

Administrative Response to the *2015-16 Annual Report of the Office of the Ombudsperson*

October 2016

Overview

The Office of the Ombudsperson's Terms of Reference state that the Ombudsperson shall "make a written annual report to the Governing Council, and through it to the University community." In addition, the Governing Council requests an administrative response to each annual report. The *2015-16 Annual Report of the Office of the Ombudsperson* is Professor Ellen D. Hodnett's first annual report as University Ombudsperson.

Response

The Administration welcomes Professor Hodnett to her new role as Ombudsperson and thanks her for her continuing service to the University of Toronto. The Administration has met with the Office of the Ombudsperson on several occasions over the last year and greatly values the Ombudsperson's expertise, familiarity with the community, and wisdom in understanding the University's multifaceted mission and mandate.

The *2015-16 Annual Report of the Office of the Ombudsperson* reflects the Ombudsperson's broad engagement with the University community. The *Annual Report* notes that in 2015-16 the Office handled 316 cases, including cases from undergraduate students, graduate students, administrative staff and faculty members. Professor Hodnett addresses two systemic issues – concerning mental health disabilities and communication – and makes six recommendations in these areas. The *Annual Report* also provides helpful details on the Office's other activities. The Administration especially welcomes the Ombudsperson's outreach to and engagement with the UTM and UTSC communities, and notes the expanded mandate of the Ontario Ombudsman to include oversight of the province's post-secondary institutions.

The Administration is pleased to continue its productive dialogue with the Office of the Ombudsperson by presenting to the Governing Council its response to the *2015-16 Annual Report*. This response is an important element of accountability and transparency, and it reflects both the respect the Administration holds for the Office of the Ombudsperson and the importance it attaches to the Office's insights and recommendations. The Administration also looks forward to continued meetings with the Ombudsperson over the next year to discuss systemic issues facing the University community.

Recommendations – Mental Health Disabilities

The first set of recommendations in the *Report* relates to the accommodation of mental health disabilities. The Administration accepts the Ombudsperson's recommendations, several of

which highlight important work currently being undertaken at the University. For example, over the last year the Vice-President and Provost has convened two working groups on topics relevant to mental health and disability: the first to consider the Ontario Human Rights Commission's (OHRC) recommendations on medical documentation for students with disabilities, and the second to examine procedures for student accommodations in cohort-based and lock-step academic programs, primarily in the professional Faculties.

Recommendation 1: Develop and implement a multi-faceted, pedagogically grounded plan to assist academic units in accommodating student mental health needs, especially in those programs that are structured in cohort-based or lock step modes.

In 2016, the Vice-President and Provost convened a working group to identify procedures and best practices for student accommodations in cohort-based and lock-step programs. The group is chaired by the Vice-Provost, Academic Programs, and it engages both academic and registrarial leads from all divisions that have cohort-based or lock-step academic programs. The group continues to meet and anticipates completing its work by the end of the academic year.

The working group's findings so far suggest that articulating program learning outcomes and clearly communicating both these outcomes and the ways in which program requirements are structured to support these items is key to identifying appropriate accommodations. In professional programs, the relationship between program learning outcomes and the competencies required to practice in a specific profession is also critical. The working group is considering this area as well, including whether there are cases in which specific accommodations may undermine the academic integrity of certain professional programs.

One of the goals of the group's work is to develop guidelines that would assist academic divisions in designing and maintaining cohort-based and lock-step programs in a manner that considers student accommodations throughout a program's life cycle. The guidelines will allow administrators: 1) to consider universal design principles during the development of new programs and when making changes to existing programs; 2) to better communicate to students a program's academic objectives, as well as how program requirements are designed to support them; and 3) to clarify how individual student needs might be accommodated while still achieving the desired learning outcomes.

In response to the OHRC's recommendations on medical documentation in relation to mental health disabilities, a tri-campus working group of administrative staff was formed to consider enhancements to the University's processes and communications. The University's policies and procedures for managing student accommodations, including the granting of leaves and program extensions, are consistent with the OHRC's guidelines in this area.

Recommendation 2: Ensure consistency and accountability in the application of relevant guidelines and regulations across academic units.

The University has a number of policies and guidelines in place to govern the granting of leaves of absence and extensions of time to degree. As the Ombudsperson suggests, consistency and communication are critical in the application of these policies and guidelines. The de-centralized approach to leaves of absence and program extensions emphasizes the importance of case-by-case support and flexibility, balanced with the requirements of a student's program. The divisions engage with experts and consider their opinions carefully when making decisions, and respect the OHRC's guidelines on the granting of student accommodations.

With respect to graduate students, the University has guidelines that lay out program milestones, as well as policies concerning the granting of leaves of absence and formal requests for extensions. The School of Graduate Studies is continuing its work to clarify, interpret and communicate these policies and best practices to academic programs.

More generally, the University of Toronto Student Mental Health Strategy and Framework, adopted in 2014, exists to support the mental health of students in a number of ways:

- By ensuring that the appropriate awareness, education and training strategies are in place about mental health issues and to prepare faculty and staff to respond effectively and compassionately to students in distress;
- By ensuring that the University's curriculum is inclusive and by encouraging the use of teaching approaches that build resilience in students and diminish stress;
- By making available a wide range of mental health services and programs that cater to students across the continuum of mental health; and
- By implementing policies and procedures that enable learning, engaging and flourishing for all students.

The mental health framework will be reviewed beginning this year to evaluate its progress in meeting the needs of the University community and its members.

A number of different offices and individuals make decisions concerning accessibility and accommodation (including, for example, Accessibility Services, Registrar's Offices, and individual faculty members) and these decisions occur in a variety of contexts (including, for example, in administrative offices and in classrooms). This multiplicity allows for flexibility in meeting the needs of individual students. In addition, decisions regarding leaves and program extensions often involve assessments and recommendations from experts in the areas of mental health and academic progress. Some of the efforts mentioned in response to Recommendation 1 will also address the question of leaves in cohort-based or lock-step academic programs.

Recommendation 3: Require a section on accessibility and accommodation in all new program proposals submitted to the Committee on Academic Policies and Programs of Governing Council, as well as in the periodic reviews of existing programs, and proposed changes to programs, as part of UTQAP (University of Toronto's Quality Assurance Process).

This recommendation is timely and aligns with another important area of work for the Administration this year. Since the beginning of the 2016-17 academic year, the Office of the Vice-Provost, Academic Programs, has been adding a question to all new program proposals and major modification proposals related to accessibility and accommodation. This change has been made as part of the work undertaken by the working group on cohort-based and lock-step academic programs mentioned in the response to Recommendation 1. A question about diversity and accommodation is also under consideration for inclusion in the form tool for new program proposals on the Next Generation Student Information Services (NGSIS). A similar question for external reviewers is being developed for inclusion in the terms of reference for cyclical reviews and will be discussed at the winter meeting of the Roundtable on Academic Program Matters, a group of vice-deans convened twice annually by the Vice-Provost, Academic Programs. Pending their feedback, this change would be implemented when the next cycle of reviews is launched in March 2017.

Recommendation 4: Develop guidelines and supports for professional programs who are dealing with students with mental health issues which create the potential for harm to the wider community.

The Administration approaches these situations on a case-by-case basis and draws on the opinions of experts when making decisions. The situations described in this recommendation involve challenging cases in which some of the University's different duties can come into tension. The working group on cohort-based and lock-step academic programs is considering situations like these in the development of its guidelines. The question of responsibility to the broader community when granting accommodations is central to the group's discussions, as graduation from a lock-step program sometimes certifies to the broader community that a student is ready to practice in their chosen profession. As a result, the working group's guidelines will help administrators strike a balance between an individual student's need for accommodations, the standards of the profession, and concerns for community safety.

Accommodations should not alter the essential requirements of a course or program. The working group is discussing best practices for providing information on program requirements and professional standards to students during the application process and at key points in a program. Such information could also include specific requirements for clinical practica.

As was noted in last year's *Administrative Response to the Annual Report of the University Ombudsperson*, the Administration is in the process of preliminary consultation and drafting of a policy that will address voluntary and involuntary compassionate leave from the University in

cases where serious mental health needs arise. Such a policy might also address situations in which a student is believed to have serious mental health issues but is unwilling or unable to acknowledge the condition in a Code proceeding. Work on this policy was delayed last year as the University responded to the provincial government's new legislation on sexual violence and sexual harassment.

Recommendations – Communication

The second set of recommendations in the report proposes improvements to communication between the Administration and the Office of the Ombudsperson. The Administration welcomes the spirit of these recommendations, as well as the opportunity for continued informal meetings and engagement with the Office of the Ombudsperson over the coming year.

Recommendation 1: Provide an annual update to the Governing Council, on progress being made in implementing those recommendations from the Ombudsperson's Annual Report which had been previously accepted.

The Administration greatly respects and appreciates the Ombudsperson's diligence and her commitment to making the University of Toronto a better place. The Administration especially welcomes the Ombudsperson's recognition that changing circumstances can affect its ability to act upon recommendations it has accepted in previous years.

The Administration makes it a priority to track progress on the systemic issues raised in the *Annual Report of the Office of the Ombudsperson*. The Administration recognizes that it is accountable through the Governing Council to both the Office of the Ombudsperson and to the broader University community, and will continue to update the Governing Council as appropriate on its progress through this annual administrative response.

Recommendation 2: Provide the Office with a brief description of the process used in the decision to institute "no trespass" orders, and the general mechanism whereby such orders may be reviewed/appealed.

The safety of the University community and its members is the Administration's top priority. In situations in which personal and/or community safety are threatened, or in which there are reasonable grounds to believe so, the Administration carefully weighs its duties to the University community and the rights and responsibilities of the individuals involved. Each case is considered individually before any actions are taken, including the issuance of trespass notices.

Based on the data the Ombudsperson presents at the beginning of her *Annual Report* outlining who came to see her and why over the last year, the Administration assumes that this recommendation stems from a request by an individual external to the University.

The University has a legal right and, indeed, a responsibility to control access to and use of its property. The University has found that most members of the public who enter its property for various purposes are respectful of the rights of others and treat the property itself in a respectful manner. The University strives to be a welcoming place, permitting access to many parts of its property without a special invitation or authorization being required.

However, not everyone behaves in this manner. One of the legal mechanisms available to property owners is to use the power under the *Trespass to Property Act* to exclude someone from the property by means of a trespass notice. Failure to abide by a trespass notice can lead to enforcement under provincial offences legislation. The *Trespass to Property Act* does not require any kind of appeal or review.

The University exercises its rights under the *Trespass to Property Act* in a lawful and non-discriminatory manner, usually to prevent health and safety risks, or risks of damage to its property, or to prevent interference with its operations. For example, it has excluded members of the public who are believed to create a risk of assault or other kinds of harm if they were allowed continued access to the University's property. It has excluded members of the public who have engaged in harassing behaviour towards students, faculty or staff. It has excluded members of the public who were believed to pose a risk to University property, perhaps because of incidents of vandalism or unauthorized entry.

Depending on the circumstances, the University frequently indicates to individuals who have been trespassed that if they have information that they believe to be relevant to the University's assessment of a request for rescinding the trespass notice, they are free to submit it in writing (usually by providing it to a named office, such as Campus Police). An assurance is given that the information will be reviewed carefully.

In summary, the University exercises its rights and observes its responsibilities lawfully, in a sensitive and sophisticated manner, and always with close attention being paid to the particular facts.

Concluding Observations

The Office of the Ombudsperson is a valuable resource in our community. The Administration once again thanks the Ombudsperson for her tremendous service and congratulates her on her first year. The Administration also recognizes the Office's remarkably broad range of activities over the last year and, in particular, applauds its ongoing outreach initiatives. In this regard, the Administration especially commends the Ombudsperson's efforts to emphasize the tri-campus nature of her role.

The Administration greatly appreciates Professor Hodnett and her team's dedication and service, and recognizes that her hard work benefits the University's students, staff and faculty, both individually and collectively.