

# **Administrative Response to the *Report of the University Ombudsperson for the Period 1 July, 2013 to 30 June, 2014***

## **October 2014**

### **Overview**

The Terms of Reference for the Office of the University Ombudsperson stipulate that the Ombudsperson shall “make a written annual report to the Governing Council, and through it to the University community”. In addition, the Governing Council requests an administrative response to each annual report.

The *Report of the University Ombudsperson for the Period 1 July, 2013 to 30 June, 2014* is Professor Joan Foley’s seventh and final annual report as University Ombudsperson.

On this occasion, the Administration wishes to recognize Professor Foley for her years of service in the role of University Ombudsperson, her concern for fairness, and her sensitivity in handling complex and often difficult situations. The Administration also extends its sincere thanks to Professor Foley for her wide-ranging investment in and dedication to the University of Toronto in multiple roles over the course of an extraordinary career.

### **Response**

The *Report of the University Ombudsperson for the Period 1 July, 2013 to 30 June, 2014* is carefully considered, objective, and constructive. The report makes one recommendation; follows up on a number of matters from earlier annual reports; provides an historical summary of systemic issues and their resolution in anticipation of a review of the Office in 2014-15; and details the Office’s other activities, including its communications and outreach efforts.

### **Recommendation**

The Report recommends that

[T]he project to extend the capabilities of the electronic application system for graduate programs to include the status of the admission decision and its communication to applicants be undertaken at the earliest possible date.

The Administration accepts this recommendation and notes that discussions, prompted in part by the findings of the recent review of the School of Graduate Studies (SGS), are already underway to determine how best to ensure that the University’s graduate admissions tools support an outstanding recruitment and admissions process.

Each year, the University processes more than 30,000 applications through the SGS online application system. The current system does not capture the admissions decision, although it can capture a general status (e.g., "Under Review," "Decision Made"). When it comes to potential options for providing notification, email may not be sufficiently secure to

communicate admissions decisions. Nevertheless, any improvements made to the admissions process and the tools that support it would include functionality allowing applicants to access their admissions decisions securely. Appropriate solutions will be developed through discussions amongst SGS, the NGSIS Program team, students, faculty and staff in the academic divisions and central offices.

The Administration is delighted to report that numerous other projects to support student experience are also underway under the leadership of the Dean of SGS and Vice-Provost, Graduate Research and Education and his team. These include enhancements to the Ontario Graduate Scholarship and conference and travel grants application systems, as well as a new system to move all PDF forms into web-enabled workflows integrated with other University systems.

### **Additional Observations**

The Ombudsperson continues to follow up on matters raised in earlier annual reports and administrative responses.

The Administration takes the Report's observations very seriously. In the case of the Report's discussion of mental health and the *Code of Student Conduct*, the Administration welcomes the Ombudsperson's invitation for the Administration to provide further information and continue the discussion. In taking up this invitation, the Administration respectfully disagrees with the suggestion that the "centralized process" operates outside of existing University policy.

Accommodation, including accommodation of mental health needs, is, by virtue of the legislation, an individualized inquiry. Aside from Bill 168, or apprehensions under the Mental Health Act, the *Code of Student Conduct* is the only other route for conduct-based exclusions of students from campus. Where an exclusion from campus is not involved, but where behaviour is apparent that is not suited for the "offence-based" process under the *Code of Student Conduct*, the University works closely with the student and their medical advisors; any steps taken are almost always with the student's consent, and with the engagement of supportive resources. In such cases, the University is acting in accordance with law, and pursuant to the Governing Council's *Statement on Human Rights*. The University's *Health and Safety Policy* requires it to act in accordance with the relevant legislation.

Among the legislative requirements are those introduced in Bill 168 dealing with workplace violence and harassment. On occasion, where accommodative approaches prove unsuccessful, and where the *Code of Student Conduct* is clearly inappropriate and/or would expose others to risk, the University Administration (in common with the approach taken by many other universities) acts unilaterally pursuant to Bill 168 to protect the safety of its staff and students by excluding a person from campus. In every case where mental health issues are involved, this includes ongoing efforts to engage with the student's mental health professionals or other experts, and other supports, so as to do whatever is reasonably possible to permit a safe resumption of studies. These proactive steps are always combined with very sophisticated human rights accommodation measures.

In this context, the Provostial Committee on Mental Health, which is currently preparing a report and comprehensive tri-campus framework and strategy around student mental

health, will include in its assessment a review of best practices at other universities across Canada to ensure that U of T obtains a good perspective on possible approaches. In summary, the University Administration acts in accordance with relevant law and policy. There is no policy gap here; instead, there are complex, fast-moving, and sensitive issues regarding safety, mental health, and accommodation, that require and receive a nuanced and sophisticated response.

The Report also documents the successful application of University policy and progress being made on a number of matters from earlier annual reports.

To take one example, the Report observes that the *HR Guidelines on Civil Conduct* have led to appropriate resolution in a variety of situations. These Guidelines were developed through a great deal of careful and consultative work and we are pleased to receive further confirmation that the implementation of the *Guidelines* has proven effective to members of the University community.

To take a second example, previous reports have discussed issues related to the *Code of Behaviour on Academic Matters*. As the Ombudsperson's Report highlights, the timelines for the complex and serious allegations of offences that reach the Tribunal stage have improved significantly; a comprehensive new academic integrity website has recently launched as a resource for students and faculty; and revised *Provost's Guidelines on Sanctions, Offences and Suggested Penalties for Students* will be taken to Academic Board for information this fall. The Administration is also pleased to report that, as announced recently at Academic Board, the Vice-Provost, Faculty and Academic Life will be leading a review of the data the University collects on academic discipline, and the data collection process, to ensure our statistics are robust and reported consistently across divisions. Consultations will be held with appropriate University offices, including academic integrity offices, during the fall of 2014. Finally, the Provostial Advisory Group on Academic Integrity has become an important forum for sharing best practices and promoting consistency across divisions for academic misconduct cases. Members of the Advisory Group will be invited to share additional best practices for handling departmental cases at 2014-15 meetings.

On these matters, it should be stressed that the Administration appreciates the advice and consultation provided by Professor Foley and her team. The Administration is also heartened by the appendix, which recognizes the success the Administration has had over the years in finding solutions to complex issues.

The Administration applauds the Office of the Ombudsperson's ongoing outreach initiatives, and the execution of a successful communications and outreach plan for the Office. The Ombudsperson is an important resource in our community, and as such, raising awareness about the Ombudsperson's role and function is a key component of fulfilling the Office's mandate.

In this context, the statistics presented in the *Report* are quite helpful. They show both a rising (if consistently proportionately small) number of requests for assistance and an efficient and responsive reply from the Office of the Ombudsperson, even as awareness of the Office grows. The Administration remains appreciative of the Ombudsperson's preventative and systemic focus.