



# ANNUAL REPORT

## 2015-16



UNIVERSITY OF  
**TORONTO**

**OFFICE OF THE  
OMBUDSPERSON**

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## **Executive Summary**

The University Ombudsperson is appointed by Governing Council under Terms of Reference established by that body, 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, and 2) to alert Governing Council and the University administration to those issues of broader significance (systemic issues) that merit review.

The total caseload in 2015-16 (n=316) was very similar in size to the previous year (n=314). The majority of students, nearly all administrative staff, and all faculty members who contacted the Office for assistance were from the St. George campus. By far the most complex cases involved students with mental health disabilities.

Two systemic issues were identified: the application of policies and guidelines in regard to students with mental health disabilities, and communication. Three inter-related themes permeate the recommendations: accessibility, accountability, and transparency. Disparities and inconsistencies across academic divisions exist, in the application of both University policies and Ontario human rights guidelines in dealings with those who have mental health disabilities. Included in the Report are four recommendations aimed at ensuring that existing and future academic programs are designed to acknowledge the rights of those with mental health disabilities to equitable treatment. Additional recommendations address the goal of improved communication in two administrative areas involving University administration and the Office of the Ombudsperson.

An important challenge for 2016-17 will be to increase the awareness of and use of Ombudsperson services by those who are on the University of Toronto Mississauga and University of Toronto Scarborough campuses.

## Introduction

In October 1975, Governing Council established the Office of the University Ombudsperson, including its Terms of Reference, and 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. The Office is staffed by a full-time Assistant Ombudsperson and two part-time staff, the Ombudsperson and an assistant.

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 respond to 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 approved 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 recommendation, but all decisions remain in the hands of the University administration.<sup>1</sup>

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<sup>1</sup> For more information about the work of the Office, and the approved Terms of Reference for the University Ombudsperson, visit [www.ombudsperson.utoronto.ca](http://www.ombudsperson.utoronto.ca)

This Report to Governing Council covers my first year as University Ombudsperson. The report is presented in three sections:

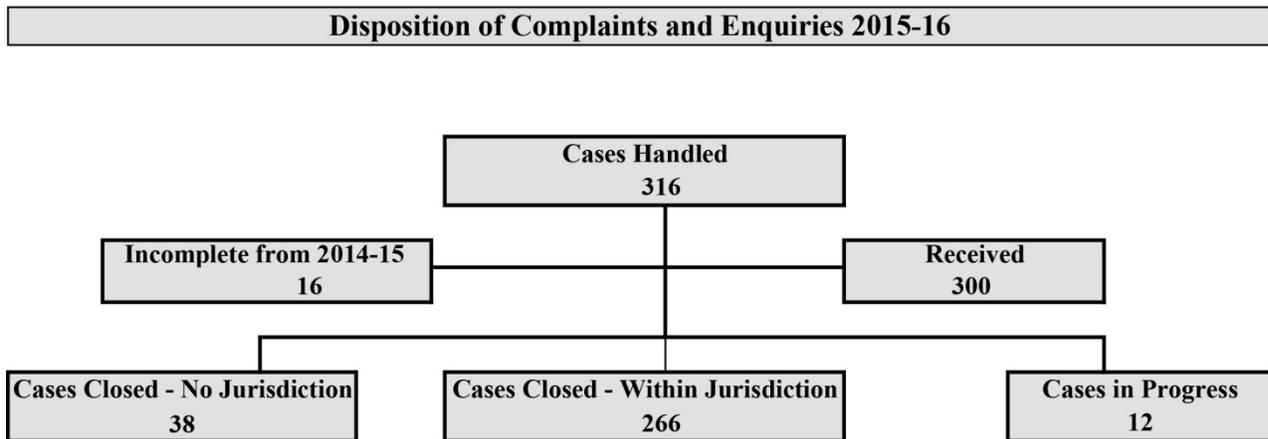
- I. Who sought our assistance, and why they came;
- II. Systemic issues and recommendations; and
- III. Other activities of the Office, both internal and external, and plans for 2016-17.

## **I. Who Sought Our Assistance, and Why They Came**

In order to give a picture of the workload of the Office, part of this section refers to the Office's total caseload in 2015-16, i.e. both new and continuing cases. In order to enable tracking of trends in issues over time, another part of this section refers only to new cases opened during the year.

Figure 1 shows the disposition of all cases and inquiries in 2015-16. The Office dealt with 316 complainants: 300 new and 16 in progress from the previous year. Our total was very similar to the 314 cases handled by the Office in 2014-15. Initial contacts were made by email or submission of the online request for assistance form in 89% of cases, a substantial increase from 70% in the previous year. In contrast, initial contacts by telephone were made in only 8% of cases, compared to 24% in the previous year. By June 30 the Office had closed 304 cases, leaving 12 in progress.

Figure 1



Cases over which the Office had no jurisdiction included the following: admissions inquiries, employment seekers, complaints by students at other universities, third party complaints, and complaints about student societies or other student groups.

Table 1 shows our total caseload (new and continuing) by constituency.

**Table 1 – Caseload by Constituency 2015-16**

<b>Constituency</b>	<b>N</b>
Undergraduate	124
Graduate	86
Administrative	30
Academic	16
Alumni	3
Miscellaneous	57
<b>Total</b>	<b>316</b>

The following section describes the students who contacted or continued contact with the Office during 2015-16, and the reasons why they did.

**Undergraduate students.** Of the 124 undergraduate students, 51 were from Arts & Sciences, 21 from the University of Toronto Mississauga, 8 from the University of Toronto Scarborough, 5 from Applied Science and Engineering, 4 from Dentistry, 2 from Law, 2 from Medicine, and 1 each from Architecture, Landscape, and Design, Nursing, Pharmacy, Continuing Education, and the Toronto School of Theology. The remaining 26 did not identify their academic unit.

**Graduate students.** Among the 86 graduate students, 7 were from Division I (Humanities), 38 from Division II (Social Sciences), 9 from Division III (Physical Sciences), 19 from Division IV (Life Sciences), 2 from the Toronto School of Theology, and 11 did not disclose their academic unit. The complainants came from a wide variety of academic units within the four Divisions. No graduate department within a Division was represented by more than three students. However, 30 of the 86 (34.5%) graduate student complainants were from OISE. To put this into perspective, in 2014-15, total graduate enrolment in the University of Toronto was 15650, of whom 1920 (12.3%) were OISE students ([http://www.provost.utoronto.ca/Assets/Provost+Digital+Assets/Enrolment2014\\_15.pdf](http://www.provost.utoronto.ca/Assets/Provost+Digital+Assets/Enrolment2014_15.pdf)).

In the next section, Table 2 refers to new cases only. It shows the reasons students gave for seeking our assistance during 2015-16. (Describing new cases only will allow us to track trends in the coming years.) Nearly all complainants brought a single issue to our attention. Three undergraduate and seven graduate students brought two issues to the Office, one undergraduate and one graduate student brought three issues, and one graduate student brought 5 issues.

**Table 2 – Types of issues brought to us by students (New Cases Only)**

<b>Type of Issue</b>	<b>Undergraduate*</b>	<b>Graduate*</b>
Academic (grading, exams, course work)	61	40
Academic integrity	10	1
Student conduct	0	1
Administrative (internships, enrolment, credit transfer)	11	6
Employment in student organization	3	0
Safety in laboratory	0	1
Harassment/discrimination	4	3
Graduate supervision	n/a	13
Campus life (i.e.: residence, athletics, etc.)	9	1
Fees/financial aid	18	14
Transfer/admission to another department	2	0
Privacy	1	0
Miscellaneous (includes complaints about student societies, allegedly offensive posters, outside vendors, staff behaviour, student washroom)	8	12

\*The table does not include students who contacted the Office in 2014-15 and whose cases we carried forward into 2015-16. Of the latter, there were 5 undergraduate students who brought 6 issues: academic (n=4), academic integrity (n=1), and administrative (n=1). The 7 graduate students whose cases were carried forward were dispersed among fees/financial aid, academic issues, graduate supervision, and miscellaneous.

The following paragraphs describe in sequence, the administrative staff, faculty members, alumni, and miscellaneous individuals who contacted the Office.

**Administrative Staff.** Twenty-eight of the 30 administrative staff members who contacted the Office were from the St. George Campus, and 1 each were from UTSC and UTM. Their reasons for contacting us included: issues with their supervisor; lack of support from their union representative; concerns that intersect with the Civility Guidelines; termination of employment; lack of advancement or promotion opportunities; and a desire to make an anonymous complaint about how a department was being managed.

**Faculty members.** All 16 faculty members who contacted the Office were from the St. George Campus. Their reasons for contacting us included: how to deal with an issue involving a student; working conditions; promotion and advancement; and conflict with a senior administrator.

**Alumni and miscellaneous.** Other issues included complaints about admissions decisions, about services offered to the community by professional programs, and how to have “no trespass” orders rescinded.

In addition, the Office did not open cases but did have two contacts from Ombudsman Ontario. One concerned a “no trespass” order issued to a person not within the Office’s jurisdiction, and the issue was handled by a senior administrator. The other concerned a graduate student who had not been through the appropriate channels within the University; the Office provided Ombudsman Ontario with information about the appropriate channels for the student to follow.

Table 3 summarizes the types of assistance the Office provided.

**Table 3 – Caseload by Assistance Provided  
July 1, 2015-June 30, 2016  
(For 304 Cases Closed by June 30, 2016)**

Type of Assistance*	N (%)
Referral	254 (84)
Information	240 (79)
Meetings with complainant	78 (26)
Contacted Persons/Offices	47 (15)
None (No Show/Cancellation)	32 (10)
Mediation	0 (0)
Opened an investigation	0 (0)

\*More than one type of assistance was provided in many cases.

## Accommodations for Mental Health Issues

Of course numbers alone, or categories of issues, do not tell the full story. Mental health issues were underlying or complicating the most complex and problematic concerns brought to the Office. Twenty-six complainants disclosed that they were registered with Accessibility Services for a mental health challenge, and accommodations (or the perceived lack thereof) were important contributing factors in their complaints. Several such cases consumed the most time for the Office and the many administrative staff involved. More importantly, they illustrated wide disparities across academic units, in the application of policies and guidelines about accessibility. They also posed ethical problems in professional programs which prepare graduates to work with vulnerable populations. This systemic issue underlies several recommendations in the second part of this Report.

Mental health problems are not visible disabilities, but they are disabilities nonetheless. We observed wide variations in the readiness of academic units to make accommodations recommended by Accessibility Services, for students with mental health challenges.

It was disturbing, and apparently contrary to the Ontarians with Disabilities Act (<https://www.ontario.ca/laws/statute/01o32#BK10>) and the Ontario Human Rights Commission's *Policy and Guidelines on Disability and the Duty to Accommodate* (<http://www.ohrc.on.ca/en/policy-and-guidelines-disability-and-duty-accommodate>), to find that an academic program had a history of refusing to make all but the most minimal accommodations, even after many meetings with disability and legal experts within the University, and instead encouraged the students to withdraw from the program. One student was aware that he could have taken his case to either the Ontario Human Rights Tribunal or Ombudsman Ontario. After careful consideration of the time and energy involved, and the psychological costs of prolonging his fight, he decided to withdraw from the program. We do not know how many other students within

this academic unit or across the University withdrew for similar reasons, but had not contacted the Office.

It was equally disturbing to observe situations in which University policies and regulations were ignored, in favour of providing what appeared to be excessive accommodations to students whose clinical work or behaviour during the program had already posed risks to her/his peers and after graduation could pose serious risk to vulnerable clients. For example, consistent adherence to the School of Graduate Studies policies regarding program extensions and leaves of absence would benefit both the individuals involved as well as the larger communities (both within and outside the University). There should always be room for exceptions, of course, but these should be well-justified and documented.

## **Summary**

The statistics for 2015-16 are similar to those of the previous year, both in raw numbers and in the relative proportions of each constituency. However, a much higher proportion of initial contacts were made by email or by the submission of the online form rather than telephone. The cases over which the Office had no jurisdiction included the following: admissions inquiries, employment seekers, complaints by students at other universities, and complaints about student societies or other student groups. The great majority of complainants were from the St. George campus, which raises questions about awareness of and perceived accessibility of Ombudsperson services.

## **II. Systemic Issues and Recommendations**

Two systemic issues were identified: the application of policies and guidelines in regard to students with mental health disabilities, and communication. Three

inter-related themes permeate the recommendations: *accessibility, accountability, and transparency.*

## **Mental Health Disabilities**

The uneven and inequitable application of guidelines and policies in regard to accessibility for persons with mental health challenges leads to the following recommendations:

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(ies).

## **Communication**

Two improvements to communication would improve transparency and accountability to Governing Council and the University community at large:

1. During the past year when I met with the Governing Council and the two Campus Councils, a question frequently arose about what progress had been made in implementing the previous year's recommendations. (I had also heard Governors ask the same question, during my years on Governing Council.) Any response to such a question quite properly falls within the purview of the University administration, not the Ombudsperson. 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.
2. 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. I realize that privacy issues will prohibit detailed disclosure in some cases, but a brief description of the process will help the Office to respond to complainants who state they are unaware of the reasons for and/or unaware of how to request that the order be rescinded, and it will help to ensure appropriate levels of transparency and accountability in the process.

### **III. Activities of the Office**

The final section of this Report contains a description of the Office's internal and external activities to improve functions and to communicate to stakeholders, and concludes with the Office's plans for 2016-17.

#### **Internal Activities**

##### **Within the Office**

We made great strides in moving to a paperless office, by having all cases filed securely in electronic format. Electronic files are much easier to search, and thus improved efficiency as well.

The Office instituted a practice of routine follow-up emails to complainants in situations in which we were unsure whether the issue they brought to us had been resolved. The practice proved to be extremely useful, in that in several instances we became aware of the need for additional assistance, and the complainants were grateful we had shown interest.

I requested and obtained a safety audit of our premises and standard methods of operating, at which recommendations were made and implemented to improve the safety of our staff. It was also an opportunity to improve the accessibility of our services. As a consequence, the Office discontinued "drop in" visits from

complainants, and restricted face-to-face appointments to days and times when two staff members would be present in the suite.

### **Outreach to the University Community**

I spoke at Campus Council meetings at UTSC and UTM, to introduce myself, to review the mandate of the Office, and to invite questions and suggestions.

The Assistant Ombudsperson and I hosted a booth at the School of Graduate Studies' Graduate Orientation in the Fall, and another one at Campus Services Expo (for St. George Campus staff) in the Spring.

With the support of Lucy Fromowitz and staff in the Office of Student Life, we developed "Just in Time" slides advertising the work of the Office, which were broadcast at various points and selected times on the St. George, UTSC and UTM campuses. The slides are in Appendix 1.

The Assistant Ombudsperson and/or I had meetings with a number of key members of the University administration, including the University Registrar; the Director of Student Life; the Director of Accessibility Services; the Director of High Risk Matters; the Vice-Provost Academic and Faculty; the Vice-Provost Students; the Vice-President and Provost; members of the Campus Police; the Director of the School of Graduate Studies Conflict Resolution Centre; as well as members of the Graduate Students Union Academic Advocates, and Students for Barrier-Free Access.

We made an effort to improve accessibility to our services, particularly for those at UTM and UTSC, as well as those with disabilities or other challenges in coming for face-to-face meetings. After consultation with the FIPP Office, we advertised and implemented the option of conducting interviews via Skype video calls.

The Assistant to the Ombudsperson performed ongoing monitoring of academic unit websites, to ascertain whether links to our services were provided for students, faculty and staff, with follow-up emails to units which did not have the links.

The Office distributed over 4500 promotional materials (bookmarks, cardholders, brochures) at the various fairs, Campus Council meetings, and through student organizations. The Office advertised in student newspapers and e-news publications on the three campuses. Paid advertisements were also placed in the UTSU Student Handbook (17,000 copies.)

Links on academic unit websites, “Just in Time” slides, informational meetings with student advocacy groups who can spread the word about our services, presentations at Campus Council meetings, and other measures to reach the right people at the right time, are free of charge, but more importantly, are consistent with effective evidence-based outreach strategies. With that in mind, the Office began phasing out paid advertisements in internal publications (paper and electronic) of student organizations, as well as participation in those Orientation fairs, for which substantial fees are charged.

## **External Activities**

As of January 2016, Bill 8 expanded the mandate of the Ombudsman Ontario, and universities and colleges became part of its expanded mandate. At the invitation of the Council of Ontario Universities (COU), I gave a presentation and participated in a panel discussion at a meeting of Ombudsman Ontario staff and COU Ombuds staff in October, 2015, as part of a session to prepare for the new role of Ombudsman Ontario. Subsequent discussions with the University administration resulted in the decision that the Office of the Ombudsperson would become the initial point of contact for any inquiries from Ombudsman Ontario. However, the Office’s Terms of Reference will remain unchanged. Thus

the Office's role in inquiries that are outside its jurisdiction will be limited to referral to the appropriate University administrator.

The Office also participated actively in the Association of Canadian Colleges and University Ombudspersons (ACCUO), through its listserv, through the Assistant Ombudsperson's attendance at its mid-year meeting in Toronto and my participation in its annual general meeting.

### **Plans for 2016-17**

Using social media for outreach can be an effective low cost approach to reach large groups of people and enable timely messaging. In 2016-17, the Office will test the use of Twitter to reach our community.

The Office will continue to reach out to opinion leaders, student leaders, student advocates, Accessibility Services, the SGS Office of Student-Supervisor Conflict Resolution, and other formal and informal leaders in the University community, to promote our services. Anecdotal evidence continues to suggest that some groups, particularly PhD students, are reluctant to contact the Office, because of fear of retribution. While the Office ensures confidentiality, the realities of the power relationship between doctoral student and supervisor (which will extend well after the student graduates) lead to understandable reluctance in reporting abuses, and there are no easy solutions. In the few instances in which students have come forward, their concerns have been handled with great care by senior administration.

It remains an ongoing challenge, to reach administrative staff and faculty on the UTSC and UTM campuses. The Office will continue to seek advice regarding effective outreach strategies. With the availability of Skype for interviews, geography should not play a role.

## **Acknowledgements**

The Office could not function without the exceptional work of the Assistant Ombudsperson, Garvin De Four, and the Assistant to the Ombudsperson, Stephanie Ellul, whose outstanding efforts embody the principles of fairness, confidentiality, and respect.

We are very grateful to the members of the Administration (senior administrators and staff), nearly all of whom responded to our requests with goodwill, alacrity, and an obvious desire to help.

## APPENDIX 1: “Just in Time” Slides

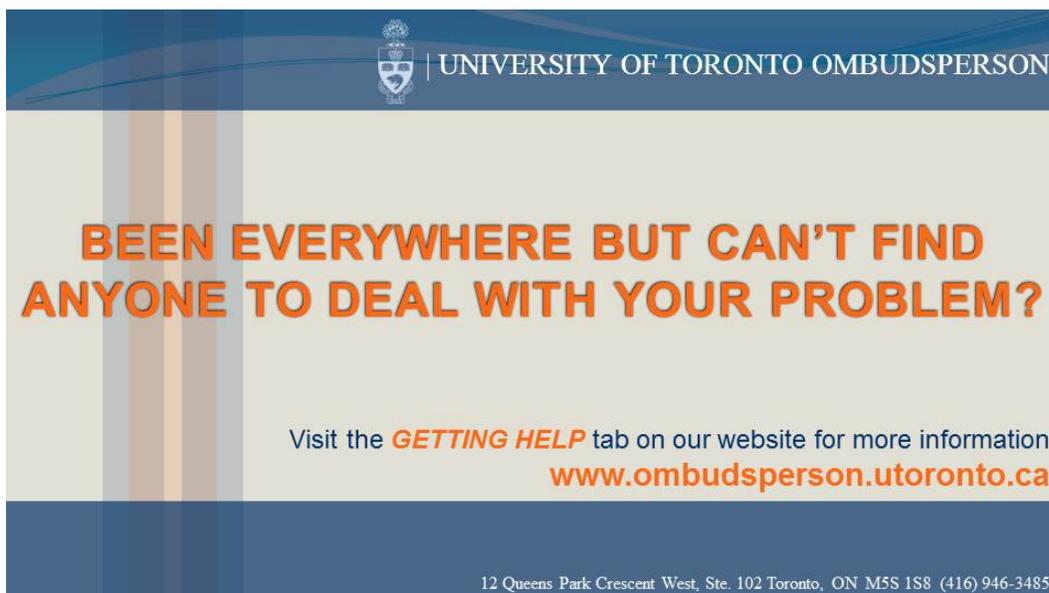


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