

Administrative Response to the *Report of the University Ombudsperson for the Period 1 July 2014 to 30 June 2015*

October 2015

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 2014 to 30 June 2015* is Professor Joan Foley’s eighth and final annual report as University Ombudsperson.

Response

The Administration offers sincere thanks to Professor Foley for her continued dedication to the University of Toronto and for her exceptional commitment to the role of University Ombudsperson. The Report clearly reflects Professor Foley’s integrity and her understanding of the complex issues faced by the University.

The *Report of the University Ombudsperson for the Period 1 July 2014 to 30 June 2015* is carefully considered, objective, and constructive. The *Report* addresses two systemic issues – *Code of Student Conduct* matters in which mental illness is or may be a factor and administration of the *Code of Behaviour on Academic Matters* – and makes four recommendations related to these matters, all of which are accepted by the Administration. The Report also helpfully details the Office’s other activities, including its communications and outreach efforts, and the preparation of privacy guidelines reflecting the Office’s stringent confidentiality requirements.

Recommendations

As Professor Foley notes, addressing systemic issues is a critical part of the Ombudsperson’s mandate. The Report’s recommendations are aimed at addressing concerns arising from cases considered by the Ombudsperson over the years. The Administration continues to welcome and appreciate this unique perspective.

Recommendation 1: That a University policy be developed that incorporates ten principles outlined in the Report.

The Administration appreciates the Ombudsperson’s recognition of the great progress that has been achieved in working to support students with mental health challenges. Divisions across the University have identified student mental health needs and the resulting implications for both academic progress and student conduct as a priority. To that end, senior administrators, instructors, and staff continue to work together on

strategies to optimize the teaching and learning environment for all members of the University community.

The University provides accommodation to students through Accessibility Services, and to employees through Health and Well-being Programs and Services. These accommodations are determined through an individual's expressed needs and medical documentation that supports and recommends particular accommodation options, and such options are non-coercive and co-operative. Students in need of a break from their studies are offered options that support this identified need while protecting their academic record. A written record of an accommodation plan is always created, ensuring a shared understanding of all parties involved.

It is evident that, in cases where serious mental health needs or undiagnosed first episode needs arise at the University, a student's behaviour can sometimes be one of the first indicators that assistance is required. For example, due to the severity of the illness, a student may engage in behaviour inappropriate in a university setting or may be unable to perform his/her academic work. It is important to remember that these situations are a very small fraction of health needs addressed at the University. Where safety and mental health intersect, the University works in a very sophisticated manner, tailoring its response to the specific circumstances, and placing a very high weight on accommodative measures. On some occasions, it becomes necessary to restrict a student's access to campus on a temporary basis. As stated in the prior Administrative Response, and quoted in this year's Report:

“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.”

Decisions throughout a *Code of Student Conduct* proceeding take into account a wide range of extenuating circumstances, including the manner in which mental health issues may have impacted alleged offenses under the *Code*.

As the Ombudsperson notes, the Administration is in the process of developing a draft policy that will address voluntary and involuntary compassionate leave from the University in cases where serious mental health needs arise. Such a draft policy might also address situations in which a student is believed to have serious mental health issues but is unwilling or unable to acknowledge their condition in a *Code* proceeding. The need for this type of policy was articulated and affirmed through the work that led to the *Mental Health Framework*,¹ including a review by the Office of the Vice-Provost Students of relevant best practices for policy and protocol at a number of Canadian universities.

¹<http://mentalhealth.utoronto.ca>

Any new policy must be transparent, fair, effective, and compliant with a series of inter-related legislative and general legal obligations. For example, the duty to accommodate under the *Ontario Human Rights Code* is not absolute, but is subject to reasonable limitation where undue hardship would result, including with respect to health and safety considerations. The duty to accommodate must also stand alongside extremely important obligations under Bill 168 and the *Occupational Health and Safety Act* with respect to workplace violence. And the duty to accommodate must be operationalized in an internal University environment where students have a great deal of freedom, but also have responsibilities to respect conduct obligations, both academic and non-academic, which allow the University community to operate effectively. As the Ombudsperson notes, “The practices in place are certainly in compliance with provincial legislation such as Bill 168 (which deals with workplace violence and harassment) and the *Mental Health Act*.”

A proposed new policy should be suitable for rapidly evolving safety-related mental health situations, and should retain the ability to be deployed quickly in a highly sensitive context, with multiple inputs from mental health, risk assessment, and other experts, where safety remains the paramount concern. Therefore a new or different type of full-scale judicial tribunal hearing with testimony, cross-examination and other such elements, may not be appropriate for implementation at such critical periods.

As the University develops a new policy, it will, of course, take into account each of the specific points that the Ombudsperson makes with regard to **Recommendation 1**. Many of the principles she outlines are already contained in existing policies and practices at the University. For example, students who may be subject to allegations of misconduct are always informed in writing of the allegations against them. They are further provided with an opportunity to respond to the allegations.

Institutional policies can enable or inhibit learning, engaging, and flourishing within the post-secondary setting in ways that have a significant impact on student well-being. Within the area of policy, a continuum of individual and systemic factors must be considered. Policies range from those that support individual access, needs and well-being to those that are universal by design and aim to provide processes, rules and structures that support all students to flourish personally and academically. The Administration undertakes to find the right balance in response to this important systemic issue and thanks the Ombudsperson for sharing her insights.

The second systemic issue raised in the Ombudsperson’s report relates to the University’s *Code of Behaviour on Academic Matters*. As the Report notes, the *Code* serves to protect the value of a University of Toronto degree, thereby serving the interests of both the institution and every one of its students and alumni/ae. As outlined below, the University’s approach to academic integrity represents a balance between local divisional and central responsibility.

Recommendation 2: Improved systems should be provided to support instructors, departments, and divisional academic integrity offices in order to ensure the equitable and timely disposition of allegations of student academic offences; this need should be accorded a high priority by the Deans of the divisions.

With regard to **Recommendation 2**, the Provost's Office will continue to seek ways to encourage overall consistency of approach towards academic integrity across divisions. At the same time, divisions' flexibility to approach these issues in ways that are sensitive to their particular academic requirements and programs will be preserved. The Provostial Advisory Group on Academic Integrity, which is comprised of representatives from Dean's Offices from across the divisions, is well placed to examine the best ways in which to implement such systems.

The Provost's Office remains committed to improving the quality of academic integrity data. The tracking of academic misconduct cases resolved at the departmental level has been noted by the Provost's Office, as it was by the Ombudsperson, to present unique challenges. Cases resolved at the departmental level are not currently included in the Provost's annual statistics report to Academic Board. In 2014-15, the Provost's Office launched an updated statistics collection form, which is used to compile the academic integrity statistics presented to Academic Board each year. The report presented in the spring of 2015 also tracks new data and provides greater visual clarity through the use of graphs and pie charts. These enhancements allow for better analysis, consistency, clarity, and reliability of the data reported.

Recommendation 3: Orientation programs for new academic administrators should include a focus on best practices for ensuring the promotion of academic integrity in the teaching programs under the auspices of the divisions and departments they will lead.

In line with **Recommendation 3**, the orientation program for new academic administrators each summer includes an introduction to contacts who are available to advise on academic integrity procedures. The Office of Faculty & Academic Life will examine further ways to increase academic integrity awareness.

Recommendation 4: Academic divisions and departments, as appropriate, should consider developing interactive online tutorials as a tool in the education of students about the importance and practice of academic integrity and to supplement existing services that assist students in the development of academic skills.

In 2014-15, the Provostial Advisory Group launched a new student-focused website on academic integrity,² which contains a range of best practices and scenarios.

² <http://academicintegrity.utoronto.ca>

The Group continues to examine ways in which to increase the interactivity of that website. This September, a new message from the Provost directing students to the website was placed on the Blackboard landing page of every undergraduate and graduate student at the University.

Several divisions have already developed modules for academic integrity education, and others are currently in the process of implementing such modules, in line with **Recommendation 4**. The Group remains committed to reviewing and supporting these developments.

Additional Observations

The Administration applauds the Office of the Ombudsperson's ongoing outreach initiatives and its communications plan. 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. The Administration is pleased to see that members of the University community avail themselves of the services of the Office. As the Administration acts on the above recommendations, it would be most helpful to be able to access the survey information and departmental statistics collected by the Office of the Ombudsperson. The Administration looks forward to continued open and constructive dialogue with the Office of the Ombudsperson. The Administration is greatly appreciative of the dedication and service of Professor Foley and her team and recognizes that their hard work benefits the University's students, faculty, staff, and community members. The Administration thanks them for ensuring a smooth transition as the new Ombudsperson, Professor Emeritus Ellen Hodnett, assumed office in July. The Administration wishes Professor Foley well in her retirement and looks forward to working with Professor Hodnett in the years to come.