

REPORT OF THE
INTERIM
UNIVERSITY OMBUDSPERSON

FOR THE PERIOD

JULY 1, 2006 – JUNE 30, 2007

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Report of the Interim University Ombudsperson for the period July 1, 2006 - June 30, 2007

I. Background to the report

Ms. Mary Ward, who had served as University Ombudsperson since 1998, left the position at the end of October 2006. I was appointed Interim Ombudsperson by Governing Council at its meeting of November 2, 2006 effective from that date and continuing until a University Ombudsperson had been appointed and taken office. In view of my other University commitments I assumed the position on a part-time basis.

At its meeting of June 25, 2007 Governing Council appointed Professor Emeritus Joan Foley as University Ombudsperson effective July 1, 2007 and continuing to June 30, 2010. My term was thus completed at the end of June 2007.

Ms. Ward prepared her annual report to Governing Council for the period July 1, 2005 to June 30, 2006 in October 2006. It was received at Council's meeting of December 14, 2006, at which time also the separate *Report of the Committee to Review the Office of the University Ombudsperson 2006* was approved. Ms. Ward's report, although it covered statistically only the 2005-2006 academic year, reflected broadly on her experience over her entire tenure in office.

For the sake of completeness this report presents statistics for the whole period July 1, 2006 to June 30, 2007 but includes commentary only for the period of my tenure as Interim Ombudsperson from November 2006 to June 2007.

II. Statistics and highlights

There was a surprising and unforeseen drop in the number of cases dealt with between 2005-2006 and 2006-2007: from 297 to 209, the lowest number since record keeping began in 1975-76. Of the latter, 92 arose in the period July 1 to October 31 (during Ms. Ward's tenure) and 117 from November 1 to June 30. Inevitably some cases opened by Ms. Ward remained active at the time I assumed the position, just as others opened by me had not been resolved when my term ended and were left to be dealt with by Professor Foley.

Whether this dramatic reduction in the number of cases is in some way reflective of the change in incumbency or of my own appointment being part-time is impossible to say. There may well be other factors about which one may only speculate. Certainly it stands in contrast to the year-over-year caseload comparison between 2004-2005 and 2005-2006, when the numbers were virtually identical (301 vs. 297).

In this regard, it may be worth repeating a paragraph from the Administrative Response to the Report of the University Ombudsperson: 2005-2006:

It is pleasing to see a further small decline in the total number of cases dealt with by the Office of the Ombudsperson with a significant decline in non-academic issues brought to her attention. This evolution is noteworthy. It can support the argument that everything is working better than in the past; or, it might equally reflect a dynamic situation in the context of an increased number of equity officers working at the University of Toronto. It is entirely possible, and in fact this is suggested by the Ombudsperson, that individuals who in the past might have seen the Ombudsperson's Office as their only option, are now able to have issues effectively addressed by other University offices.

Nevertheless, the reduction in *caseload* ought not necessarily to be equated with a commensurate reduction in *workload*. Although many cases can be (and were) resolved relatively quickly, a small number were exceedingly complex and entailed several lengthy meetings with the principals and others involved in a given case, as well as a great deal of "behind-the-scenes" work.

All of the above notwithstanding, the question may still be asked: do we really need an Ombudsperson? In an institution with some 70,000 students and almost 12,000 faculty and staff, the statistics on the number of clients served by the Ombudsperson's office may appear so small as to be trivial. However, my unequivocal answer to this question is yes. In essence, my reasons are these:

1. There is a small but extremely important group of clients who have genuinely "fallen between the cracks". They have exhausted every apparent possibility in finding the help and answers they need, and out of a sense of institutional fairness they deserve to have their needs met. Although it may never be possible totally to satisfy every individual with a complaint or concern, in many cases the Office of the Ombudsperson can and does truly help. Having the Ombuds option conforms entirely to the spirit of making the University the best possible place to study, to research and to work.
2. The sorts of issues raised in cases dealt with by the Office of the Ombudsperson spark the kinds of questions about policy that the Office is now firmly committed to review and make recommendations on. The Ombudsperson is able to take an impartial and over-arching view of the entire institution; it is hard to imagine a better perspective on issues that need to be addressed.
3. The Office of the Ombudsperson provides a valuable form of risk management, in that it is often able to work out a solution to a problem that keeps an individual from pursuing an issue in the press, the courts or other public forums. This is surely to everyone's advantage.

III. Caseload by constituency

Disparities in absolute numbers notwithstanding, breakdown of the caseload by constituency has remained remarkably consistent over the last five years, with just over half of the cases dealt with in 2006-2007 involving undergraduate students. More precisely, the 2006-2007 caseload breaks down as follows:

Undergraduate students:	117	(55%)
Full time:	107	(92%)
Part time:	10	(8%)
Graduate students:	47	(22%)
Academic staff:	10	(5%)
Administrative staff:	19	(5%)
Others*:	27	(13%)

* includes former students and employees, medical residents, parents of students and similar constituencies, not of all which have the right to the services of the Ombudsperson.

IV. Caseload by campus

The Ombudsperson is specifically charged with ensuring that his/her services are widely advertised on all three campuses and with being available to meet with clients on any campus. Although facilities for the Ombudsperson's use are available on each campus, overwhelmingly clients chose to meet with me in the Ombudsperson's office at 222 College Street. I did meet with clients on a few occasions at Scarborough, but although willing to do so I did not visit the Mississauga campus at any point. For various reasons I met with several University faculty or staff who were not clients but were involved in a given case at other locations on campus than the College Street office. In 2006-2007 the caseload breakdown by campus was this:

St. George:	80%
UTM:	11%
UTSC:	9%

V. Student caseload by issue (undergraduate and graduate)

(195 cases closed at June 30, 2007. Note: totals exceed 100% because in many cases there was more than a single issue in one case)

Policy interpretation/advice:	51	(26%)
Academic concerns (e.g. teaching):	40	(21%)
Academic policy/procedure: (e.g. petition denials)	24	(12%)
Administrative policy/procedure: (e.g. bureaucracy issues)	23	(12%)
Grading dispute/concern:	13	(6%)

Fees/financial aid:	17	(9%)
Interpersonal dispute: (e.g. supervision)	10	(5%)
Harassment or discrimination:	10	(5%)
Code violations:	13	(6%)
Other (e.g. housing, libraries)	33	(17%)

About 45% of student issues could broadly be characterized as “academic”. These include complaints about teaching, grading, violation of academic policies and accusations of academic misconduct. Many of these I regard as valid, especially cases in which allegations of cheating or violations of the Grading Practices Policy were dealt with inappropriately. In spite of the wide dissemination of the Code of Behaviour on Academic Matters and the continuing efforts on the part of the Provost’s Office to identify and correct flaws in its administration, it is clear that some faculty continue to act outside established processes.

It was surprising to me to see how many students brought an issue to the Ombudsperson’s office because they were reluctant – and sometimes afraid – to bring a matter to the attention of a department chair or dean, or even of their own instructor. Although as a matter of general policy complainants are expected to pursue every other possible avenue before coming to the Ombudsperson, on some occasions it was clear to me that in the mind of a student, for a variety of reasons, there really was no other option than to approach our office. In these cases it was often possible by encouragement and advice to enable a client to resolve his or her issue without any direct intervention from me.

In a few instances a student (or a group of students with a similar concern) was unreasonably being denied access to a senior member of faculty or staff who had the power to deal with a problem. A single phone call from me to the relevant party usually opened a closed door.

A typical complaint was that a student felt that he or she had been “misled” by an instructor or an administrator with respect to administrative or academic requirements or by unannounced or unexpected program changes.

In some instances, students who were technically in violation of a requirement were allowed to continue in violation with the apparent knowledge of those who might have corrected it, sometimes with serious consequences for the student.

Holding students strictly responsible for compliance with some technical requirements may on occasion appear arbitrary and unfair, especially as strict application of some policies can result in severe academic and/or financial harm to the student. More consistency may be needed in the way in which some policies and regulations are enforced.

On the other hand, some issues related to inconsistent application or enforcement of requirements proved to be rooted in the failure of the authority involved to be acquainted with (or even to understand) relevant policy or regulations within his or her own Division. This includes, for example, lack of knowledge about permitted weighting and timing of assignments or tests.

Of course, there is no reason to suppose that on the basis of the small number of valid complaints in this vein there is widespread failure in this regard across the University. However, I dealt with enough cases of this kind to suspect that there are many areas in which we could do better.

A continuing, and perhaps inevitable, concern are issues arising from graduate student supervision. Of particular interest in this area are issues regarding the roles of the parties and a need to better safeguard academic and financial interests of students when supervision arrangements change or need to be reexamined. In spite of substantial intervention, I was unable to arrive at resolutions satisfactory to all parties in these matters.

Several cases involved tuition and incidental fees, refunds and issues respecting registration status. It is (reasonable) University policy that refunds outside the published schedules are given only where there is evidence of error on the part of the University, just as students are responsible for their own registration.

Although policies in these areas are generally sound and create a reasonable distribution of responsibility between the University and students, close examination of technical requirements reveals areas with potential for unfairness. For brevity, I will set out one example: in at least some divisions, students who wish to drop from full time to part time status must do so within the period in which a 100% refund of fees would be available or they remain liable for full-time incidental fees.

Another situation where technical adherence to practice impacts students involves the issuing of off-cycle diplomas. Students who have completed degree requirements sometimes need diplomas before scheduled convocation. In exceptional cases such requirements can be accommodated, but not easily enough. This situation calls for a principled approach to such needs as and when they arise. I will make a recommendation on this matter (see below).

V. Academic and administrative staff issues

Cases involving academic and administrative staff were less numerous and generally less serious than those involving students. These included payroll issues, difficulty obtaining answers to questions about University processes and conflicts between staff. For the most part, these cases involved process rather than policy.

Some of these were resolved, sometimes after the passage of an exceedingly long time, and one difficult matter was ongoing when my term ended.

There may be a need for administrators to be better informed about policies and processes and to be more transparent and helpful when dealing with staff who need process or administrative assistance or answers to questions.

However, it is clear that in cases where there is demonstrable, if sometimes inevitable, error on the part of the University every effort must be made to make amends. From my (admittedly brief) experience as Interim Ombudsperson, I would suggest that this is not always the case.

In her report for 2005-2006 Ms. Ward referred to the Ombudsperson's Office "as a confidential and impartial consultation resource." My understanding of this is that the Office was from time to time approached for advice on how to handle a given situation. At no point in my own tenure of office was I approached for this reason.

VI. Ombudsperson's Involvement

In spite of my holding the Ombudspersons' position only part time, I am happy to say that the service standards of the office were well maintained, thanks largely to the excellent work of the office assistant, Linda Collins. In over 90% of cases the time from an approach to the office to initial response was within 48 hours. In 67% of cases the time to a first meeting with the Ombudsperson was a week or less. In over 80% of cases the time to resolution was within thirty days; in a quarter of cases this was within a single day. I would reiterate Ms. Ward's assertion that feedback received, both direct and indirect, makes clear that the opportunity the Office provides for clients to be heard and understood is very much appreciated.

Of course, the degree of direct involvement of the Ombudsperson depends on many factors, including the willingness of clients to have the Ombudsperson contact other members of the University about an issue. In fact, one of the frustrations of the job is the unwillingness of some clients to let a matter be brought forward – even in the strictest confidence - to individuals or departments which could most likely resolve a problem.

Just under 40% of the cases in 2006-2007 were resolved after an individual consultation; the others entailed mediation or facilitation of some sort, multiple contacts with individuals or departments or a meeting with an administrator to discuss trends related to his or her area of responsibility. I can say that I received excellent cooperation from virtually every member of the University whom I approached with an issue; many expressed gratitude that I had drawn a situation or policy to their attention. Very often my contacts welcomed my suggestions as to how an issue might be resolved and readily followed up on them. From my experience in this Office which requires numerous contacts in a very wide variety of divisions, units and departments, there is an obvious

determination virtually everywhere in the University to serve students, faculty and staff to the highest standard.

VII. Freedom of Information and Protection of Privacy Act

Early in my tenure I met with the University's FIPPA Director, who made a number of helpful recommendations about case handling in the Office. As a result, some small modifications in practice were made. However, some related matters remain to be addressed, among them the length of time and conditions under which the Office's files are kept.

VIII. Report of the Committee on the Office of the University Ombudsperson

As noted above, the *Report of the Committee on the Office of the University Ombudsperson* was approved by Governing Council in December 2006. The Report made a number of recommendations, the implementation of which I felt lay outside the mandate of an interim and part time appointment. However, to the extent that it was possible to apply the spirit of those recommendations in my work, I did so.

IX. Recommendations

Given the brief nature of my tenure as Interim Ombudsperson I do not feel that I can reasonably make extensive recommendations on policy issues. Certainly, as I have observed in one way or another above, the University must maintain and secure its commitment to excellent service to its members in every constituency. Happily, this is the norm. However, on the strength of my experience I would say that it is equally clear that at least in some parts of the University there is room for improvement in two areas in particular:

- strong, effective and user-friendly communication of policies, regulations and procedures, especially as they apply to students. Often it was only with great difficulty that I was able to find information that students in particular need to know. Some Divisions are much better than others in this regard; best practice ought to be sought out and emulated.
- appropriate response when there is University error. In any large institution mistakes will be made; what matters is the spirit and also the timeliness of correcting and as far as possible making up for them. It was disappointing to see in a few instances a grudging and defensive apology for something that could have been acknowledged more generously.

Apart from these two general observations, I do wish to make two specific recommendations:

1. that the University explore the possibility of issuing diplomas at times other than the annual Convocations in cases where a student has completed the requirements for a degree and needs the diploma as proof of it;
2. that the University examine its policies governing the assessment and refund of incidental fees, particularly as they apply to part time students.

X. Conclusion

It was a privilege to have been able to serve as Interim Ombudsperson and I am honoured to have been given the opportunity. The significant drop in the number of cases in 2006-2007 ought not, in my view, to diminish the importance of the Office of the Ombudsperson or the regard in which it is held. Having served in this position, I am more convinced than ever both that the Office and its independence are of great importance to the University and that the University is well served by it.

It remains to thank all those with whom I had the pleasure of working while I held this office, not least the Secretary of Governing Council and my assistant in the Office of the Ombudsperson, Ms. Linda Collins.

Respectfully submitted,

Professor Ian McDonald
Interim Ombudsperson 2006-2007