

## **Administrative Response to the *Office of the Ombudsperson 2020-21 Annual Report* October 2021**

### **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 *2020-21 Annual Report* is Professor Ellen Hodnett's fourth report as University Ombudsperson.

### **Response**

Professor Hodnett has served the University and its broad community with distinction for six years. Her term as Ombudsperson has been characterized by compassion, sensitivity, institutional knowledge, and a remarkable breadth and depth of expertise. Especially in this unprecedented and difficult year, Professor Hodnett's experience and professionalism have been invaluable. The President, Provost, and U of T Administration are grateful and thank Professor Hodnett for her superlative work in the role of University Ombudsperson.

The *Office of the Ombudsperson 2020-21 Annual Report*, Professor Hodnett's final such Annual Report, reflects many of the challenges COVID-19 visited upon our campuses. Despite reporting fewer new cases overall in the Ombudsperson's Office, Professor Hodnett notes that the number of concerns regarding academic integrity more than doubled over last year. There was also a higher number of concerns about teaching methods, and the general "COVID" sub-category covered a variety of issues that arose when the University community had to adapt, repeatedly, to extraordinary public health challenges and changes in rules, processes, and procedures. COVID-19 tested our community in new ways, and the Administration is grateful to Professor Hodnett for playing an important role in helping our faculty, staff, students, and librarians respond.

Before turning to the recommendations themselves, the Administration wishes to make three general observations.

First, while every complaint is important and deserves individual attention, in a community of well over 120,000 people, it is reassuring that the number of cases the Office of the Ombudsperson handles remains small.

Second, a substantial proportion – 25% – of the new cases received by the Office of the Ombudsperson in 2020-21 were ones in which the Office had 'no jurisdiction'. This is in keeping with recent trends. It is notable and commendable that, even in such cases, the Office continued, when appropriate, to offer advice with compassion and care about where individuals might usefully direct their concerns.

Third, Professor Hodnett observes, with typical perspicacity, that the number of complaints about postings on social media continues to rise. While these complaints are beyond the jurisdiction of the Office, it is a trend the Administration has noted in other areas as well and continues to consider.

The specific recommendations advanced in the *Office of the Ombudsperson 2020-21 Annual Report* are noted below together with the Administration's responses.

**Recommendation 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.***

The Administration accepts this recommendation. The Centre for Learning, Leadership & Culture (LLC) concurs with the need to build better connections—both organic and formal—among PM employees at all levels and across the organization. This group of employees comprises the University's most senior administrators, who, while having informal tables and committees organized around work and functions, require better connection with each other overall. The pandemic has exacerbated the sense of professional disconnection, particularly in smaller Faculties and Departments, which have fewer peer-level colleagues.

Communities of Practice (CoP) are effective networks to foster community and enhance information-sharing among for these employees. The LLC recognizes that creating CoPs requires considerable effort on the part of the employees. To assist this work, the LLC has developed resources with best practices and guidelines for launching and sustaining CoPs. To date, the LLC has already supported the creation of a number of CoPs and will continue to facilitate and encourage these important networks.

The Administration also wishes to note the success of recent efforts to build community through affinity groups such as Conversations & Connections and Queer University of Toronto Employees (QUTE). While these groups are not restricted to PMs, they represent an important venue for PM staff to connect based on identities and interest. They have been successful and are growing in number and scope.

**Recommendation 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.***

The Administration agrees with the importance of effective and clear internal communications strategies and the need to communicate better the array of professional learning offerings that are available, including the Manager's Academy. To that end, the LLC:

- has created a website to act as a single destination for all LLC offerings (<https://ulearn.utoronto.ca/>). This site also highlights upcoming courses and links to the University's Learning Management System (LMS), the platform for staff learning at U of T;
- sends out a bi-monthly newsletter to all appointed staff highlighting learning offerings from across the Division of People Strategy, Equity & Culture (PSEC);
- reaches out to all new managers directly via email to advise them of upcoming dates and encourage registration; and
- is currently developing a people leadership program which will build on the Manager's Academy to ensure that new and existing managers alike will be able to expand their skills in all areas of leading people.

Through the people leadership program, the LLC will foster a culture of development planning among leaders that is built on the common understanding that employee development is a responsibility shared by employees and their managers.

The institutional Equity Office is also developing a digital Equity Hub (to be launched before the end of 2021) to provide a centralized space to share inclusive resources, training opportunities, toolkits, and guides for the tri-campus community. Its News section will highlight new or upcoming equity initiatives at the University as well. The Equity Hub aims to build awareness and capacity in the U of T community, and to promote an inclusive learning and working environment at U of T.

***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.***

The Administration accepts the recommendations regarding policies and practices related to uncivil conduct and harassment. These recommendations align with those made by the Anti-Black Racism Task Force and are consistent with feedback received from both complainants and respondents to the various processes. These processes can be lengthy, are sensitive, and require a high degree of confidentiality. The Administration agrees that it is important to

increase understanding of, access to, and transparency around the complaint resolution process.

To that end, the Division of People Strategy, Equity & Culture (PSEC) has:

- established a dedicated and prominent link on its website (<https://people.utoronto.ca/>) for those seeking support in bringing forward complaints;
- issued a memo to all employees (<https://people.utoronto.ca/memos/supporting-an-inclusive-and-welcoming-community/>) on 8 September 2021 regarding the policy framework to support a workplace that is free from harassment and discrimination, and the process for raising a concern or complaint around civility or harassment. PSEC will reissue this memo regularly to raise awareness; and
- ensured that administrative support staff in divisional and tri-campus Human Resources offices and institutional support units such as the Office of Workplace Investigations will prioritize education to our community and offer dedicated supports for those who engage with our processes.

Lastly, as the Ombudsperson noted in her *Annual Report*, the Committee to Review the Office of the Ombudsperson issued a recommendation that:

On an annual basis, the administration report back progress against each recommendation made in the annual report of the Ombudsperson in a prior year that was adopted by the administration until such a time as implementation of the recommendation has been completed and reported as such.

A table attached as an Appendix to this *Response* lists the Ombudsperson's recommendations that were adopted by the Administration during Professor Hodnett's term, along with an implementation update for each one.

### **Concluding Observations**

The Administration is grateful to the Ombudsperson and her Office for their continuing service to the University of Toronto. As always, the Ombudsperson's *Annual Report* provides an opportunity to examine and address some of the complex and systemic issues at the University. At the same time, it should be emphasized, the Ombudsperson's *Annual Reports* represent only part of the process. The Administration benefits from a collegial and collaborative relationship with the Ombudsperson throughout the year. The Ombudsperson and her team never wait for the *Annual Report* to raise concerns with or advise – or seek advice from – the Administration regarding specific issues. The Office plays a vital role in the community, offering considered, compassionate, and responsive assistance to those who reach out to it, including the Administration itself.

The President and Provost thank the Ombudsperson and her staff for their work on this report and for their dedication to the University of Toronto community.

Finally, the entire Administration congratulates and thanks Professor Hodnett for a truly exemplary term as University Ombudsperson, and looks forward to working with the new Ombudsperson Professor Bruce Kidd in the years to come.

## Appendix – Ombudsperson’s recommendations 2015-16 to 2019-20 and implementation status

Original Recommendation	Update on implementation
<p><b>2015-16</b></p>	
<p>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.</p>	<p>This recommendation was completed under the joint leadership of the Vice-Provost, Academic Programs and the Vice-Provost, Students with the advice of a working group from impacted Faculties. One outcome of the group’s work was the creation of <a href="#">materials to support accessibility for students</a> in lockstep and professional/practice-based programs. Accessibility Services has also established a clinical coaching program using occupational therapists as coaches. Students from any professional program that has a practicum placement may be referred for coaching. In consultation with the AODA Office, the Faculty of Information sciences hired an Educational Developer to assist with FIS faculty’s understanding of UDL in course design. Ongoing work will continue through implementation of the recommendations of the <a href="#">Task Force on Student Mental Health</a>.</p>
<p>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.</p>	<p>The School of Graduate Studies completed a project on <a href="#">time-to-completion</a>, with transparency of data a major goal in order to advance consistency across departments and divisions. The <a href="#">Tri-Campus Review</a>, and its Student Services pillar in particular, also included this recommendation to ensure more consistency and accountability across the three campuses. And the Office of Vice-Provost, Students undertook minor but necessary changes to the <i>Code of Student Conduct</i> in this regard.</p>
<p>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</p>	<p>For UTQAP reviews, a prompt to external reviewers now asks about program accessibility; for creation of new programs or modifications to existing programs, a similar prompt asks about <a href="#">universal design</a>, which aims to increase accessibility by reducing barriers to learning. The Dean’s administrative response to external reviews must indicate how any concerns from reviewers will be addressed. Read more about the <a href="#">UTQAP process</a>.</p>

<p>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.</p>	
<p>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.</p>	<p>The <a href="#">University Mandated Leave of Absence Policy (UMLAP)</a> was created in 2018 in response to this recommendation by the Ombudsperson. That policy is currently undergoing periodic review.</p>
<p>5. 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.</p>	<p>A review of the process for interim measures and interim conditions (i.e., including ‘trespass orders’) was undertaken by the Office of Safety and High-Risk within the portfolio of the Vice-President, People Strategy, Equity &amp; Culture (PSEC). Since that time, new processes and procedures have been in development. PSEC will share details of any updated process with the Office by the end of October 2021 at the latest.</p>
<b>2016-17</b>	
<p>No new systemic issues were identified, and thus no recommendations were made.</p>	<p>N/A</p>
<b>2017-18</b>	
<p>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</p>	<p>The University’s processes for responding to informal or formal complaints related to civility, bullying, harassment, professional misconduct, etc. are currently under review by the PSEC portfolio, with the goal of making the processes clearer to all parties. Interim measures during investigations take into account risks to all parties involved, and safety planning, administrative leaves, and academic measures are</p>

<p>investigation (which can take many months) is undertaken. I recommend that the University implement measures to protect the students from real or perceived threats while the investigation is under way. I am also concerned about the need for complaints of this nature to be responded to in an expeditious fashion, given the impact on all parties, and students in particular. There may be ways to make the process more efficient. When an investigation into serious, complex issues is launched at the request of the Ombudsperson, it would be helpful if s/he were provided with the terms of reference given to the investigator, as well as regular progress updates.</p>	<p>some of the tools available to those conducting reviews. While all reasonable efforts are made to advance investigations as speedily as possible, the need to interview individuals and provide complainants with time to prepare materials, among other principles of fairness, can result in extended processes. Efforts are made to provide the Ombudsperson's Office with updates when asked or when there are unanticipated delays.</p>
<p>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.</p>	<p>This recommendation was relayed to and discussed with Campus Safety leadership.</p>
<p>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).</p>	<p>This recommendation was implemented with the completion of the Tri-Campus Review's Graduate Unit pillar, which issued its <a href="#">final report</a> last year. Currently underway is a project to develop agreements for tri-campus graduate departments that will deliver greater clarity on policies across the three campuses.</p>
<b>2018-19</b>	
<p>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.</p>	<p>All parties to such investigations are recused from participating in preparation and review of the report. An institutional office (typically the Workplace Investigations Office) now writes the summary of findings in an investigation.</p>
<p>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</p>	<p>A review of the <a href="#">University Mandated Leave of Absence Policy</a> is being conducted this year and will consider this issue for students on this type of leave, as well as the role of voluntary leaves for undergraduate students. While the University often</p>

<p>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.</p>	<p>maintains access to certain services while students are on mandated leaves, it would be difficult to do this for all students on leave while also meeting the needs of enrolled students, in part due to the nature of fee-funded student services at U of T.</p>
<p>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.</p>	<p>This recommendation was implemented with the School of Graduate Studies' <a href="#">Healthy Labs Initiative</a>, which released a final report last year. Currently underway is the implementation of all eight core recommendations.</p>
<b>2019-20</b>	
<p>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.</p>	<p>A review of all divisional websites' coverage of academic appeals processes (both graduate and undergraduate) was undertaken in 2020-21, and follow-ups were made with divisions whose websites lacked vital information. SGS has notified all Graduate Chairs of the need to update their websites with graduate appeals information. A review of compliance is underway this fall, followed by a training session on appeals processes for Graduate Chairs in November.</p>
<p>2. Every academic unit and campus resource should set up a system to regularly run a tool which identifies broken website links.</p>	<p>Divisions and many departments maintain their own websites. As such, the Provost shared this recommendation with U of T Communications and ITS (for promotion through their professional communities of practice) as well as with senior divisional and departmental leadership.</p>
<p>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.</p>	<p>The Provost shared this recommendation with Principals and Deans at a P&amp;D meeting and recommended that academic divisions and campuses focus on internal communications to make information easier to find, particularly for students.</p>