

Administrative Response to the *Office of the Ombudsperson*

2023-2024 Annual Report

October 2024

Overview

The *Terms of Reference* of the Office of the Ombudsperson (the Office) 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 *2023-24 Annual Report* (the *Report*) is Professor Emeritus Bruce Kidd’s third report as University Ombudsperson.

Response

Professor Emeritus Kidd continues to serve the University of Toronto and its broad community with distinction. His term as Ombudsperson has been characterized by sensitivity, institutional knowledge, and a remarkable breadth and depth of expertise. In this difficult year, Professor Emeritus Kidd and his team have provided invaluable support to the community. The President, Provost, and U of T Administration are grateful and thank Professor Emeritus Kidd for his dedication to the role of University Ombudsperson.

The Administration notes that the *Annual Report* makes no formal recommendations this year. Instead, Professor Emeritus Kidd has requested an update on the recommendations he made as Ombudsperson over the past two years. It is a rich and important annual report, and the Administration hopes that it is read widely. With that in mind, and before turning to updates on the recommendations from the past two years, the Administration wishes to make several general observations.

First, as the *Report* notes, the number of cases the Office sees continues to represent a very small percentage of the overall University community population (and, indeed, the number was slightly lower in 2023-24 than it was in 2022-23). In one sense, the Administration is reassured that the number of cases has remained consistently low. At the same time, the Administration applauds the efforts Professor Emeritus Kidd and his team have taken to increase awareness of his Office and its mandate. These efforts include consultations with University of Toronto Communications and updates to the Office website and social media presence, initiatives that the Administration welcomes and is keen to see continue in the coming year.

Second, the *Report* mentions that roughly 16% of the Requests for Assistance (RFAs) received by the Office were ones in which the Office had ‘no jurisdiction’ (52 of 320). (This is down appreciably from the figure of 25% in 2022-23.) As in the past, it is notable and commendable that, even in such cases, the Office continued to assist “by providing general advice and referrals to appropriate University resources.”

Moreover, on the question of jurisdiction, the Administration welcomes the Office's efforts to clarify its remit. Adding learners from the School of Continuing Studies explicitly to its jurisdiction – and thus expanding its reach within the University community – is a positive development.

Third, the section "Case Studies" which debuts in the *2023-24 Annual Report*, is a fascinating and helpful addition. It guides readers - and by extension, possible clients - in understanding the role of the Office, what it can do, and, importantly, why the Office and its interventions matter. This is a useful section for every reader of the *Report* and the Administration hopes to see it return in 2024-25.

Fourth, the *Report* includes helpful observations about case trends. The Administration is gratified to see that the number of RFAs pertaining to communications has declined by over a third. (This is a point to which this *Administrative Response* will return in the Updates section.) Similarly, the Administration welcomes the news that the number of RFAs from graduate students continues to decline. The Administration joins the Ombudsperson in acknowledging the improvements "in the culture of graduate studies at U of T, and enhancements to graduate student supports developed by the School of Graduate Studies."

On the topic of case trends, the Administration notes that the data – helpfully provided again this year – indicate a concerning rise in the number of RFAs regarding student services, which could include matters ranging from academic advising to registrarial support, from co-curricular opportunities to counselling, and more. Such matters could involve services offered at the institutional and local levels due to U of T's decentralized nature. The Administration is grateful that the Office has committed to tracking these RFAs closely and acknowledges the challenges such tracking likely entails (particularly when, as the *Report* mentions, many of the complainants did not respond to requests for information and many of the complaints themselves were found to be either unsupported by evidence or unjustified). Excellence in student services remains one of the University's top priorities, and we welcome further insights from the Office of the Ombudsperson on this.

Updates on Recommendations from 2021-22

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.

As the *Administrative Response* to the *2021-22 Annual Report* noted at the time, the recommendation to improve aspects of the University's communications reiterates and builds upon a recommendation made in the *2019-20 Annual Report*. In response to both year's recommendations, the Administration noted the difficulties associated with centrally managing decentralized communications in a federated institution as large, diverse, and administratively

independent as the University of Toronto. Nevertheless, the Administration agreed that, despite these challenges, the Ombudsperson's Office had identified an important issue. The Provost had committed in the *2022-23 Administrative Response* to bringing the issues of website accuracy, transparency, reliability, and clarity of contact information to a meeting of Principals and Deans and a meeting of Principals, Deans, Academic Directors, and Chairs again in 2022-23, as she had in 2021-22.

This year, as the *Report* notes (and as mentioned above), RFAs pertaining to communications have declined by over a third. There is also evidence that improved internal communications may have helped in other areas as well (e.g. RFAs pertaining to graduate studies). These results are gratifying.

The *2023-24 Administrative Response* wishes to add that University of Toronto Communications (UTC) is presently developing strategies to enhance our communications outreach in many areas, including by providing a better digital user experience at U of T.

UTC's brand hub is focused on enhancing digital support to campus, divisional and Faculty colleagues. Through consultations and by promoting resources for website redesign projects at the divisional level, the brand hub is driving University-wide digital excellence, helping ensure a consistent brand experience and strong usability for web visitors.

In another area of interest, UTC's content innovation team is partnering with Information Technology Services to establish a framework for the creation and maintenance of website URLs. This protocol will help staff better manage the proliferation of website addresses, bring clarity and legitimacy to authorized U of T domains, and protect the University's reputation from the use of unauthorized, abandoned or mis-used domains.

As mentioned earlier, UTC is also working with the Office of the Ombudsperson to help raise the office's profile within the University. The partners are developing a robust tri-campus communications plan that aims to, as noted in the annual report, "reflect the importance of procedural fairness in decision making, together with resources aimed at supporting administrative and academic units who would like to confirm that their processes are fair." The plan is being informed by community consultations and an environmental scan of other university websites and will include key messages for U of T's various internal community stakeholders and a website refresh. The communications strategy will also include tactics to improve website accuracy, contact information and accessibility as well as metrics to measure communication effectiveness.

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.

The Administration continues to pay close attention to timelines associated with academic misconduct case resolution and has taken several steps to address delays. At the divisional level, strengthened staffing and the dedication of faculty members involved in facilitating the academic integrity process has contributed to significant increases in each of the past two years in cases resolved at the divisional level within six months of the date of the offence.

In addition, the University has instituted a pilot project in which minor cases are held in abeyance where the student accused of academic misconduct is no longer registered at the University and is unlikely to return. This enables resources to be redirected to more serious allegations and faster resolution of cases involving current students.

For cases referred to the University Tribunal but appropriate for divisional resolution, the Administration seeks to resolve those cases without a hearing where possible (i.e. where the student is engaged in the process and admits to having committed an offence). This helps to address some of the timeliness and resource issues associated with these cases while maintaining procedural fairness. More information is below regarding academic integrity.

Updates on Recommendations from 2022-23

Recommendation #1: Communications

That the University develop a comprehensive, tri-campus communications strategy that includes expectations for website accuracy, accessible contact information, and the prompt and effective response to questions and requests for information, with coordinated monitoring for compliance and correction.

Responded to above.

Recommendation #2: Regarding civility, dignity, and respect

That the University continue to give high priority in its efforts to ensure that all members of the community are treated with civility, dignity, and respect, within a culture of open inquiry and learning.

That the University develop a clear and transparent process for students to make complaints against administrative or teaching staff.

As the 2022-23 *Administrative Response* noted, treating others with civility, dignity, and respect is a fundamental expectation of members of our University community. This expectation is reflected in many of our policies, protocols, and statements. The 2023-24 year raised many

challenges in this respect, particularly as the expectations of civility, dignity, and respect seemed at times to be in tension with the University's fundamental commitment to free expression. The University's *Statement on Freedom of Speech* makes the point clearly:

[T]he University's primary obligation is to protect the free speech of all involved. The University must allow the fullest range of debate. It should not limit that debate by preordaining conclusions, or punishing or inhibiting the reasonable exercise of free speech. ... [T]he values of mutual respect and civility may, on occasion, be superseded by the need to protect lawful freedom of speech.

The commitment to free expression does not diminish the importance of civility, dignity, and respect on University campuses. The Division of People Strategy, Equity, and Culture has highlighted numerous pathways that U of T employees can follow if they have workplace complaints related to civility or bullying. Similarly, the Vice-Provost, Students has created a website that more clearly articulates the processes for students to follow when they have complaints about student services or discrimination.

Moreover, in January 2024, the University created the position of Provostial Adviser on Civil Discourse (as noted with approval in the Annual Report). The Adviser has established a working group to lead community consultations and develop a plan for University events, resources, and other initiatives for students, faculty, and librarians to engage in and promote productive and respectful dialogue on a wide variety of topics. The Adviser will also provide an additional point of contact for community members with questions or concerns about free expression.

Furthermore, in April 2024, the Provost and the Vice-President, Communications issued a Memo on Institutional, Divisional, and Departmental Statements. The Memo was issued in response to questions from leaders within various faculties, departments, and schools regarding the unregulated practice of issuing statements. Such statements often raised challenges with respect to civility, dignity, and respect. This Memo augments the University's free speech policy framework and provides additional resources to the community.

Finally, the University's Workplace Investigations Office, Office of the Vice-Provost Students, the Office of the Vice-Provost, Faculty & Academic Life and the Institutional Equity Office are partnering to ensure greater clarity and transparency in the process by which students can raise concerns or complaints regarding the conduct of administrative or teaching staff. This will be completed by January 2025 in line with legislative directives.

Recommendation #3: Academic Integrity

That the University further develop and articulate its institutional strategy regarding academic integrity. It should enhance academic integrity literacy for all students, with a particular focus on first-year undergraduates and others new to the University of Toronto.

That the University initiate a comprehensive, consultative review and update of the Code

of Behaviour on Academic Matters to reflect the current realities of the academic world, the ever-increasing size of the institution, and the prevalence of resources to assist students in academic dishonesty. The revised Code should ensure procedural fairness, the protection of student rights, and the timeliness of decisions.

That the membership of the Tri-Campus Provostial Advisory Group on Academic Integrity be reviewed and expanded to ensure that it includes those with experience and expertise in all matters related to academic integrity, including the new Artificial Intelligence tools, prevention of academic dishonesty, and the administration of the Code.

That the Provost's Annual Report on Cases of Academic Discipline include the following as standard components:

- The number of cases resolved by the divisions in three months or less;**
- The time between receipt of a case and the decision how to proceed—(i.e. time of closure or to time sent forward to the subsequent stage, should one exist)— in each of the stages of the process: at the departmental level, at the divisional level, within the Provost's Office, and at the University Tribunal.**

The Administration will be reporting the number of cases resolved in three months or less in the Provost's Annual Report on Cases of Academic Discipline. These statistics are being tracked by divisions as of July 1, 2024, the beginning of the reporting cycle. Due to cut-off timelines for data reporting in the annual report, we plan to report these data in the next statistics report in the Fall of 2025. With respect to reporting on the time between receipt of a case at each stage of the process and the decision of how to proceed at that stage, the Administration has determined that it is not currently practicable to collect and present these data. To do so would require the development of new collection processes, likely calling for a uniform tool or shared technology services or procedures across the divisions. In U of T's decentralized environment, this is currently not available, but the Administration will continue to review possible improvements and solutions in this regard.

As part of the Provost's Task Force on Artificial Intelligence (AI), Provostial Advisor Professor Susan McCahan has been leading discussions with the task force and in broader consultations about the intersections between AI and academic integrity. Work also continues in line with previous years' efforts to educate students on the importance of integrity in their academic work. Professor McCahan is also a member of the Provostial Advisory Group on Academic Integrity.

The Provost will soon announce that Professor Heather Boon, Vice-Provost, Faculty & Academic Life, will be leading a consultation towards changes to the *Code of Behaviour on Academic Matters* (CBAM), with the support of the Office of University Counsel (OUC). This review will focus on principles of procedural fairness, timeliness, clarity of roles and responsibilities, and upholding fairness and honesty in the academic work of students. Vice-Provost Boon will be reaching out for feedback on these and other principles foundational to academic integrity at U

of T, and – in a later phase – regarding proposed changes to the language of the policy, through targeted meetings and an open online consultation form.

As noted in past years, the Provostial Advisory Group on Academic Integrity is comprised of the Vice or Associate Deans with responsibility for academic integrity in each of the academic divisions. Other members include the Director of the Centre for Teaching Support & Innovation (CTSI), Vice-Provost, Innovations in Undergraduate Education (VP-IUE), and legal counsel, as well as the Vice-Provost, Faculty & Academic Life and the Vice-Provost, Students, who co-chair the group. The Advisory Group's next meeting will be in November 2024. The membership of the Advisory Group has been reviewed and it was felt that the academic nature of the roles represented in the group is an important component to retain so that expansion was not necessary. However, staff from the OUC meet regularly with staff representatives from FAS, UTSC and UTM, collectively, to discuss new developments, concerns and procedural queries. The OUC is also in regular contact with staff in the largest divisions regarding emerging issues.

Policy Currency

On the topic of policy currency, the 2022-23 Administrative Response noted its agreement with the Ombudsperson: the University's policies and procedures need to be considered on a regular basis and reviewed, revised, or updated when appropriate. This was also a recommendation of the Provostial Advisor on University Resilience in 2023. The University Secretariat has completed the development of a Policy Management Framework and an annual policy assessment process will begin by the end of the 2024 calendar year.

Concluding Observations

The Ombudsperson's *Annual Report* provides an opportunity to examine and address some of the complex and systemic issues at the University. The Administration also benefits from a collegial and collaborative relationship with the Ombudsperson throughout the year, as noted in the *Report*. As Professor Emeritus Kidd notes, the Review of Office of the Ombudsperson highlighted the importance of "collaboration, respect for mandates, and a shift towards data-driven, aspirational recommendations from the Office." The relationship between the Ombudsperson's Office and the Administration has been collegial and occasional disagreements are always treated thoughtfully, considered carefully, and take place in the context of mutual respect and a shared commitment to improving the University of Toronto.

The Administration is grateful to the Ombudsperson and his Office for their dedication and excellence in service to the University of Toronto and its broad community. The Administration offers its appreciation and thanks to all involved in the preparation of this report and all those involved in the underlying matters noted within it. Finally, the President and Provost extend their sincere gratitude to Professor Emeritus Kidd for agreeing to extend his term as Ombudsperson for another year. We look forward to another year of collegial collaboration towards making the University of Toronto an even more outstanding institution for all members of our community.