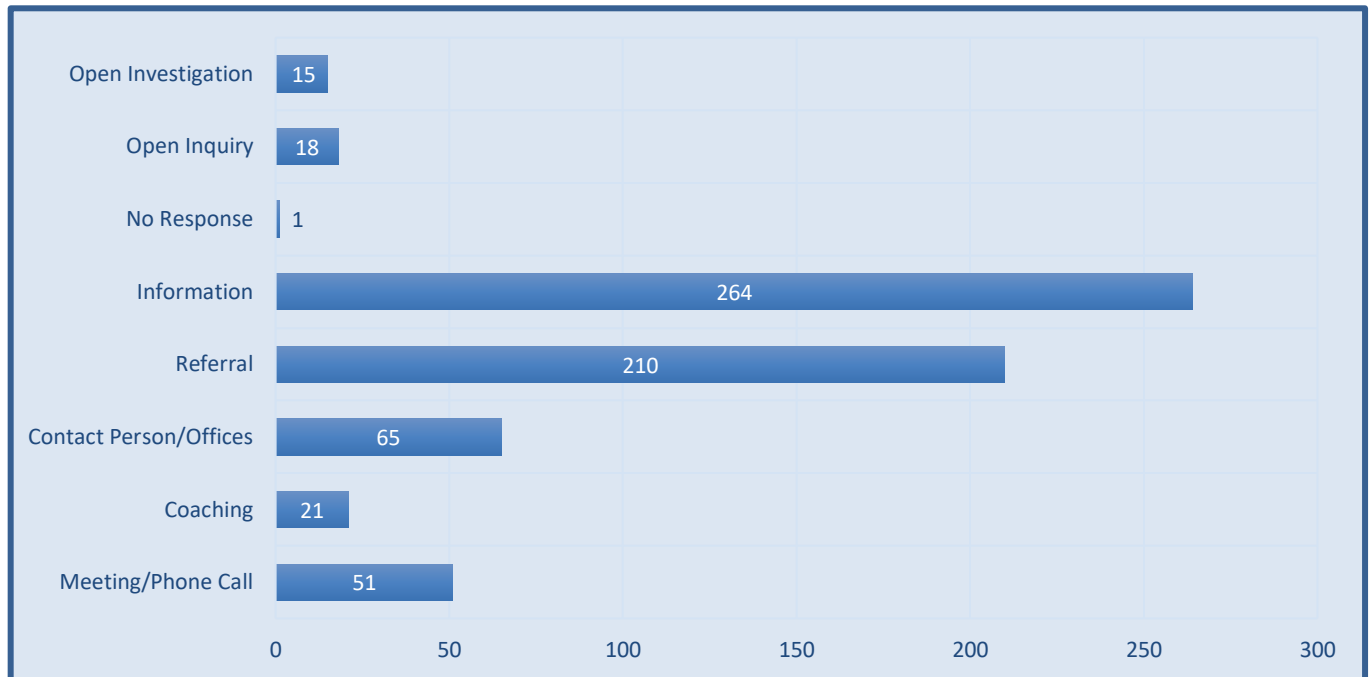
In addition, the Office had one brief inquiry from Ombudsman Ontario with respect to a complaint registered against our Office. We had no further contact from Ombudsman Ontario.

HOW WE ASSISTED THEM

Figure 5 summarizes the types of assistance the Office provided for the 278 cases which were closed during 2018-19. We offered more than one type of assistance for most cases. In December 2017, we opened a multi-faceted inquiry into several major issues in one academic unit. At my request, the Administration launched an internal investigation, which was completed in the Spring, 2019. Most issues were resolved promptly, while the very complex ones sometimes took months and occasionally have persisted over years.

This year, we created a new category of assistance, “inquiry”, which includes cases in which our contact with other offices goes beyond a single call and for which we ask for documentation from the complainant. “Investigations” include cases which require extensive information gathering from multiple sources, and often involve mediation or negotiation on the part of the Ombuds Officer.

Figure 5. Types of Assistance Provided



KEY FINDINGS

The total caseload was somewhat lower than the previous year. However, while numbers were lower, there was a large increase in the complexity of the cases. We restrict the term “investigation” to activities which require extensive information-gathering from multiple sources, often accompanied by mediation or negotiation. Only one investigation was conducted in the previous 3 years, and it was conducted by senior administration, at my request. In contrast, in the past year, our Office conducted 15 investigations and 18 inquiries, a new category of assistance which reflects the more complex cases that do not require a full-blown investigation. In my view, the dramatic increase in investigations and inquiries is partly attributable to the depth and breadth of the activities of the new Ombuds Officers (who have good relationships with the administrative staff on their campuses and are very familiar with usual practices and norms), and partly related to the increasing complexity of campus life. There is no question in my mind that the quality of services we offer has improved as a result of our new tri-campus model.

II. Update on Last Year's Recommendations

While implementing recommendations which have been accepted is the business of University Administration, I will make a few comments on the implementation of 2 of the 3 recommendations I made last year:

1. Investigating Serious Allegations Within an Academic Unit

I was provided with a copy of the investigator's report and recommendations in the early Spring, and later the response of the senior academic administrator of the academic unit, in which the administrator indicated acceptance of the investigator's recommendations. The report and recommendations dealt with all but one of the allegations. When I pointed this out, I was assured that appropriate action would be taken by the senior administrator of the academic unit. I am satisfied that the process of investigating was fair. Subsequently the complainants received a brief summary of the investigator's report and recommendations, which had been prepared by the senior academic administrator of the academic unit. Those who contacted me afterward expressed both disappointment that they had not received the full report, and disillusionment, in part because of some wording in the summary, but mainly because it was written by the administrator whose failure to act when they complained led to their contacting our Office.

2. Responsiveness of Campus Police to our Inquiries

I am pleased to report that the problem has been resolved, and the relationship between our Office and the UTSG Campus Police is now one based on mutual understanding and good communication.

III. Systemic Issues and Recommendations

My **first recommendation** concerns reports from external investigators and methods to ensure that internal administrative summaries are bias-free.

RECOMMENDATION #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. For the summary to be accepted by those who were courageous enough to bring forward their complaints, it should be both free of bias and appear to be free of bias.

My **second recommendation** concerns undergraduate students who have requested and been granted leaves of absence, or whose registrations have been suspended for one or more sessions because of poor academic performance. At present, since they are not registered as University of Toronto students, these students have no access to University services such as Health and Wellness, the health and dental plans, and the library. Continued use of such services could enhance their likelihood of success when they return to academic studies, and the absence of access could be a detriment for some. The process could be modelled on the School of Graduate Studies leave of absence policy, which already offers an “opt-in” option (<https://www.sgs.utoronto.ca/policy-guidelines/leave-of-absence-policy/>).

RECOMMENDATION #2

Consider offering an option 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.

My **third recommendation** concerns longstanding problems in some basic science laboratories. While the University has many outstanding supervisors and laboratory environments for graduate students in the basic sciences, the students in these excellent learning environments are not the ones who bring complaints to our Office. Students who seek our help because of harassment, bullying, and intimidation, have come from a variety of laboratories. Many if not most students are justifiably reluctant to pursue formal complaints, knowing they could be putting their funding, their graduate work, and their future careers in jeopardy.

While our experience shows that poor supervisory behaviour and lack of administrative oversight occur across all four divisions of SGS, the unique environment of the laboratory, where students and supervisors often work side-by-side in relatively closed settings, is fertile ground for the development and maintenance of unique sub-cultures, which are influenced by the leadership styles and personalities of the supervisors, as well as formal and informal laboratory customs, and relationships among staff and students. Supervisors and students operate within the context of entrenched disciplinary cultures, high institutional expectations, and fierce competition for resources. Lack of institutional oversight allows bullying and harassment to flourish.

Over the years our Office (and to a much greater extent, the School of Graduate Studies)

has dealt with many complaints by graduate students about poor behaviour by their supervisors in some laboratories. In the rare cases in which students pursue formal complaints, charges against individual faculty members are very difficult to prove, and there is little or no evidence that sanctioning individuals leads to significant positive, systemic changes in the laboratory settings. I am well aware that this problem is not unique to the University of Toronto, but rather is found in universities worldwide. (For an excellent description of the scope and magnitude of the problem worldwide, see the article in *Science Magazine*, August 15, 2018, titled “Q&A: Doctoral students at Germany’s Max Planck Society say recent troubles highlight need for change”: <https://www.sciencemag.org/news/2018/08/qa-doctoral-students-germany-s-max-planck-society-say-recent-troubles-highlight-need>).

While continuing to address individual student/supervisor conflicts remains an important activity for SGS, I recommend the addition of a strategy which focuses on the positive rather than the negative, and shifts the focus to the entire laboratory environment, rather than the individual supervisor. The goal would be to identify and disseminate the common characteristics of the best laboratory learning environments. There are a variety of methods which could be used, including focused ethnography and other observational and survey methods. The resulting report could be used as part of a communication strategy by the School of Graduate Studies, in partnership with the University’s Office of Communications, and as part of the orientation of new faculty who will be supervising graduate students. (Typically, new faculty have only their own experiences as graduate and postdoctoral students --which may not have been optimal-- on which to rely as they develop their own supervisory styles.) An added benefit would be that all graduate students would be made aware that there are excellent laboratories which promote their learning and their well-being, and they may be more empowered to complain if their experiences are sub-optimum.

RECOMMENDATION #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.

iv. Other Activities of the Office

Review of the cases managed under the new University-Mandated Leave of Absence

Policy. At the request of Sandy Welsh, Vice-Provost, Students, I reviewed the cases which were managed in the first year since the adoption of the new Policy. I was extremely impressed by the sensitivity, compassion, and fairness with which each case was handled. After reading the case reports, I concluded that the Vice-Provost and the staff managing the cases should be congratulated for doing outstanding work, which benefited the students as well as the University community.

Restructuring the Office. I am delighted to report that the restructuring was completed, and we now offer on-site Ombuds services on all three campuses. Cindy Ferencz-Hammond assumed the role of Ombuds Officer at UTM in August 2018, Kristi Gourlay assumed the role at UTSG in November 2018, and Emma Thacker took on the UTSC role in April 2019. All three are doing outstanding work, both individually and as team members.

Communications plan. The development and implementation of a communications plan remains in progress. Our new website, part of the wider initiative to revise the entire Governing Council website, was launched in late Summer, 2019. During the 2019 Fall term, a UTM student intern enrolled in CCT410HS (Communications, Culture, Information & Technology) will be assisting us in developing content and materials to promote awareness of the Office and our services. We are excited about the improvements and additions he will be making to our outreach activities.

A new database. Heather Postill, SharePoint Online Administrator, and student intern Jian Quay, have developed a new database/data management system which will improve the ease and accuracy with which we can collect and analyze our data.

v. Looking Ahead: Plans for 2019-20

Major changes have been made to how we conduct our business. The coming year will be one of consolidation, ongoing evaluation of our services, and implementation of new and revised communication strategies.

Acknowledgements

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