



University of Toronto
Office of the Ombudsperson

Report of the University Ombudsperson to the Governing Council
For the period July 1, 2000 to June 30, 2001

To request an official copy of this policy, contact:

Office of the Ombudsperson
222 College Street, Suite 161
University of Toronto
Toronto, Ontario M5T 3J1

(The Office is located inside the
Fields Institute for Research in
Mathematical Sciences)

Phone: (416) 978-4874
Fax: (416) 978-3439

<mailto:ombuds.person@utoronto.ca>

Website: <http://www.utoronto.ca/ombudsperson/>

Table of Contents

SUMMARY.....	4
INTRODUCTION	6
I. OFFICE OPERATIONS AND RESOURCES.....	6
1. End-of-Term Review	6
2. Terms of Reference, Mandate and Operations	6
(a) Interim reports:.....	7
(b) Consulting committee to the Ombudsperson:.....	7
(c) Ombudsperson's term of office and a mid-term operational review:	8
(d) Provision of information and advice:.....	8
3. Appointment and staff Resources	8
4. The Review Process.....	9
5. Focus of the Office, Caseload and Case Management.....	9
(a) Information booklets:.....	10
(b) Telephone information system:.....	10
(c) Web site:.....	10
(d) The role of the consulting committee in outreach:	11
(e) Professional development:.....	11
II. CASES AND ISSUES	12
1. Constituency Groups.....	12
2. Action Taken	13
(a) "No Jurisdiction" cases:.....	13
(b) "No Action Required" cases:.....	13
(c) "Information" cases:.....	14
(d) "Expedited" and "Resolved" cases:.....	14
3. Follow-Up to Previous Annual Reports.....	15
(a) Graduate Students' Supervision:	15
(b) Timeliness: Petitions, Appeals and Code of Behaviour on Academic Matters:	17
4. International Students	17
5. Assessment in Clinical and Field Settings.....	18
6. Admissions Appeals Process	18
7. Admission Restricted to Part-Time Student Status	18
III. CONCLUDING REMARKS.....	19
IV. ACKNOWLEDGMENTS.....	19
APPENDIX A	
Terms of Reference for the Office of the University Ombudsperson (1998).....	20
Status/Authority	20
Mandate.....	20
Investigations	20
Findings/Reports.....	20
Relationship with Other University Activities and Services	21
Files	21

U n o f f i c i a l C o p y

Review/Appointment.....21

APPENDIX B

Terms of Reference for the Office of the University Ombudsperson (2001)....22

 Status/Authority22

 Mandate.....22

 Investigations.....22

 Findings/Reports.....23

 Relationship with Other University Activities and Services23

 Files23

 Review/Appointment.....23

APPENDIX C24

 Table 1 Number Of Cases By Year24

 Table 2 Analysis Of Caseload By Action Taken & Staff Resources24

 Table 3 Analysis Of Caseload By Constituency.....25

U n o f f i c i a l C o p y

SUMMARY

Introduction (pages 1 - 3): Our central mandate at the Office of the University Ombudsperson is to seek early resolution of individual issues which are brought to our attention by students, staff or faculty members of the University, and to call attention to patterns of problems that might be developing across various divisions. The recent report of the Governing Council's Committee on the Office of the University Ombudsperson highlighted the importance of this mandate with its series of recommendations, and its restoration of the position of Ombudsperson to full-time status.

Committee on the Office of the University Ombudsperson Report (pages 3 - 6): The Committee recommended that the Office increase its profile at the Mississauga and Scarborough campuses where significant enrollment expansion is anticipated over the next few years. The Committee emphasized the importance of the Office's early involvement in complex issues with its recommendations related to the Office's provision of information about process, and to the Office's facilitation and expedition of that process toward conflict resolution. The Committee anticipates that the Office's effectiveness and efficiency can also be increased through special interim reports to the Governing Council by the Ombudsperson, whenever necessary, and through the participation of a consulting committee to the Ombudsperson on operational issues, whenever appropriate.

Caseload and Case Management (pages 6 - 11): The Office of the Ombudsperson handled 358 complaints and inquiries this year, representing a 7% increase over last year, and a 26% increase over the previous year. The number of undergraduate and graduate students who approached the Office for assistance was similar this year compared to last year. The number of administrative and academic staff members increased. We are introducing numerous changes to our information collection and database management to more effectively identify potential gaps in service and any deficiencies in policy/procedural implementation across the campuses, divisions and departments. We anticipate that our new reporting format will better demonstrate the demand for, and performance of, this Office.

Action Taken (pages 11 - 15): A summary of some of the "expedited" and "resolved" cases highlights the Office's success in facilitating conflict resolution through early involvement and consultation with responsive faculty and staff.

Recommendations:

- (1) That the School of Graduate Studies provide an update to the information included in last year's Administrative Response regarding its progress with the administration of the HEDS and 'exit' surveys and the gathering and analysis of important new information about students' graduate experience at the University of Toronto.
- (2) That for the purposes of the Administrative Response this year, the Provost's Office include an update to the information it provided last year regarding the matter of students' evaluation of graduate student teaching and supervision within the context of proposed changes to the "Guidelines for the Assessment of Teaching Effectiveness in Promotion and Tenure Decisions."
- (3): That the Provost's Office provide an update to the information included in last year's Administrative Response about its proposed divisional review, analysis of administrative resources, and consideration of feasibility of timeliness guidelines with respect to the administration of the Code of Behaviour on Academic Matters and the petition process.

Additional Areas of Concern (pages 18 - 20):

- (4) International students: This Report highlights the importance of the University's communication and referral network about academic and social support resources available on campus.

U n o f f i c i a l C o p y

- (5) **Assessment in Clinical and Field Settings:** This Report highlights the importance of clear communication by departments and programs of their practicum requirements, rules and regulations including appeal mechanisms to students and to clinical and field instructors.
- (6) **Admissions Appeals Process:** This Report highlights the importance of clear communication by departments and programs to prospective students about admissions requirements including experiential and academic equivalencies.
- (7) **Admission Restricted to Part-time Student Status:** The Office will give further consideration to this issue through ongoing consultation with the administration.

Conclusion (pages 20 - 21): This Report highlights a few areas of University policy and procedure where improvement is needed, and others where improvement is occurring. The good will, information and advice that so many individuals from the University community continue to provide is vital to the accomplishment of the Office's mandate.

U n o f f i c i a l C o p y

Report of the University Ombudsperson to the Governing Council For the period July 1, 2000 to June 30, 2001

INTRODUCTION

This annual report covers the period from July 1, 2000, to June 30, 2001. The report provides a statistical summary of the caseload for the year as well as comparisons with the previous three years, updates issues discussed in previous reports and highlights specific cases and issues from this year that warrant attention or comment.

The Terms of Reference of the University of Toronto Ombudsperson, 1998 (Appendix A), and revised in April, 2001 (Appendix B), give the Ombudsperson the responsibility to investigate, in an impartial fashion, complaints made by students or members of the teaching or administrative staffs against the University or against anyone in the University exercising authority and to bring to the University's attention any gaps and inadequacies in existing policies and procedures.

The Office is funded by the University and the Ombudsperson reports directly to the Governing Council. Because we offer complete confidentiality, operate from a perspective of impartiality and are accessible to all members of the University community, we are uniquely positioned to call attention to patterns of problems that might be developing across various divisions and to seek early resolution of issues that might otherwise not have been apparent.

The Terms of Reference require that the Office "make an annual report to the University community through the Governing Council." This mandate is evidence of the University's resolve to address shortfalls in policies and procedures. For a number of years, the Governing Council has required a formal administrative response to the annual report of the Ombudsperson, thus promoting openness and accountability in dealing with issues and taking a collective responsibility for their resolution.

I. OFFICE OPERATIONS AND RESOURCES

1. End-of-Term Review

Coinciding with the end of my term on June 30, 2001, and in accordance with the Terms of Reference (1998 - Appendix A), the Office of the University Ombudsperson underwent a review of its mandate and operations this past year. The Committee on the Office of the Ombudsperson ("the Committee") was established by the Governing Council in February, 2001, and was directed by the Governing Council to review the Terms of Reference for the Office as well as the effectiveness of the Office's operations, and to make a recommendation as to the appointment of the Ombudsperson, effective July 1, 2001.

The Committee's membership was drawn from the Governing Council and included representatives from the teaching staff, administrative staff, alumni, students and government appointees to the Governing Council. The Chair of the Committee was Mrs. Mary Anne Chambers, Vice-Chair of the Governing Council. The Committee's Report and recommendations, including the Committee's proposed revisions to the Terms of Reference for the Office, were considered and approved by the Governing Council at its meeting of May 31st., 2001. The complete report is available on both the Governing Council's Web site and the Office of the Ombudsperson's Web site.

2. Terms of Reference, Mandate and Operations

In its review of the Terms of Reference, the Committee agreed unanimously that the Ombudsperson should remain accountable only to the Governing Council and independent of all administrative structures of the University. I have appended to this Annual Report both the previous Terms of Reference, approved in 1998 (Appendix A), and the recently revised Terms of Reference, approved in May of 2001 (Appendix B). The Committee proposed changes in three areas of the Office's mandate and operations which were subsequently approved by the Governing Council. In the following sections, "2(a)" through "2(d)", of this report, I offer additional comments related to this Office's implementation of the Committee's recommendations and suggestions.

U
n
o
f
f
i
c
i
a
l
C
o
p
y

One area of change approved by the Governing Council concerned the administration's response to the findings and recommendations of the Ombudsperson's Annual Report. It should be noted that the University of Toronto is unusual amongst its North American peers in that the administration provides an Administrative Response to the Ombudsperson's Annual Report, and that both documents are considered by the Governing Council at the same time. This measure of accountability received very favourable comment by the Ombudspersons from other institutions whom the Committee consulted as part of its review. However, the Committee observed that there had been recurring items in the Ombudspersons' Annual Reports, and recurring commitments in the Administrative Responses to addressing these issues over time. Consequently, the Committee recommended that the Ombudsperson implement appropriate follow-up measures on behalf of the Governing Council and specified that these might include Interim Reports by the Ombudsperson to the Governing Council, and the establishment of an advisory/consulting committee to the Ombudsperson.

(a) Interim reports:

Section 11 of the Terms of Reference provides that:

The Ombudsperson shall make an annual report to the University community through the Governing Council, and such other special reports as may be required from time to time by the Governing Council.

With respect to section 11, the Committee's Report included the recommendation that:

"a process be established for the Governing Council to follow up on the outcome of recommendations made in the Annual Report of the University Ombudsperson and the administrative responses to the recommendations. Such a process could include an Interim Report of the Ombudsperson to the Governing Council, if deemed necessary by the Ombudsperson, in addition to the existing provision in the terms of reference concerning special reports."

In response to this recommendation, this Office will undertake to provide interim reports to the Governing Council in the event of any specific issues arising which, by their nature, require more immediate attention than could be provided through the publication of the subsequent Annual Report.

(b) Consulting committee to the Ombudsperson:

The Committee also recommended the establishment of an advisory/consulting committee to the Ombudsperson:

"which includes, but is not limited to, representatives from the Office of the Vice-President and Provost, the Equity Offices, the Office of Student Affairs, the School of Graduate Studies, the Association of Part-time Undergraduate Students (APUS), the Students' Administrative Council (SAC), and the Graduate Students' Union (GSU), that would meet at the call of the Ombudsperson."

At the moment, I consult on an individual basis with a number of these representatives on case-related issues. I envision that this Office's use of such a collective resource in the immediate term will continue involving individual or small-group consultation and help in addressing any specific issues arising which, by their nature, require more immediate attention than could be provided through the publication of the next Annual Report. Given the Ombudsperson's mandate of confidentiality, neutrality and independence, the membership of any advisory/consulting committees would not be involved in any of the actual casework of the Office, but rather in facilitating certain changes referred to in the Annual Reports and Administrative Responses. Over the longer term, I anticipate that these representatives will be tapped as a larger collective resource to provide advice to the Ombudsperson in preparation for the Governing Council's mid-term operational review of the Office.

U
n
o
f
f
i
c
i
a
l
C
o
p
y

(c) Ombudsperson's term of office and a mid-term operational review:

The incorporation of a mid-term review in the recently revised Terms of Reference accompanies the Governing Council's amendment to the minimum term to be served by the Ombudsperson, which was increased from three years to five years. The Committee's Report includes two recommendations as follows:

"...in addition to the annual performance review of the Ombudsperson, the Office should be reviewed in the middle of the term, as well as coincident with the end of the incumbent's term as specified in the Terms of Reference.

The Committee recommends that the normal term of the Ombudsperson be five years, with the possibility of reappointment for two additional terms, to a maximum of fifteen years."

As mentioned in section "2(b)", I anticipate that timely involvement for a broad-based, advisory committee for the Ombudsperson's consultation would be toward the mid-point of the Ombudsperson's term in preparation for the Governing Council's mid-term operational review of the Office.

(d) Provision of information and advice:

Another major area of revision to the Terms of Reference involves the Governing Council's clarification of the Office's role with respect to the provision of information. The Committee's conclusion as the result of its deliberations was that the Ombudsperson's role with respect to the provision of information was: "to explore and advise on possibilities for further action where the response by other University offices has not been sufficient."

According to the Committee's Report, significant discussion during the course of its review centered around the issue of whether the Ombudsperson should remain the 'court of last resort', or whether the Office should become involved earlier in complex situations. The Committee's survey of 'best practices' at other Universities revealed a range of approaches unique to each institution's history, culture and experience with Ombudsperson Offices and other dispute resolution services and processes. The Committee was advised by other Ombudspersons that the provision of information about process was one of their key roles. It has been the experience of this Office, as I advised the Committee, that individuals often approach us before they have exhausted the avenues of appeal open to them, because they do not know what courses of action are available, and/or how best to pursue them.

The revised Terms of Reference now indicate that the role of the University of Toronto's Office of the Ombudsperson is:

"ensuring that information on proper University procedures for problem resolution is provided and distributed as broadly as possible throughout the University community, and that clients understand their routes of access to this information; informing clients about appropriate processes available to them within the context of specific complaints, and providing information on the appropriate kind of supporting documentation; expediting the process toward conflict resolution; and investigating only after attempts at resolution through existing administrative channels have been concluded."

3. Appointment and staff Resources

The Governing Council last reviewed the resource support of the Office in June, 1996, when the staff resources totalled 2.6 full time equivalency (f.t.e.) with a base budget of \$190,000. Following that review, the Office was reduced to a part-time service. This year, having received a number of submissions by interested parties from across the campus, the Committee concluded that the position of Ombudsperson should be restored to full-time.

In reaching its decision, the Committee recognized the importance of a number of factors including: accessibility to the Ombudsperson encompassing availability (time in the office), awareness of the Office (across all three campuses), and responsiveness (after the initial contact is made); the complexity of some

UNOFFICIAL COPY

cases, and the significant enrollment increases forecast within the next five years, and particularly at the Mississauga and Scarborough campuses.

Based on the Committee's recommendations, the Governing Council approved my appointment for a five-year term, on a full-time basis. With respect to administrative support beyond the current part-time assistance provided (.5 f.t.e.), the Committee suggested that I continue to assess the needs of the Office, and to submit any request related to additional administrative support at a later date. I am pleased to report that Linda Collins agreed to continue in her role as Secretary for the Office on a 50% basis, as of July 1, 2001.

4. The Review Process

This Office would like to commend the members of the Committee on the Office of the Ombudsperson for the extensive volunteer time and effort they contributed over a number of months to this operational review. I would also like to express my gratitude to those individuals and organizations from across the campuses who provided written and oral submissions to the Committee, for their constructive critique, suggestions and feedback about the Office of the University Ombudsperson's mandate, operations, caseload and case management.

The Committee's Report included as well numerous helpful observations related to the Office's collection and reporting of statistical information, and two specific recommendations about this. I will be incorporating all of the Committee's suggestions and recommendations regarding procedural improvements during the upcoming year, and I have included more specific information about this in several of the following sections of this year's Annual Report.

5. Focus of the Office, Caseload and Case Management

The Office of the Ombudsperson handled 358 complaints and inquiries from July 1, 2000, to June 30, 2001, representing a 7% increase (24 cases) over last year, and a 26% increase (74 cases) over the previous year, my first year as Ombudsperson (see Appendix C, Table 1).

In its deliberations about the Office's resources and effectiveness, the Committee considered the number of inquiries classified as "Information" over the past six years. The Committee commented that in 1994/95, 71% of the cases were classified under information, and the remaining "were classified as complaints". The Committee further commented that 57% of the cases dealt with last year [1999/2000] were classified under information, and that "although the percentage of information cases has decreased since 1996 [when it was 83%], they are still the majority of cases with which the Office deals."

The Committee's Report comments that the issue here was whether "the main focus of the Office should remain on being actively involved in cases where existing administrative means for addressing problems had been exhausted." The Committee's conclusion was that "the services of the Office are seen to be broader than that by those who come looking for advice and guidance."

This year, the percentage of information cases totalled 56%, or 199 of the 358 cases (see Appendix C, Table 2). I share the Committee's concern about this situation. However, I would emphasize that some of the more complex issues brought to the attention of this Office involve cases which we categorize as "Information". We often receive very positive feedback from students, staff and faculty in these situations who express their gratitude for our help in identifying options and suggestions, from a neutral perspective, to facilitate their handling of these issues. In this regard, I agree with the Committee's conclusion that the format of this Office's statistical reporting might not adequately reflect the demand for, and performance of, this Office over the years.

We are currently introducing substantive change to our information collection and database management systems. The statistical reports included in next year's annual report will reflect these changes. Additional categories to be reported on will include part-time versus full-time student use, participation rates by campus, and participation rates by Division. As recommended by the Committee, our new format will enable us to establish "service targets" for our Office according to a number of variables, and to more

U
n
o
f
f
i
c
i
a
l
C
o
p
y

effectively identify gaps in service and any deficiencies in policy/procedural implementation across the campuses. To help us with tracking and with establishing service targets, we are incorporating the following categories into our revised database: time to initial response to complainants by our Office, time to first appointment and time to resolution; the number and type of 'interventions', and improved summary identifiers of the issues involved, assistance provided and resolutions achieved.

In order to maximize our resources and our focus on the more complex cases, I recommend that the University, in collaboration with this Office, continue its exploration of better ways in which to address some of the more general information inquiries that this Office frequently receives. This should be designed to encourage representatives from all campuses, faculties, divisions, student organizations et cetera to direct students to more appropriate campus resources at earlier points in the process, including to published materials such as academic calendars and departmental/divisional Web sites et cetera, and to registrarial offices, academic and financial advisors, and undergraduate or graduate coordinators. The following five sections, (a) through (e), address some of the ways in which this can be better accomplished and, consequently, how the focus of the Office in terms of caseload management can be improved.

(a) Information booklets:

A series of six information booklets was developed and published in late 1999 by Student Affairs, with input from this Office. The series included information about the most frequent areas of inquiry which this Office has received over the years, including: fees and fee refunds, cheating and plagiarism, appealing grades thought to be unfair, petitioning/appealing on compassionate grounds or on grounds of administrative error, non-academic discipline and the Code of Student Conduct, and the University's decision-making processes and structure. According to an evaluation survey of the booklets conducted by Student Affairs, and to feedback received by this Office, this information series was well received by students, and was viewed by members of the administration as a very useful, complementary academic counselling resource.

I met recently with representatives from Student Affairs about their revision and reprint schedules for these booklets. We discussed as well a broadening of their distribution network. Some of the series will be ready for distribution later this year, and the remainder early next year. In the interim, the Director of Student Affairs has agreed to incorporate the copy of the current brochure series on the Student Affairs Web site until it can be replaced with the reprinted, revised version.

(b) Telephone information system:

The Office's interactive, telephone information system was introduced in 1997 as part of the transition to a part-time service. I have commented in my two previous annual reports about the deficiencies of this telephone system in addressing the needs of students, staff and faculty members who approach this Office for information and advice. In its report, the Committee commented as well on the limitations of the telephone automated service, and acknowledged that: "the availability of a live voice on the telephone would be well received but would require staffing changes." We will continue to review and improve the content of our telephone information system, for example, by updating the appropriate voice-box information avenues in accordance with the revised information booklet series. This will, at least, provide information and referral advice to callers with more general inquiries, when the staff of this Office is unavailable, and on a 24-hour per day/7 day per week basis. As the Committee has suggested, I will continue to assess the staffing needs of the Office.

(c) Web site:

We introduced our Office Web site in May of 1999. With over 1000 visits to our Web site in 1999-2000, and more than 1540 hits this past year, it appears that our Web site continues to provide a point of access to information for the University community about the role and function of this Office. Our Web site includes the Terms of Reference for the Office, the Ombudsperson's Annual Reports and Administrative Responses, additional information about how this Office can help, and the Report of the Committee on the Office of the Ombudsperson. Once the Office of Student Affairs has re-issued the information booklet series and incorporated the revised copy on its Web site, our Web site will provide linkage to this information resource series as well.

U n o f f i c i a l C o p y

As the Committee recommended, we have revised our information intake form to ask clients to indicate what routes they have already taken to resolve their issues, and we have included this information intake form, in a 'downloadable' format, on our Web site. We concur with the Committee's view that this will help to familiarize potential clients with our role and function, and possibly to expedite the complaint process at our Office. Although the Committee has suggested that clients should be able to return their completed intake information forms to this Office via the internet/e-mail, this Office is concerned about the potential threat to confidentiality that this represents. Consequently, complainants are asked to fax, mail or bring their completed information intake forms to the Office.

We have noticed a greatly increased use of e-mail for inquiries by students, staff and faculty members. While this might be preferable in order to avoid 'telephone tag', to record messages accurately, and to facilitate outreach, in particular, with the Scarborough and Mississauga campuses, there are important confidentiality issues to consider. This situation drew cautionary comment by the Committee, as well as by all of the Ombudspersons with whom the Committee met. This Office will limit its use of e-mail correspondence to complainants, and mainly for the purposes of expediting the complaint process in terms of setting appointment dates, times and locations and of providing referral information, but not to discuss details of cases.

In response to the Committee's emphasis on the importance of the application of information technology, we recently requested, and received, increased budgetary resources. We are grateful to Ihor Prociuk from the University's Information Commons Digital Studio for his assistance and expertise in making our Web site a more helpful resource for students, staff and faculty members, and as user-friendly as possible.

(d) The role of the consulting committee in outreach:

The Committee, with its recommendation that the Ombudsperson be restored to a full-time position, emphasized the importance of increased accessibility to, and awareness of, the Office of the Ombudsperson by students, faculty and staff, and particularly at the Scarborough and Mississauga campuses. At a minimum, I anticipate that this will include one day per week at either the Scarborough or Mississauga campus on a rotating basis. Early this fall, I will be consulting with the Principals of the Scarborough and Mississauga campuses in order to gain their input about this, and to make arrangements regarding suitable accommodation, including office space and time at their facilities.

Student association leaders and representatives from student affairs/services offices will be playing a role in the consulting/advisory committee to the Ombudsperson, from time-to-time, and I would welcome their assistance in communicating information within their constituencies about the existence, role and function of this Office. The Committee has suggested that Open Houses/Orientations for students and 'new hires' (staff and faculty members) should include information on the Ombudsperson's Office. I would encourage this as well, and I will be following-up on this and others of the Committee's suggestions in this regard, concurrent with my assessment of the Office's staffing and resource needs (for example, new printed materials about the Office). My goal is to help provide an increased understanding amongst University community members of where this Office is situated within the process of appeals, petitions et cetera and other more 'formal' routes of complaint resolution available at the University.

(e) Professional development:

This year, I attended the Annual Meeting of the Association of Canadian College and University Ombudspersons (ACCUO) held at Brock University from May 23rd. to 26th. The agenda included presentations, seminars and group discussions, with particular focus on the following topics: alternative dispute resolution skills, practice and mediation processes; information collection and database management for Ombudsperson Offices, and the issues of academic misconduct and harassment on campus. Because of the unique mandate of the ombudsperson's office within its university operating environment, participation in such professional development opportunities is particularly important with their useful exchanges of information and expertise related to the Ombudsperson's central mandate of individual complaint resolution. I have requested increased budgetary support for professional development meetings scheduled to take place in Toronto, Montreal and Washington during the upcoming year.

U n o f f i c i a l C o p y

I agree with the Committee's observation that the Ombudsperson at the University of Toronto can draw on "the resources and support from the broad range of Equity Offices that make up the Equity Issues Advisory Group." I welcome the increased opportunity to do so provided by the Governing Council's restoration of the position of Ombudsperson to full-time status. I anticipate that representation from this group will play a key role in the consulting/advisory committee to the Ombudsperson.

I appreciate the submissions to the Committee by members of the Equity Issues Advisory Group as well as by the Office of Student Affairs which identified the need to improve the operation and profile of the Office across all three campuses. I would comment in particular about these individuals' mutual appreciation of their respective roles within the University community, and particularly their roles relative to that of this Office, as reflected in their submissions.

II. CASES AND ISSUES

Following is a summary of issues and cases including comments related to this year's caseload statistics, and follow-up to previous years' Annual Reports. While some cases have related to serious but probably isolated problems that have arisen, others have revealed larger policy and procedure implications. I have highlighted these and made recommendations to address the various concerns.

1. Constituency Groups

The distribution of the caseload across the University's constituency groups is shown in Appendix C, Table 3. We note the following:

A similar number of undergraduate students this year compared with last year (172 and 175, respectively) brought their complaints and inquiries to the Ombudsperson. This represents a 13% increase over the previous year (152 students). The undergraduate constituency totalled 48% of our complainants this year, whereas in previous years the range had been from 64% of the caseload (in 1997-'98) to last year's 52%.

A similar number of graduate students this year compared with last year (73 and 79, respectively) approached this Office for advice and assistance. This represents a 24% increase over the previous year (59 students). Graduate students' issues often develop over a longer period of time and their impact may be experienced on a longer-term basis, given the nature of the supervisory relationship. We find that consequently they involve relatively more time and attention on our part.

We saw an increase in the number of academic staff members who brought their concerns and inquiries to this Office during the past year (an increase from 8 to 18). The number of cases this past year is more consistent with the number reported in the 3 years leading up to 1999/2000. This constituency typically represents about 5% of our caseload. These individuals approached us for input related to University policy/procedural information and interpretation (for example regarding the Code of Student Conduct, the Code of Behaviour on Academic Matters and the Grading Practices Policy), as well as about issues related to their colleagues, academic supervisors and/or other University officials, and to search committee activity, program and research funding, and grade appeals by students.

There was an increase in the number of administrative staff members who approached us for assistance (an increase from 21 to 28). The percentage of the caseload represented by this constituency over the years has ranged from 6% to this year's 8%. Issues which this Office worked on over the past year with administrative staff members related to the following: non-union grievances and human resource issues such as termination, re-organization, probationary status, performance reviews, harassment, supervisory concerns, interpersonal concerns with co-workers and policy/procedural information and interpretation related, for example, to the Code of Student Conduct and the Code of Behaviour on Academic Matters. I note that for those administrative staff members not covered by collective agreements, the new "Policies for Confidentials" and "Policies for Professionals/Managers" were approved by the University as of July 1, 2001. This will help to address, to some degree, the issue of grievance procedures available to this group, as raised in my Annual Report last year. I anticipate that this may remain an area of focus again in the

U
n
o
f
f
i
c
i
a
l
C
o
p
y

upcoming year, depending upon the impact and implementation of these new policies regarding the grievance processes.

2. Action Taken

The distribution of the caseload by action taken is outlined in Appendix C, Table 2. As mentioned in previous annual reports and in an earlier section (section 5, “Focus of the Office, Caseload and Case Management”) of this annual report, an overview of the caseload statistics does not provide a meaningful indication of the complexity of the cases, nor of the time and effort involved in helping to resolve them. We have found that the resolution of some complaints has come about quickly and easily, while some “information” cases have taken a larger amount of time to reach closure when the issues involved are complicated. In response to the Committee’s recent recommendation, we are making significant changes to our information collection and database management systems in order to enhance our statistical summaries and reporting. Not only will these improvements provide a better reflection of the demand for, and performance of, this Office, but they will also highlight potential gaps in University services, processes and procedures through measurement of participation by campus, Division, part-time/full-time status, et cetera; and of type(s) of assistance provided, number of interventions, and issues addressed, et cetera. Our data collection will also enable the establishment of certain service targets (e.g. time to initial response by Office, time to first appointment and time to resolution) to provide additional accountability measures for the Office’s performance and effectiveness, as well as important indicators in our continuing assessment of the staffing resource needs of the Office.

Highlights from this year’s statistical review include the following:

(a) “No Jurisdiction” cases:

“No Jurisdiction” cases include University community members’ complaints about situations which fall outside the jurisdiction of the Governing Council (e.g. students with landlord/tenant disputes; individuals whose issues are covered by collective agreements) and non-University members’ complaints and inquiries including, for example, applicants for admission, parents of students, and alumni. This category of complaints and inquiries has increased somewhat over the past few years from 18 (5% of the caseload in 1997-’98) to this year’s 28 cases (8% of the caseload). We consider it an important part of this Office’s service to try and provide information or referrals, wherever possible, to assist these individuals with the resolution of their concerns.

(b) “No Action Required” cases:

The cases included in this category have increased considerably over the past several years from 32 cases in 1998 -’99 to this year’s 53 cases. Because this represented 15% of this year’s caseload, I decided to take a closer look at this category for the purposes of this year’s annual report. Two important considerations motivated my concern about this situation including: whether or not students might have misperceptions about this Office, for example, that it is an “office of record” for the University administration; and whether or not this increase in cases in any way reflected individuals’ apprehension about pursuing their complaints through the formal and/or more informal routes available to them.

Almost two-thirds of these cases involved undergraduate students (33 cases), and close to one-third of those were students from the Scarborough and Mississauga campuses. Situations covered by this “No Action Required” designation included individuals who made appointments and then cancelled or did not show up (6% of those undergraduate cases categorized as No Action Required). We try to reach those who fail to make their appointments. Occasionally, we are able to provide advice and assistance by telephone. A more frequent situation (21% of the undergraduate ‘N.A.R.’ cases) involved individuals who informed us that since their initial contact with our Office, they had managed to resolve their concerns. This often arose when the initial contact with us had been the result of the student copying us on his/her correspondence to another office about his/her complaint, or when other office(s) had been informed by the student by some other means (e.g. by e-mail or in-person) of his/her concern at the same time as our Office. For a number of the N.A.R. cases, the following descriptions would apply: individuals were pursuing their complaints through other channels but wished to keep the Office informed of their issues and the progress they were making in resolving them; a few clients were angry or upset and wished to make a “complaint of record” but

UNOFFICIAL COPY

requested no assistance or advice, and a few individuals said they had changed their mind about pursuing their complaint through our Office

In one-third of these “No Action Required” cases involving undergraduates (12 cases), the individuals chose not to provide the follow-up information we requested including, for example, chronologies of their situations or consent forms enabling this Office to pursue their concerns. This possible ‘abandonment’ of issues by individuals is a situation which we will continue to monitor in the hope that an increased presence of the Office and increased education about its role and function across all three campuses will help to address the situation, and to encourage those who wish to bring forward complaints to do so with a sense of safety and security and the understanding that their concerns will be treated in confidence. I highlight this as an issue representative of our ongoing concern about the possibility that individuals may be fearful of pursuing legitimate concerns because they feel intimidated, or fear they may incur the displeasure of those who allot grades, or supervise their studies, or for other reasons.

(c) “Information” cases:

The percentage of “information” cases was similar this year and last year (56% and 57%, respectively). Over the last several years, the percentage of caseload represented by this category has decreased from 83% to 56% this past year. This can most likely be attributed to a number of factors including: the part-time availability of the Office staff over the past few years; the availability of additional information and referral resources such as our Web site and the pamphlet series, and increasing awareness of the role and function of the Office in terms of its focus on the more complex situations and cases, as opposed to being a ‘first-stop, front-line’ general information and referral resource.

Undergraduate students represented about one-half of the inquiries and complaints categorized as “information.” For undergraduate students, the most frequent areas of inquiry related to: petitions and appeals, the Code of Behaviour on Academic Matters, fees and funding, course conduct and instructor evaluation, the Code of Student Conduct and harassment, suspension and probationary status. For graduate students, the inquiries most frequently related to supervision issues, termination, fees and financial aid, appeals, the Code of Behaviour on Academic Matters and course conduct and teacher evaluation.

(d) “Expedited” and “Resolved” cases:

The number of “expedited” cases was similar this year and last year (39 and 37, respectively), whereas the number of “resolved” cases decreased somewhat (from 33 to 27). I would note here the number of “incomplete” cases at the time of this report (12), as a reflection of the part-time nature of the Office combined with its increasing caseload, and comment that, when closed, a number of these cases will be added to the expedited and resolved categories.

The combination of expedited and resolved cases over the past several years has ranged from 9% to approximately 20% of the caseload. This increase could be due, in part, to the Office’s staff resources being focused on the more complex cases brought to its attention, while the more general information and referral inquiries were managed through information technology assistance such as our Web site and telephone information systems, as well as the information brochure series. As noted in last year’s annual report and by the Committee more recently, this trend underscores the importance of increasing the Office’s campus network and “outreach” to continue building familiarity with changing processes and procedures across the three campuses, and to assist University community members to become more familiar with the role and function of the Ombudsperson.

As the Committee commented in its report, the focus of the Ombudsperson’s Annual Report is to highlight repeat or systemic situations, rather than to provide a comprehensive report of individual cases. However, a summary of some of the expedited and resolved cases from this year might help to provide an overview of some of the achievements of this Office. What it also underscores as a significant component of our casework is the open and responsive cooperation of members of the administration which this Office continues to rely on in arriving at reasonable and mutually acceptable resolution, whenever appropriate.

U
n
o
f
f
i
c
i
a
l
C
o
p
y

In many cases, this Office's involvement in resolution has been to improve the communication process through obtaining explanation, clarification and/or rationale so that our clients could better understand the decisions, actions or acts of omission which were the source of their concerns. In one case, a department offered to recommend a fees waiver and also to clarify specific calendar information to more fully describe course content/requirements for the benefit of future students. In another, the Chair of the Department undertook a review of a situation wherein students had expressed concern that tests and final exams were not reflective of course content.

In a number of other cases, often due to special circumstances such as administrative error, unfair delay in process, inconsistency in practice, or more than one complaint to our Office, we worked with senior faculty or staff administration to obtain relief for our complainants including: student fees waivers; expedited cheque payment for a part-time contract staff person; correction of transcript errors impacting on graduation status; facilitation of overdue fees payment schedules so that transcripts could be released; 'last minute' correction of a fees issue so that the student could participate in convocation; facilitation of mark/grade appeals and petition processes; facilitation of a change in a teaching stipend payment policy; facilitation of an exception to a recently changed rule enabling a student to complete a program much earlier; facilitation of a prerequisite waiver by an instructor based on credits and experience enabling earlier graduation; facilitation of certain alterations in a staff training program, and facilitation of student involvement in a major program change with significant impact on them.

A number of situations we helped to resolve concerned student fees, lack of financial support and access to financial aid. Through our communication with senior administrative staff who responded with considerable flexibility, a number of students, based on certain unique circumstances, were provided with access to financial aid, bursary/scholarship support or reduced fee levels.

3. Follow-Up to Previous Annual Reports

The following two sections provide comments and follow-up to issues that have been highlighted in my annual reports of the last two years. My focus here is on three topics which I addressed last year within my Annual Report's twelve recommendations, and comprises further consideration of the administration's proposed follow-up. The topics raised in last year's nine other recommendations have all been addressed by the administration. This Office commends the University's continuing progress in addressing those areas of concern which have been raised in Ombudspersons' Annual Reports over the past several years. I would also like to take this opportunity to congratulate the University, in particular, on its remarkable new policy with respect to financial support for graduate students.

(a) Graduate Students' Supervision:

In view of the number of complaints and inquiries from graduate students related to their supervisors which this Office has received over the years, and continues to receive, and the critical nature of this relationship to graduate students' progress-to-degree, this subject has been highlighted in many previous annual reports. The topic remains an important subject of ongoing discussion between this Office and graduate departmental representatives as well as with representatives from the School of Graduate Studies, including the Dean and Associate Deans. This year, at the invitation of the School of Graduate Studies' administration (as a guest at the administration's 'Working Lunch Discussion' series), I met with graduate coordinators, graduate department administrative staff, and other senior representatives of the School of Graduate Studies to talk about this and other important matters related to graduate students, as well as about the role and function of the Ombudsperson's Office.

One of the outcomes of that meeting was a reconsideration of an information brochure about supervision for graduate students. This topic has been raised in previous years by this Office, and by various representatives of the School of Graduate Studies. Since there has been such a favourable reaction across the campuses to the information brochure series described in previous sections of this annual report, the Dean of the School of Graduate Studies has agreed that an information brochure about supervision should be produced during the upcoming year. This Office and representatives from the School of Graduate Studies and the Office of Student Affairs will be collaborating on this publication. I anticipate that

U
n
o
f
f
i
c
i
a
l
C
o
p
y

representatives from the consulting committee to the Ombudsperson will also have a role to play in the content, design and production of this new information resource.

In previous years, as noted in last year's annual report, the Dean of the School of Graduate Studies has reported on the matter of supervision conduct and the monitoring of graduate students' academic progress to Principals, Deans, Academic Directors and Chairs (PDAD&C). SGS has distributed the guidelines for best practice (Sections 29-2 to 29-7 of the SGS Yellow Book) to graduate chairs and directors of SGS centres and institutes, requesting that they be called to the attention of graduate students and faculty. SGS also circulated the "Checklists of Good Supervisory Practice" and "Guidelines for Departmental Monitoring of the Progress of the Ph.D. Students" to all graduate co-ordinators, drawing their attention to good practice in these areas. In response to my inquiry this year, the Dean has advised that these information resources are being posted to the SGS Web site in order to improve accessibility. I anticipate that this information, in a summary format, will also be incorporated into the new brochure about graduate student supervision.

As the result of my follow-up to certain graduate students' complaints this year, I observed that, given the highly decentralized nature of the University, there is considerable variation across graduate Divisions and Departments in their communications with graduate students about departmental/divisional adherence to, and implementation of, these supervisory guidelines. While SGS's posting of these guidelines to its Web site, and the planned publication of the new brochure about supervision will help to address this issue, it is important for each department/division to communicate with its own graduate students about expectations and guidelines for supervisors, students and departmental responsibilities regarding the supervisory relationship and monitoring of graduate students' progress. This is an area that this Office will continue to pay close attention to in the upcoming year, with a view to encouraging individual departments and divisions to communicate with all graduate students, through both printed materials and web site resources, their departmental supervisory guidelines.

I referred in last year's Annual Report to a survey planned by the School of Graduate Studies which, this Office anticipates, would provide very helpful information to the University in its ongoing assessment of the quality of the graduate educational experience. I understand that the SGS in fact planned two important surveys including the Higher Education Data Sharing (HEDS) survey and the Office of Graduate Education Research exit survey for Ph.D. recipients. We look forward to further information and communication about these important new developments, including information emerging from the surveys which would be helpful in the development of the new information brochure on graduate student supervision.

Recommendation 1: That the School of Graduate Studies provide an update to the information included in last year's Administrative Response regarding its progress with the administration of the HEDS and 'exit' surveys and the gathering and analysis of important new information about students' graduate experience at the University of Toronto.

In previous annual reports, I also raised the issue of the role of graduate students' course and supervision evaluations as one measure of faculty teaching effectiveness in promotions and PTR decision-making. The Provost's Office has drawn Divisions' attention to the "Guidelines for the Assessment of Teaching Effectiveness in Promotion and Tenure Decisions" in making PTR awards, and stated that it expected Divisions "to review their guidelines and to bring forward any changes for consideration." I understand that the Provost Office's review of these departmental guidelines has been completed and that, as a result of its review, recommendations for policy/procedural amendment are in process. We look forward to further information and communication about these important new developments.

Recommendation 2: That for the purposes of the Administrative Response this year, the Provost's Office include an update to the information it provided last year regarding the matter of students' evaluation of graduate student teaching and supervision within the context of proposed changes to the "Guidelines for the Assessment of Teaching Effectiveness in Promotion and Tenure Decisions".

U
n
o
f
f
i
c
i
a
l
C
o
p
y

(b) **Timeliness: Petitions, Appeals and Code of Behaviour on Academic Matters:**

In last year's Annual Report, I raised the issue of the Office of the Provost's follow-up in helping to ensure fair and timely process with respect to petitions, appeals and the Code of Behaviour on Academic Matters, including its consideration of the divisional resources and administrative support available. In the Administrative Response, the Provost's Office indicated that it had begun to plan training sessions for the divisions on the administration of the Code of Behaviour on Academic Matters, and that part of this would involve a divisional review of the timeliness issue and analysis of administrative resources. Significant developments have indeed occurred with respect to these issues during the past year.

This year, the University created the position of Judicial Affairs Officer to help co-ordinate the work of the University's Tribunals responsible for the final stages of appeal for academic petitions, as well as hearings with respect to academic misconduct. I met with Paul Holmes, who was recently appointed to this new position, to discuss some of our concerns related to timeliness issues. Two Code cases with which this Office had been involved extended beyond 12 months with no final resolution, and a few had extended beyond eight months. I should note that in a number of instances at the Tribunal level delay occurs as the result of students', or their legal advisors', delay in submitting, or failure to provide, requisite documentation. I anticipate that the creation of this new position of Judicial Affairs Officer will contribute considerably in terms of expediting Tribunal-level process for academic appeal and Code hearings. It represents potentially, as well, an additional information resource for the various divisions across the campuses to collaborate with other senior administrators involved in implementing the University's formal appeal and academic misconduct policy and procedures.

In June, I met with the Vice-Provost to discuss my concerns related to departmental and divisional-level management of the appeals, petitions and Code of Behaviour on Academic Matters' processes including timeliness, procedural consistency and consistency of sanctioning for Code matters across the University's campuses and divisions. For example, this Office is frequently approached by students requesting our assistance in expediting process in situations where the redress they are seeking is precluded by the timing involved in lengthy appeal processes, and/or by delay in the scheduling of Committee hearings. I look forward to receiving further information related to the administration's divisional review and analysis of administrative resources, as well as the outcome of the administration's consideration of establishing guidelines for timeliness. This Office will continue to pay close attention to petition, appeal and Code issues in the upcoming year, with a view to working more intensively with individual departments and specific divisions within the framework of the individual complaints we receive.

Recommendation 3: That the Provost's Office provide an update to the information included in last year's Administrative Response about its proposed divisional review, analysis of administrative resources, and consideration of feasibility of timeliness guidelines with respect to the administration of the Code of Behaviour on Academic Matters and the petition process.

The following four sections of this Annual Report refer to various areas of University policy, practice, rules and/or regulations that this Office, as the result of a number of cases with which we have been involved, would like to highlight for attention by the University community. At this point, I attach no specific recommendations for central administrative follow-up, but comment instead that this Office will continue to pay particular attention to these issues in the upcoming year, and will, most likely, be seeking additional input related to them from members of the consulting committee to the Ombudsperson.

4. International Students

This year we were approached by a considerable number of international students who requested our assistance with a variety of issues including petitioning and the petition process; accusations against them of plagiarism and the Code of Behaviour on Academic Matters' process; concerns about their supervisory relationships; and termination of their Ph.D. status. In terms of the increasing number of international students who are approaching this Office with complaints and inquiries, I raise this as a general issue which we will be continuing to monitor.

U
n
o
f
f
i
c
i
a
l
C
o
p
y

This Office is concerned about the degree of isolation which some of these students describe as their experience, about their considerable discomfort with the University's petitions and appeals processes, and about their lack of awareness of University resources available to them. I followed-up with a number of senior administrators to further discuss this situation including the Acting Coordinator of the International Student Centre who described to me the Centre's counselling services and numerous outreach activities designed to assist the University's growing number of international students; the Status of Women Office which is launching in the upcoming year a new mentoring program for "women whose language, colour or family circumstances leave them isolated from the community"; and the Director of Student Affairs who described the education and information 'seminars' which are scheduled periodically for community members on the subject of plagiarism and academic misconduct. I am also aware of the services provided at 'learning resource centres' across the campuses, and of writing workshops and labs to help students address academic difficulties they may be facing. I understand as well that some divisions/departments have international student associations as part of their academic and social support networks. For the purposes of this report, I include no specific further recommendations for the administration, but wish to highlight the importance of the University's communication and referral network for informing individuals about the resources available on campus, including the Office of the Ombudsperson, and for encouraging them to access these services.

5. Assessment in Clinical and Field Settings

Several students from different professional programs, involving a wide variety of settings, brought their complaints and inquiries to this Office describing difficulties they had experienced in their clinical and fieldwork placements. Students' concerns related to field instructors' mid-way performance evaluations (required by the University's Grading Policy); the quality of feedback to students during their field placements; petition/appeal processes in the event of unsuccessful practicums, and to 'remedial' fieldwork/practicum placements. Divisional practice and outcome varies considerably in situations of appeals by students who are not successful in their fieldwork settings, or who are experiencing difficulty. In some circumstances, I have seen considerable departmental/divisional accommodation for students requiring remedial work for satisfactory completion of their fieldwork.

I wish to highlight this issue in this year's Annual Report and to urge those Divisions with programmatic requirements involving clinical and field settings to review their divisional guidelines/rules/regulations and appeal processes, and to ensure that they are communicated clearly with both their students and their clinical and field instructors. This Office will continue to pay close attention to this area within the framework of the complaints and inquiries we receive.

6. Admissions Appeals Process

Although the jurisdiction of this Office extends to students, staff and faculty members of the University, from time to time we receive complaints from individuals whose applications for admission to graduate school or to professional programs have been denied. We find it very helpful to these candidates to be able to refer them to departmental/divisional representatives who can provide further information and advice related to admissions requirements, to expectations regarding successful applicants' previous work/volunteer experience (especially if consideration is given to experience in lieu of educational qualification), and to the departmental/divisional admissions appeals process. In some cases, this Office has found that divisions/programs offer considerable feedback to unsuccessful candidates, and we commend them for the consultative assistance they are able to offer these individuals. We urge graduate departments and professional programs to clarify in their admissions communications with prospective students, and in their correspondence with unsuccessful candidates, their expectations regarding successful applicants' experiential backgrounds in addition to educational requirements.

7. Admission Restricted to Part-Time Student Status

This year, this Office was involved in three cases involving students who had been restricted upon admission to a reduced course load by the University. These students approached us with concerns related to the impact this had upon them, including their access to financial assistance. I have raised this with senior members of the administration who have voiced support for the notion of removing this admission restriction to part-time student status. I understand that there are a number of important issues to be

U
n
o
f
f
i
c
i
a
l
C
o
p
y

considered surrounding such a proposed change in policy, and I would urge the administration to give further, serious consideration to this proposal. As part of this process, this Office will be soliciting further input about the advantages and disadvantages to students of this admission restriction to part-time status from members of the consulting committee to the Ombudsperson.

III. CONCLUDING REMARKS

Once again, I would like to express my appreciation to the members of the Committee on the Office of the Ombudsperson, and to the many other individuals and organizations from the University community who offered their comments and critique to the Committee about the mandate and operation of the Office of the University Ombudsperson. As I indicated earlier in this Annual Report, I found the consultation process and the recommendations and suggestions put forward by the Committee members to be very constructive and helpful, and I will be incorporating all of the resulting operational changes within the upcoming year.

The major mandate of the Ombudsperson is to respond to all individuals who approach us for assistance and, beyond that, to identify and pursue the full breadth and complexity of those cases in signaling the potential of larger issues for attention. The recent decision of the Governing Council to restore the Ombudsperson to a full-time position as of July 1, 2001, and the recommendations put forward in the Committee's Report, will better enable me to accomplish that mandate. We look forward to continuing our efforts to address problems through early resolution, thorough investigations and timely recommendations.

This Report has highlighted a few areas of University policy and procedure where improvement is needed, and others where improvement is occurring. I look forward to hearing from the University community with comments or concerns about any of the information and recommendations I have included in this year's Annual Report.

IV. ACKNOWLEDGMENTS

I would also like to express my appreciation to all of the University members whom I have approached for assistance in resolving complaints and problems. The good will, information and advice that so many individuals continue to provide is vital to the accomplishment of the Office's mandate. In particular, I would like to thank Louis Charpentier, Secretary of the Governing Council, and my co-worker, Linda Collins, for their assistance and counsel.

Mary Ward
September 12, 2001

The Office of the University Ombudsperson is located at 222 College Street, Suite 161, Toronto, M5T 3J1. Our telephone number is 416-978-4874 and our fax number is 416-978-3439. Our e-mail address is ombuds.person@utoronto.ca, and our Web site address is www.utoronto.ca/ombudsperson.

U
n
o
f
f
i
c
i
a
l
C
o
p
y

APPENDIX A

Terms of Reference for the Office of the University Ombudsperson (1998)

Status/Authority

1. The Ombudsperson is appointed by the Governing Council on the recommendation of the President; is accountable to the Governing Council and has unrestricted access to all University authorities. The Office of the Ombudsperson shall be independent of all existing administrative structures of the University.

Mandate

2. The Ombudsperson investigates, in an impartial fashion, complaints that may arise against the University or against anyone in the University exercising authority. It shall be the special concern of the Ombudsperson that:
 - a. the rights and responsibilities of members of the University community are adequately defined and publicized;
 - b. any gaps and inadequacies in existing University policies and procedures that affect the ability of individuals to function as members of the University community or which might jeopardize their human rights and civil liberties be brought to the attention of the proper authority.
 - c. the problems of members of the University community are addressed with reasonable promptness;
 - d. procedures used to reach decisions are adequate and that the criteria and rules on which the decisions in question are based are appropriate and adequately publicized.

Investigations

3. Complaints may be made by any member of the University community (students and members of the teaching or administrative staffs) or by former members of the teaching or administrative staffs or student body (in respect of matters arising out of their former University employment or student status). Investigations may also begin on the independent initiative of the Ombudsperson in respect of anyone of the above entitled to make a complaint.
4. The Ombudsperson shall initiate an investigation only after attempts at redress through existing administrative channels have been concluded.
5. The Ombudsperson may decline to initiate an investigation on the grounds that it is frivolous or vexatious.
6. In conducting investigations, the Ombudsperson shall act in an impartial fashion and not as the advocate of any party to a complaint.
7. Even though wide latitude has been granted in making public any findings and recommendations, the Ombudsperson shall not set aside the request of complainants that their anonymity be preserved.

Findings/Reports

8. After conducting an investigation, the Ombudsperson may draw conclusions about the complaint investigated and make findings and recommendations concerning its resolution, particularly in relation to the mandate of the Office as set out in 2 above.
9. In drawing conclusions and making recommendations, the Ombudsperson shall not make University policy or replace established legislative, judicial or administrative rules or

U
n
o
f
f
i
c
i
a
l
C
o
p
y

procedures, although any or all of these may be investigated or questioned and such recommendations made as appropriate for their improvement and efficient functioning.

10. The Ombudsperson shall bring findings and recommendations to the attention of those in authority by the most expeditious means possible, and to the University community at large to the extent that is appropriate.
11. The Ombudsperson shall make an annual report to the University community through the Governing Council, and such other special reports as may be required from time to time by the Governing Council.

Relationship with Other University Activities and Services

12. The Ombudsperson shall have access to such official files and information as is required to fulfill the function of the Office. Requests by the Ombudsperson for information must receive priority from every member of the University community.
13. Where means exist in other University offices for the resolution of complaints or the provision of information the Ombudsperson shall direct enquirers to such offices and emphasize their responsibility for initiating the appropriate actions and for returning to the Ombudsperson if not satisfied with the results. The Ombudsperson shall cooperate with other offices that are particularly concerned with the provision of information to the University community on policies and procedures.

Files

15. The Ombudsperson shall maintain suitable records of complaints, findings and recommendations and these shall be accessible only to the Ombudsperson and members of the staff of the Office of the Ombudsperson.
16. Each file and record will be maintained for a period of seven years and one day from the date on which the Ombudsperson deems the case to be completed. At the end of the period of seven years and one day, the file or record may be destroyed; however, no destruction of the file or record will take place while any proceedings are pending in the University, the Courts or any outside tribunal and until after all rights of appeal are exhausted or times of appeal have expired.
17. The Ombudsperson shall not release any information regarding personal and personnel records, unless written permission has been received from the affected persons for releasing the information.

Review/Appointment

18. The Office of the Ombudsperson shall be reviewed on a regular basis, coincident with the end of the incumbent's term, in a manner to be determined by the Executive Committee of the Governing Council. The term of the Ombudsperson should be from three to seven years. An Ombudsperson should serve for a maximum of three terms. Candidates for the Office shall be identified by a search committee highly representative of the University community and including students and members of the teaching and administrative staff.

April 12, 1998

U n o f f i c i a l C o p y

APPENDIX B

Terms of Reference for the Office of the University Ombudsperson (2001)

Status/Authority

1. The Ombudsperson is appointed by the Governing Council on the recommendation of the President; is accountable to the Governing Council and has unrestricted access to all University authorities. The Office of the Ombudsperson shall be independent of all existing administrative structures of the University.

Mandate

2. The Ombudsperson investigates, in an impartial fashion, complaints that may arise against the University or against anyone in the University exercising authority. It shall be the special concern of the Ombudsperson that:
 - a. the rights and responsibilities of members of the University community are adequately defined and publicized;
 - b. any gaps and inadequacies in existing University policies and procedures that affect the ability of individuals to function as members of the University community or which might jeopardize their human rights and civil liberties be brought to the attention of the proper authority;
 - c. the problems of members of the University community are addressed with reasonable promptness;
 - d. procedures used to reach decisions are adequate and that the criteria and rules on which the decisions in question are based are appropriate and adequately publicized.

Investigations

3. Complaints may be made by any member of the University community (students and members of the teaching or administrative staffs) or by former members of the teaching or administrative staffs or student body (in respect of matters arising out of their former University employment or student status). Investigations may also begin on the independent initiative of the Ombudsperson in respect of anyone of the above entitled to make a complaint.
4. The Ombudsperson may decline to initiate an investigation on the grounds that it is frivolous or vexatious.
5. In conducting investigations, the Ombudsperson shall act in an impartial fashion.
6. The role of the Ombudsperson shall include:
 - a. ensuring that information on proper University procedures for problem resolution is provided and distributed as broadly as possible throughout the University community, and that clients understand their routes of access to this information;
 - b. informing clients about appropriate processes available to them within the context of specific complaints, and providing information on the appropriate kind of supporting documentation;
 - c. expediting the process toward conflict resolution;
 - d. investigating only after attempts at resolution through existing administrative channels have been concluded.
7. Even though wide latitude has been granted in making public any findings and recommendations, the Ombudsperson shall not set aside the request of complainants that their anonymity be preserved.

U
n
o
f
f
i
c
i
a
l
C
o
p
y

Findings/Reports

8. After conducting an investigation, the Ombudsperson may draw conclusions about the complaint investigated and make findings and recommendations concerning its resolution, particularly in relation to the mandate of the Office as set out in 2 above.
9. In drawing conclusions and making recommendations, the Ombudsperson shall not make University policy or replace established legislative, judicial or administrative rules or procedures, although any or all of these may be investigated or questioned and such recommendations made as appropriate for their improvement and efficient functioning.
10. The Ombudsperson shall bring findings and recommendations to the attention of those in authority by the most expeditious means possible, and to the University community at large to the extent that is appropriate.
11. The Ombudsperson shall make an annual report to the University community through the Governing Council, and such other special reports as may be required from time to time by the Governing Council.

Relationship with Other University Activities and Services

12. The Ombudsperson shall have access to such official files and information as is required to fulfill the function of the Office. Requests by the Ombudsperson for information must receive priority from every member of the University community.
13. Where means exist in other University offices for the resolution of complaints or the provision of information the Ombudsperson shall direct enquirers to such offices and emphasize their responsibility for initiating the appropriate actions and for returning to the Ombudsperson if not satisfied with the results. The Ombudsperson shall cooperate with other offices that are particularly concerned with the provision of information to the University community on policies and procedures.

Files

14. The Ombudsperson shall maintain suitable records of complaints, findings and recommendations and these shall be accessible only to the Ombudsperson and members of the staff of the Office of the Ombudsperson.
15. Each file and record will be maintained for a period of seven years and one day from the date on which the Ombudsperson deems the case to be completed. At the end of the period of seven years and one day, the file or record may be destroyed; however, no destruction of the file or record will take place while any proceedings are pending in the University, the Courts or any outside tribunal and until after all rights of appeal are exhausted or times of appeal have expired.
16. The Ombudsperson shall not release any information regarding personal and personnel records, unless written permission has been received from the affected persons for releasing the information.

Review/Appointment

17. The Office of the Ombudsperson shall be reviewed on a regular basis, in the middle of the incumbent's term as well as coincident with the end of the incumbent's term, in a manner to be determined by the Executive Committee of the Governing Council. The normal term of the Ombudsperson should be for five years, with the possibility of reappointment. Candidates for the Office shall be identified by a search committee highly representative of the University community and including students and members of the teaching and administrative staff.

May 31, 2001

U n o f f i c i a l C o p y

APPENDIX C

Table 1
Number Of Cases By Year

Year	Number of Cases	Year	Number of Cases
1975-76	310	1988-89	701
1976-77	382	1989-90	760
1977-78	406	1990-91	605 (9 months)
1978-79	454	1991-92	810 (12 months)
1979-80	508	1992-93	828
1980-81	459	1993-94	682
1981-82	480	1994-95	609
1982-83	497	1995-96	525
1983-84	592	1996-97	408
1984-85	639	1997-98	335
1985-86	547	1998-99	285
1986-87	734	1999-00	334
1987-88	754	2000-01	358

Table 2
Analysis Of Caseload By Action Taken & Staff Resources

Year	Information/Referral	Expedited	Resolved	No Action Required	No Jurisdiction	Incomplete	Total	Staff (FTE) Resources
1997-98	235(70%)	19(6%)	11(3%)	34(10%)	18(5%)	18(5%)	335(100%)	1.85
1998-99	179(63%)	24(8%)	21(7%)	32(11%)	20(7%)	8(3%)	284(100%)	1.3
1999-00	189(57%)	37(11%)	33(10%)	40(12%)	26(8%)	9(3%)	334(100%)	1.05
2000-01	199(56%)	39(11%)	27(8%)	53(15%)	28(8%)	12(2%)	358(100%)	1.1

Information/Referral Advising and informing members of the University about the means available to them to resolve whatever grievance or difficulty they have.

Expedited Resolution of relatively simple “red-tape” problems, such as arranging an exception to a rule in a particular case, speeding up consideration of a routine matter, securing an explanation of a decision, arranging a meeting with the appropriate official, or unsnarling difficulties which occurred when an item fell between two jurisdictions, etc.

Resolved A grievance was settled more or less to the satisfaction of both the complainant and the respondent official or department, usually through a reversal of the original decision, a compromise, or an agreement that, in light of new or clarified information, no grievance existed.

No action required A case was drawn to the attention of the Office, but no action of either an informational or investigative nature was ever required.

No jurisdiction The object of the “request for assistance” was outside the jurisdiction of the Governing Council. These cases frequently warrant some assistance from the office (ie. information, referral, and occasionally research in order to provide such assistance).

Incomplete No conclusion had been reached at the time of the Report.

UNOFFICIAL COPY

Table 3
Analysis Of Caseload By Constituency

Year	Undergrad	Grad	Academic	Admin	Misc*	Total
1997-98	214 (64%)	49 (15%)	14 (4%)	21 (6%)	37 (11%)	335 (100%)
1998-99	152 (54%)	59 (21%)	13 (5%)	20 (7%)	40 (14%)	284 (100%)
1999-00	175 (52%)	79 (24%)	8 (2%)	21 (6%)	51 (15%)	334 (100%)
2000-01	172 (48%)	73 (20%)	18 (5%)	28 (8%)	67 (19%)	358 (100%)

* Includes continuing education students, former employees and students, parents of students, applicants for admission, alumni, organizations and others.

Unofficial Copy