



REPORT OF THE UNIVERSITY OMBUDSPERSON

1 JULY 2009 TO 30 JUNE 2010

Fairness

The University of Toronto is committed to fairness in its dealings with its individual members and to ensuring that their rights are protected.

In support of this commitment, the Office of the Ombudsperson has been offering confidential advice and assistance to students, faculty and staff on all three campuses since 1975.

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Executive Summary

The University Ombudsperson reports annually to Governing Council and the University community. This report is for the year 2009-2010, which was my third year in office. It is presented in four sections.

Requests for Assistance

The Office of the University Ombudsperson dealt with 273 requests for assistance during 2009-10. In considering complaints, the Ombudsperson acts in an impartial fashion, acting neither as an advocate for the individual members of the University nor as a defender of the University, but rather assisting in achieving procedural fairness and reasonable outcomes. All matters are held in strict confidence unless the individual involved approves otherwise. This report contains statistical information about the users of our services, the general nature of matters for which assistance was sought, and indicators of the quality of service delivered.

Systemic Issues

The Office is also charged with addressing systemic issues: those issues that potentially affect many members of the institution, not only an individual complainant. The Ombudsperson can often function as a catalyst for improvements in processes and procedures through informal discussion, without need of formal investigation and recommendations. When systemic problems are revealed through the investigation of an individual case, administrators will usually respond by improving the way things are done, and/or by improving how they communicate with their clientele.

This report discusses systemic issues that have occupied the attention of the Office during the course of the past year, namely, the relationship between the University Grading Practices Policy and the Graduate Grading and Evaluation Practices Policy, implications of the practice of replacing a mid-term test by increasing the weight of the final exam, and procedures for providing accommodation for disabilities for activities or groups outside the typical framework within which the accessibility offices have operated. In each case, as I have reported, steps have already been taken by the relevant administrators to address the issues described, so this report contains no formal recommendations.

Status of Earlier Recommendations

The report also provides information on the current status of the Administration's responses to earlier recommendations from the University Ombudsperson, including those pertaining to building accessibility, procedures for pursuing complaints relating to prohibited discrimination and discriminatory harassment, the conduct of off-campus activities sponsored by the University, review of the *Code of Behaviour on Academic Matters*, and review of the assessment and refund of incidental fees.

Other Activities of the Office

The Office continues to expand its outreach program in an effort to ensure as far as possible that members of the University are aware of our services, understand the mandate, and know how to reach us in case of need.

Report of the University Ombudsperson for the Period July 1, 2009 to June 30, 2010

The University of Toronto is committed to **fairness** in its dealings with its individual members and to ensuring that their rights are protected. In support of this commitment, the Office of the University Ombudsperson was established in 1975. The services of the Ombudsperson are available to individual staff/students/faculty members on any campus of the University who have a complaint about how they have been treated.

The Office is **independent** of all existing administrative structures of the University; it is accountable directly to the Governing Council, and has unrestricted access to all University authorities.

In considering complaints, the Ombudsperson acts in an **impartial** fashion, acting neither as an advocate for the individual members of the University nor as a defender of the University, but rather assisting in achieving procedural fairness and reasonable outcomes. All matters are held in **strict confidence** unless the individual involved approves otherwise. The Ombudsperson **does not make decisions** for the University.

The Office is also charged with addressing **systemic issues**: those issues that potentially affect many members of the institution, not only a single individual complainant. In this connection, the Ombudsperson can function as a catalyst for improvement in the University's policies, processes and procedures, whether through informal discussion or by making formal recommendations in the context of a report. While not bound by such recommendations, the Administration does provide a formal written response.

Organization of the Report

This report will contain four sections:

- 1) *Handling of Requests for Assistance*. The first section provides statistical and qualitative information about the caseload of the Office, which once again increased over recent years.
- 2) *Systemic Issues*. The second section highlights examples of how systemic improvements can be achieved through informal discussion. This year, it contains no formal recommendations.
- 3) *Status of Responses to Earlier Recommendations*. The third section reports the current status of past formal recommendations accepted by the Administration.
- 4) *Other Activities of the Office*. The third section reports on other activities of the Office, including our efforts to make the Office better known and understood throughout the University community.

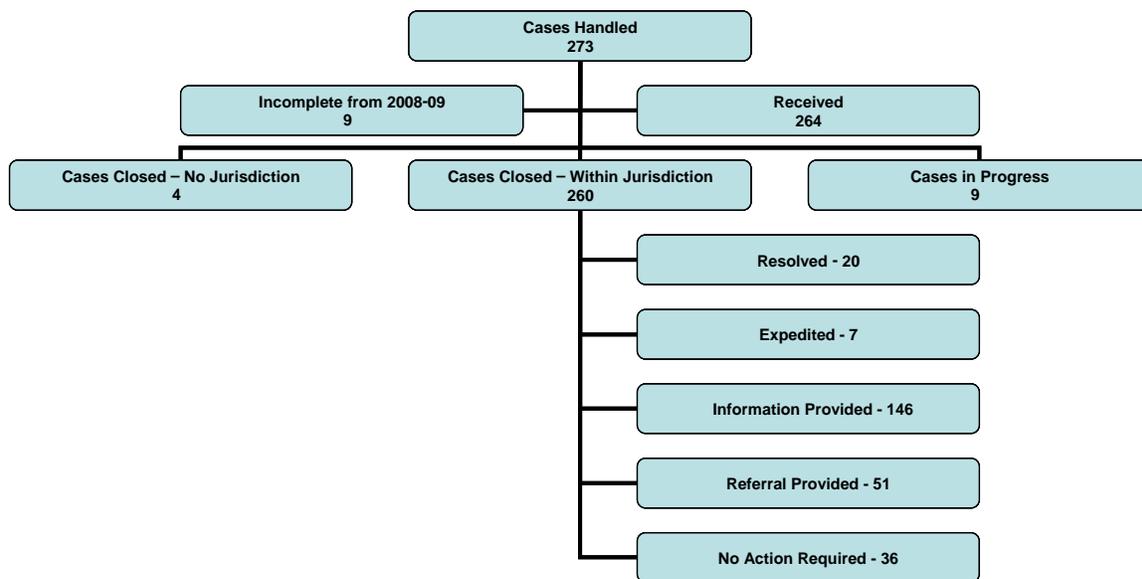
Handling of Requests for Assistance

How Many People Approached the Office?

During 2009-10, 273 requests for assistance were dealt with, continuing the steady increase in caseload since 2006-07, when there were 217. However, it should be noted that during the same period the total numbers of students, faculty and staff have also risen.

The disposition of these cases as of June 30, 2010 is shown below.

DISPOSITION OF COMPLAINTS AND ENQUIRIES 2009-10



Resolved: Intervention by the Office results in an outcome acceptable to the parties, although it may not be what the complainant originally sought.

Expedited: Intervention by the Office results in rapid response to an emergency situation, or unblocks a delay in the process.

Information Provided: Office provides and explains policies and procedures relevant to the concern and explains available courses of action. Referral may be included.

Referral: Office provides a referral and contact information only.

No Action Required: Includes complaint withdrawn (sometimes resolved elsewhere), failure on the part of the complainant to provide needed information, failure to show for appointment.

Who Approached the Office, and Why?

Group 1: Undergraduate, Professional, and Continuing Education Students

The caseload for all students in programs *not* under the auspices of the School of Graduate Studies (SGS) is shown by academic division in Table 1. The total number of 137 compares with an average of 114 over the last three years. Given enrolment growth, the participation rate remains unchanged at 0.2%.

As in the past, the matters most frequently raised by members of this group were academically-related problems, such as the behaviour of an instructor, academic standing, grading, and denials or delays of petitions or appeals. Other issues that frequently arose were allegations of academic misconduct, and fee-related matters.

Table 1

<u><i>First Entry</i></u>	<u><i>2009-10</i></u>	<u><i>Average 07-08/08-09</i></u>
Arts & Science	74 (0.3%)	54
UTM	17 (0.2%)	18
UTSC	14 (0.2%)	9
App. Sci. & Eng.	8 (0.2%)	15
Music	6 (1.2%)	1
Phys. Ed. & Health	0	1
TYP	0	1
<u><i>Professional & Continuing Education</i></u>		
Continuing Studies	0	1
Dentistry	0	0
Law	1	0
Management	0	1
Medicine	2 (0.2%)	0
Medicine Postgraduate	4 (0.2%)	1
Nursing	3 (0.9%)	2
OISE/UT	2 (0.2%)	2
Pharmacy	0	0
Pharmacy Residents	0	0
Unknown	5	
Total	137 (0.2%)	

Group 2: Graduate Students and Postdoctoral Fellows

The caseload for graduate students in research-stream and professional masters/doctoral programs, and postdoctoral fellows under the auspices of SGS, is shown by the four Divisions in Table 2. Students who are enrolled in masters and doctoral degrees offered

conjointly with the Toronto School of Theology have access to the services of our Office in relation to program matters, but do not come directly under SGS, so are reported separately.

The total number of 55 is consistent with the average of 55 over the last three years. As a proportion of total graduate enrolment, the caseload is 0.4%, a participation rate double that of other student groups.

The matters brought to the Office by graduate students were often complex and time-intensive, and, as in the past, most frequently involved problems relating to supervision, or academic issues such as termination or lapsed status.

Table 2

	2009-10	Average 07-08/08-09
Division I Humanities	6 (0.4%)	6
Division II Social Sciences	27 (0.5%)	20
Division III Physical Sciences	9 (0.4%)	12
Division IV Life Sciences	8 (0.2%)	13
Unknown	1	
TST	3 (0.8%)	3
Total	55 (0.4%)	

Group 3: Academic and Administrative Staff

Faculty: There were 13 requests for assistance, representing 0.1% of all faculty (including clinical appointees), compared with an average of 9 over the last three years.

Staff: There were 25 requests for assistance (0.3% of total complement), compared with an average of 14 over the last three years.

Many, although not all, issues brought by members of these groups revolved around workplace situations. They included complaints about the behaviour and/or expectations of supervisors or managers. Some felt there had been discrimination or harassment based on disability or other prohibited grounds.

Group 4: Others

The Office was approached by 43 individuals not captured in the any of the three categories above, compared with an average of 32 over the last three years. They include:

- post-doctoral fellows supervised by a University appointee but whose own fellowship was administered by another organization, such as a hospital or research institute,
- employees of student organizations,

- students here on permission from another university,
- former members of the University who brought concerns that did *not* arise out of their period of active participation as a member, and
- members of the public.

Although the Ombudsperson's terms of reference often preclude intervention in such cases, the matters raised may warrant consideration by appropriate University administrators, or occasionally by non-University authorities. Whenever possible, the Office provides assistance in the form of referral and/or information.

How Did the Office Respond?

As has been typical in recent years, requests for assistance are most often initiated by email (52%) or telephone (30%). The Office responded the same day to 70% of requests, to 90% by the following day.

A meeting was needed in half of the cases and was scheduled as soon as possible; more than half were held on the same or following day, 88% within a week. Most meetings are in person at the complainant's home campus, but may be conducted by telephone if the complainant prefers. The need for such consultations was greatest for staff (72%), and also significant for faculty (62%) and graduate students (60%), although less frequent for other students (42%).

With the written consent of the complainant, the Ombudsperson contacted an administrator in 57 cases (22%), initially to gather information and, where appropriate, to seek a resolution. Most of these departmental consultations involved matters brought forward by students and faculty. Staff members very rarely seek such intervention. Among the reasons the Office does not contact an administrator even when such intervention would be consistent with the Terms of Reference are:

- complainant elects to make further efforts to deal with the matter him/herself after having received information and/or referrals;
- complainant fears that intervention by the Ombudsperson may have unwanted repercussions (despite the "no reprisals" clause recently added to the Terms of Reference);
- complainant decides not to pursue the matter given information provided.

Half of all cases were disposed of within a week (half of those within one day), but complex cases could require attention for a month or considerably more.

The highest rate of cases Resolved or Expedited through an intervention by the Office was for students in first-entry, professional and other non-SGS programs.

Were Users Satisfied with Our Services?

Complainants are under no obligation to provide feedback to the Office, but an anonymous feedback form with a stamped addressed envelope is given to visitors. Based

on forms returned and on spontaneous messages received in the course of the year, feedback has been positive (see comments listed in Appendix A). It should be borne in mind that these comments come from a self-selected sample; those who are dissatisfied may be less inclined to let us know. A small number of people have expressed frustration with limitations on our services imposed by our Terms of Reference.

Systemic Issues

Systemic issues are those that potentially affect many members of the institution, not only an individual complainant. In this section, I discuss the main issues that have arisen in the course of the past year.

Grading Practices Policies

The relationship between the *Graduate Grading and Evaluation Practices Policy* (GGEPP) and the *University Grading Practices Policy* (UGPP) is not a simple matter. Both policies have the approval of Governing Council. The UGPP requires that there be more than one basis of evaluation and the return of graded work before the drop date, whereas the GGEPP is silent on both matters. A reader can reasonably interpret the wording of these policies, taken together, to mean that graduate courses are subject to the requirements in the UGPP when it comes to these provisions for evaluation, while another reader might reasonably assume that the omission of these provisions from the GGEPP means that graduate courses are not subject to them.

The Office was approached over the past year by graduate students with concerns about the methods of evaluation in certain graduate courses. In bringing forward their concerns, students were relying on their reading of approved policies, and on interpretations of the policies promulgated for the use of students under the auspices of the Provost's Office. The booklet *Your Grades* says with respect to the UGPP:

This policy applies to all programs, graduate and undergraduate, and ensures that students' work is evaluated fairly and consistently across the University. For example, the Grading Practices Policy requires that instructors outline how students will be assessed in the course and that they **return to their students at least one piece of graded work prior to the deadline for withdrawal from courses without academic penalty.** [bold font added]

For the last several years at least, the same message was being given to graduate departments by the School of Graduate Studies.

With the assistance of the Governing Council Office, I undertook a review of the history of the development of these policies, using records of the discussion at governing bodies when the policies were introduced or amended, and correspondence between Governing Council Office, SGS and the Provost's Office. This review was undertaken in the hope that the record would clarify the intended relationship between the two policies.

A grading practices policy for the University was first approved in 1975-76. The principle that evaluation should be based on more than one piece of work was embraced

by the UGPP from its inception, but it was not until 1985-86 that the policy was amended to include a provision for return of work before the drop date.

In 1977, wording excluding graduate courses from the effect of the Policy was incorporated, and was retained until 1998. During that period, the separate policy for graduate courses was introduced (in 1979-80).

Significantly, in 1998, when revisions to the UGPP were approved by governance, the statement excluding courses in SGS from the effect of the UGPP was dropped. This change was presumably intentional, and would therefore seem to support the interpretation that the provisions in question were intended to apply to evaluation in graduate as well as in undergraduate courses.

The preamble to Part II: Grading Procedures of the UGPP as revised 1998 says,

Divisional Councils shall forward to the Committee on Academic Policy and Programs changes to their grading procedures. Grading procedures may be adapted to divisional circumstances on the recommendation of the Committee on Academic Policy and Programs, but such procedures must be consistent with the principles in this Policy.

Part II also says,

In formulating their own regulations **divisions may add to items (a) to (g) and may adopt fuller or more specific provisions**, for example in place of such terms as "a simple majority"(b), "one-third of the final grade" (d), or in particularizing the evaluation methods referred to in (a) and (b). [bold face added]

These clauses do not suggest that any of the UGPP requirements may simply be omitted from divisional policies.

However, the approval of the revised UGPP by the Academic Board in 1998 was accompanied by an explanatory note in the record of the meeting, viz.

Explanatory Note: The revised Policy shall come into effect for the Fall 1998 session. In the Policy, Part II: Grading Procedures may be adapted by Divisional Councils and forwarded to the Committee on Academic Policy and Programs. All currently approved divisional Grading Procedures, including the graduate Grading Procedures, shall continue in effect until changed by Division Councils and the Committee on Academic Policy and Programs.

This explanatory note seems to anticipate that all divisional councils, including the SGS Council, would revisit local policies in light of the revised UGPP. Some amendments to the GGEPP were subsequently proposed by the SGS Council, and were approved by the Committee on Academic Policy and Programs, but no amendments relating to the components of evaluation or to the return of course work have been proposed. Hence, given the wording of the explanatory note, it can be argued that the pre-existing wording of GGEPP Part II: Grading Procedures, Course Procedures still stands, despite its apparent conflict with the UGPP.

Nevertheless, the burning question remains whether or not the omission of these provisions from the GGEPP is consistent with the principles in the UGPP, as required by the latter policy. It appears that neither the SGS Council nor the Academic Policy and Programs Committee of the Academic Board have specifically focussed on this question.

To further complicate matters, the opinion of the administration has been inconsistent over the years. For a number of years, the administration's preferred interpretation was that the UGPP prevails, as is reflected in communications to students and department cited above. However, more recently, the Provost's Office and SGS have preferred the interpretation that, pending a resolution of the tension between the two policies, the GGEPP is to be interpreted as a local variation as permitted by the UGPP.

From the point of view of the University Ombudsperson, the issue of concern is *not* the substantive one of what particular requirements for evaluation should apply to graduate courses. On that matter, this Office has no opinion. The interest of this Office is twofold:

1. That the existing confusing ambiguity in the written policies be removed, and
2. That the substantive issue be resolved through the normal processes of governance.

I provided the Provost's Office and SGS with a fuller report on this matter, and it is now being addressed. The Vice-Provost Academic Programs is taking the lead, and reports that the *University Grading Practices Policy* is being redrafted to encompass both undergraduate and graduate practices and will be taken to governance for approval. When the revised UGPP has been approved, it will be recommended that the *Graduate Grading & Evaluation Practices Policy* be rescinded.

Replacing Make-up for a Mid-term Test by Increasing the Weight of the Final Exam

The practice employed in some (usually large undergraduate) courses of increasing the weight of the final exam in lieu of offering a make-up term test can result in as much as 100% of the grade being determined by the final, even though this was not anticipated by the original evaluation scheme. The practice removes the need to develop equivalent forms of the test and may relieve students of the need to document their reasons for not writing. For some students, the practice may encourage procrastination in studying the course material; for others, on the contrary, it may act as a deterrent to avoiding the mid-term.

We have noted that Module 1 of the *AODA Accessibility Standards for Customer Service* uses this practice as an example to explain what is meant by a systemic barrier to accessibility:

An example of a systemic barrier would be an academic practice that does not allow for "make-up" mid-term exams and instead increases the weight of the final exam to include the missed mid-term. Students may be unable to write a mid-term for disability-related reasons, such as delayed access to texts in alternate format, assistive technology issues or regularly scheduled medical treatment like

dialysis. The practice of re-weighting final exams may work for most students but, in some cases, constitutes an unfair practice for students with disabilities.

The AODA module refers to some of the reasons that might cause students with a disability to be unable to write the mid-term as scheduled. I would add that, for students with some conditions, such as learning disabilities and clinical anxiety, a more heavily-weighted final than originally expected, particularly one that is then the only basis of evaluation, represents a formidable hurdle that may aggravate the condition and contribute to poor performance.

One remedy that has been offered to individuals with disabilities so affected is to allow late withdrawal without academic penalty. However, this may require a petition, and results in loss of opportunity to earn credit in that academic session, despite effort already expended. Further, unless the withdrawal is back-dated, this remedy may result in loss of fees.

The issue has been discussed in one large division in which a case of this kind arose in the course of the year, and the division is drafting revisions to its Academic Handbook for Instructors to provide some advice on best practice, aiming to improve the situation where disabilities are involved.

I also brought this matter to the attention of the Provost's Office. The Vice-Provost, Academic Programs established that Accessibility Service will advocate on behalf of a student presented with this barrier and also indicated that if this becomes a more general issue or is a continuing problem in any particular case, the Vice-Provost will work with divisions to ensure accessibility. Further, as at the time of writing, the Office of the Vice-Provost, Students is intending to address the issue in the same general way as accommodations for religious observances, which is also an obligation arising under the *Ontario Human Rights Code*. A text is being developed for inclusion in material distributed annually to PDAD&C and posted for students on the Vice-Provost, Students' web site.

Accommodation for Disabilities

The University has long had in place offices on all three campuses to assess and recommend accommodations for students in their academic work. Health & Wellbeing provides similar services relating to the accommodation needs of University employees. This year, I became involved in discussions about arrangements for accommodations for activities or for groups outside the typical framework within which the accessibility offices have operated.

Postgraduate Professional Trainees. Trainees such as medical residents or clinical fellows in professional postgraduate programs do not pay student services fees to the University. Hence, needs for accommodation for disabilities are not addressed through the University's student accessibility offices. My Office became aware of uncertainty on the part of some trainees about how to get concerns about their accommodation

arrangements addressed. We, in turn, were unsure what advice to give about the best way to proceed.

I met with the Post-Graduate Medical Education Office (PGME) and found a strong commitment to supporting their trainees with disabilities. PGME had been actively developing mechanisms to ensure appropriate assessment and protect confidentiality, and in the course of so doing had sought advice from *Accessibility Services* on the St. George Campus. As part of the process, the most recent annual meeting with Program Directors focussed on accommodation for disabilities. It is recognized that further support and resources for Program Directors may be needed to enable them to improve clarity on aptitude requirements and/or early intervention for those needing accommodations. Better-informed Program Directors would thus be able to assist their trainees, who would then know early on where and how to access the required accommodation. With the trainee's early disclosure of a disability, an accommodation plan can be developed and monitored by the program and the PGME Office.

Current practices are that accommodations can take a variety of forms, including part-time learning, or on-call restrictions. Residents receive salaries and benefits during training, funded by the Ontario Ministry of Health. These would continue during any training period extended due to the prescribed accommodation, with the accrediting body's approval of the extension.

Up until recently, no material was published for the information and guidance of postgraduate trainees who might need such support. Following our discussions, PGME prepared a new section on Accommodation of Medical Learners with Special Needs, which now appears in the *Postgraduate Medical Education Information Booklet 2010-2011*. This material welcomes the participation of persons with disabilities, encourages early self-identification, and clarifies the channels to be used.

Governing Council. I also became involved in discussions about accommodations for persons interested in participating in the work of Governing Council. Although various forms of accommodation have been provided in the past for individual members and candidates for election, there was a need for clarification of the process.

As a result of these discussions, which also involved the AODA Officer and managers of accessibility offices, a document was developed welcoming the participation of persons with disabilities in the work of Council, its Boards and Committees, and describing the roles and responsibilities of relevant university offices and of the person seeking accommodation. The *Procedures* were announced at the June 2010 meeting of Governing Council and are now published on the Governing Council web site.

Status of Responses to Earlier Recommendations

Building Accessibility

In my report for 2008-2009, I discussed the challenge presented by the age of the University's physical plant in reaching our goals for accessibility, particularly on the St. George Campus. A survey of academic buildings on the St. George Campus had identified numerous deficiencies, but there did not exist a plan for how, over time, the situation could be addressed other than in the context of major renovations that were being undertaken for other reasons, such as change of academic use. Nor was there any designated central source of funding to assist divisions wanting to undertake such projects. I had therefore recommended:

- a) that the survey of St. George Campus buildings be updated and the needs for correction of deficiencies be prioritized; and
- b) that designating high priority building accessibility needs (or accessibility needs more broadly defined) as a fundraising priority for the University be actively considered.

These recommendations were accepted by the Administration in its response, with some caveats: It was noted that priorities must not inhibit the University's ability to respond to opportunities arising from unexpected targeted funds, and that philanthropists are not generally attracted to such projects.

With respect to planning and priority setting, the situation remains unchanged at this time. As in the past, accessibility will be included within the budgets of approved capital projects for new building or renovated buildings as determined by academic plans, and fundraising priorities will be for the capital project itself. However, the Assistant Vice-President, Campus and Facilities Planning intends to begin a cyclical review of the building survey, and, as the featured priorities for the next fundraising campaign are developed, there will be discussion of whether to set a specific accessibility goal.

It is, however, pleasing to report that a number of significant renovation projects have been initiated during the year, some made possible through donations:

- Accessible washrooms are being constructed for Convocation Hall, funded by the Alumni Association;
- An elevator is being installed in Simcoe Hall replacing the unsatisfactory lift;
- The Office of Admissions & Awards has moved from its former inaccessible location to 172 St. George St. where rooms on the accessible first floor are available for use by staff and clients for whom the upper floors are inaccessible;
- Renovations to 315 Bloor St. West for the Munk School of Global Affairs, privately funded, include an elevator and accessible washrooms;
- Washrooms in the Health Science Complex at 155 College St. have been made accessible with door openers;
- Renovations to the Mining Building, funded in part by private donation, include an elevator with access to a large lecture hall as well as to all other floors of the building.

Prohibited Discrimination and Discriminatory Harassment: Complaints Procedures

My report for 2007-2008 I identified the need for a clearly articulated and readily accessible internal process for dealing with complaints of discrimination on prohibited grounds or discriminatory harassment. I noted that, despite the recognition the University has received for its proactive stance on diversity, it has lagged behind many other institutions in respect of defined complaints procedures, the single exception being the procedures relating to sexual harassment. I also noted that among the Equity Offices only the Sexual Harassment Office and the Anti-Racism & Cultural Diversity Office make reference to complaints in published materials.

For some considerable length of time, the Office of the Vice-President, Human Resources & Equity has been working towards the development of procedural guidelines for the handling of such complaints. This work has culminated in the publication on the HR web site of *Guidelines on Prohibited Discrimination and Discriminatory Harassment*. The *Guidelines* are also referenced in two policies approved by Governing Council in May 2010, viz. the *Policy with Respect to Workplace Violence* and the *Policy with Respect to Workplace Harassment*.

While providing an excellent tool for employees, the above *Guidelines* do not address the needs of students who have complaints of this nature. Currently, students with complaints against other students may seek a formal investigation under the provisions of the *Code of Student Conduct*. However, for students who want to try to resolve issues informally, the Rights and Responsibilities web site published by the Vice-Provost, Students recommends only the services and mediators at St. Stephen's Community House, an off-campus facility. Students with concerns or complaints relating to faculty or staff have no specific written guidance. Although many skilled staff members at the University, such as those in registrars' offices, student services, and residences, sometimes provide informal assistance, both they and students would benefit from clearly defined procedures.

In response to this concern, the Vice-Provost, Students is currently considering the possibility of developing guidelines or policy for students with complaints of this nature. The plan is to integrate this work into the update of the *Code of Student Conduct*.

Off-campus Activities: Policy Development

In my last two reports, I referred to the long-standing interest of the Ombudsperson's Office in the evolution of policy relating to University activities that are conducted off-campus, dating from a number of recommendations made by my predecessor, Mary Ward.

It is pleasing to report that, in the past year, significant progress has been achieved. A draft *Framework* was exposed to PDAD&C in March 2010 and, with revisions arising from that discussion, the work is essentially complete. The Office of the Vice-Provost, Students provided leadership in this complex exercise.

The following principles are enunciated:

- 1) Safety must be taken into account during planning;
- 2) The University and its members have a shared responsibility on these matters; and
- 3) Assessment of the level of risk and the measures proposed to address such risks is a key part of determining whether an activity should proceed.

Sets of *Guidelines* are associated with the *Framework*:

- 1) Guidelines on safety in field research were initiated by the Office of the Vice-President, Research and were developed by the Office of Environmental Health and Safety.
- 2) Guidelines on safety abroad were developed by the Safety Abroad office and reflect the current procedures implemented by that Office.
- 3) Guidelines on travel were based in large part on those in use by the Faculty of Physical Education and Health for intercollegiate team travel.
- 4) Guidelines on sponsorship of off-campus activities of campus organizations reflecting best practice were developed by the Office of the Vice-Provost, Students.
- 5) Guidelines on experiential learning and community service are in development.
- 6) Other guidelines may be developed as the need arises.

Code of Behaviour on Academic Matters

In my 2007-2008 report, I discussed various problems with the current *Code* and its administration, culminating in a recommendation for a review that was accepted by the Administration. Further issues were identified in my report for 2008-2009. In these reports I expressed particular concern about the length of time taken to dispose of allegations, and about non-compliance by some faculty members with the provisions of the *Code*. I suggested that achieving an appropriate balance between fairness to the accused and efficiency in procedures should be an important objective of the review.

I also recommended that annual statistical reports to the Academic Board include information about the time taken to dispose of allegations both at the Tribunal and at the Divisional level. This recommendation was also accepted by the Administration.

An Administrative Review of the *Code of Behaviour on Academic Matters* was conducted during 2009-2010 and the report will be published during fall 2010. The review was led by the Vice-Provost, Faculty and Academic Life and entailed extensive consultations with the divisions and others responsible for the handling of cases.

Also during 2009-2010, the Judicial Affairs Office was re-organized and renamed the Appeals, Discipline and Faculty Grievances Office, which more appropriately reflects its mandate. It has instituted a number of processes to ensure that allegations of academic misconduct at the Tribunal level are dealt with in a timely manner. These include:

- A running status document of all active cases is reviewed by the Senior Chairs on a quarterly basis, enabling them to intervene if appropriate to ensure cases are kept moving forward.
- The Senior Chair of the Tribunal has issued a decision framework to all Tribunal chairs with guidance that decisions should normally be written and issued within 3 months of the hearing, subject to some flexibility.
- The overall number of chairs for tribunals has increased to help address the greater volume of cases.
- The scheduling system for Tribunal cases has been reviewed and streamlined to permit additional hearings to be scheduled.

Last, the Provost's Office has investigated the feasibility of reporting the time taken to dispose of allegations at the divisional level. They have found inconsistencies in the databases used within the large divisions, which makes the collection of comparable statistics difficult. However, recent discussions have centred on the possibility of reporting the percentage of cases within a Division resolved within a four month time-period.

Assessment and Refund of Incidental Fees

In his report for 2006-07, the Acting Ombudsperson, Professor MacDonald, recommended that the University examine its policies governing the assessment and refund of incidental fees, particularly as they apply to part time students. The issues he raised were initially brought to a committee set up by the Vice-Provost Budget and Planning that worked through 2008-09 on various aspects of how fees are assessed for part-time students. Subsequently, the review of policies and procedures relating to incidental fees has been taken up by the Vice-Provost, Students in cooperation with the Office of Student Accounts. This review will take place in early fall, 2010 as part of the next generation student information system project. Both the fairness of practices and the practical implications of potential changes will be considered.

Other Activities of the Office

During 2009-2010, I was again ably assisted by the Assistant Ombudsperson, Garvin De Four, and by Linda Collins, on whom we rely for administrative support. I am fortunate to have the ongoing benefit of their experience and commitment. Governing Council conducted a review of the Office which provided valuable advice on our operations and resulted in enhancements of our Terms of Reference.

Professional Development: The Assistant Ombudsperson represented the Office at a Joint Meeting of the Association of Canadian College and University Ombudspersons (ACCUO) and the European Network for Ombudsmen in Higher Education.

Outreach: We continued and expanded our efforts to educate the University community about the services we provide.

- We took a booth at the **orientation** event for graduate students where we distributed bookmarks and our new business card holder. The card holder was included in UTSU orientation kits, and we also participated in the UTSC virtual frosh kit.
- We placed **advertisements** in the UTSU Student Handbook and the Clubs Directory, as well as in four major student newspapers and the *University Bulletin*.
- We continued a **bookmark drop** to individual faculty members, staff members, and graduate students and to counselling offices. During the year, some 17,500 bookmarks in all were distributed over the three campuses.
- We have met with many **key personnel** in the course of the year to explain the role of the Office and the way we work. These presentations stress that the Ombudsperson's role is to assist *all* parties to a dispute in finding a satisfactory resolution, emphasizing our independence, neutrality, and strict confidentiality.
- In March 2010, we launched a **new web page** with expanded and updated information about channels for the resolution of different kinds of problems. The website received 2192 hits in 2009-2010, an increase of 7% over the previous year.

Conclusion

It is a great privilege to serve the University and its members as the University Ombudsperson, and the work is singularly rewarding. I would like to thank Governing Council for appointing me to a second three-year term.

Complainants do not always obtain the outcomes they sought when they approached the Office, nor would that necessarily be appropriate. Regardless, we try to ensure that complainants leave with a better understanding of their issues and able to avoid or deal more effectively with problems in the future.

Administrators at all levels in the institution have generally been very open when approached about individual cases, and ready to consider whether remedies might be available. They are also typically receptive to suggestions for improvements in the delivery of services and the provision of information to their clientele. Many have generously made time to discuss systemic issues and offered ideas about how they might be addressed to the benefit of the University community. We thank them for their cooperation, without which we could not fulfil the mandate of the Office.

Respectfully submitted,

Joan Foley
September, 2010

Appendix A

Feedback about Contact with the Office

Comments on the Services

Thank you so much—I really appreciate your help in this matter. This is very good news—you have been wonderful...!

Thank you so much for supporting me during this issue.

The information you gave me was thorough and swift. Thanks for helping me out. I feel that I now have a reliable office to turn to in my time of need.

Thank you very much for resolving this matter so efficiently.

Thank you very much for all the information. I have a better idea of what's going on now.

Thanks for your help. The information was very useful, and just meeting with you and learning about my options relieved a lot of stress and helped me keep going. Keep up the good work!

Thank you for a very useful meeting, which helped us to improve our handbook.

I am very relieved that this matter has been resolved as it has been such a stressful time. I would like to thank you so much for your time and patience with me, and for guiding me through this incident. I sincerely appreciated your help. Please know that from this point forward I will be a more diligent and responsible student and will never make these same mistakes again.

Thank you so much for your assistance.

Thank you so very much—you have been so helpful! You are awesome! Thank you..

I can say everything was excellent about this office and they are very helpful people that can solve students' problems. Thanks a lot for all your effort. All of the employees in your office are perfect.

The person I contacted was great-- fast and well organized. It was nice to have follow-up after the meeting.

The person I contacted was very good with students and follows up your message or appointment or e-mail.

The person I met with listened to me with interest but also worked to keep the discussion on track.

The person I met with was very friendly and listened for the problem. This helps students a lot. They follow up students' cases very well. Every time you go to this office, after that you feel better about your problem and they listen.

The person I met with was very patient and spent a lot of hours regarding the case and advising about the rules of the school. The person is very professional and talks to students in a way that is perfect.

Comments on the Office Location

The office is very convenient and is a comfortable environment. The set-up for an appointment had a nice quick response.

The office is very nice, conducive to protecting confidentiality.

The office space is comfortable and accessible. The location is very convenient and the building is beautiful.

The office space/location/set-up is perfect.

Comments on the Website

I found useful information from the website.

The website is wonderful. The online "submit issue" form was very useful and I received a follow-up phone call within 12 hours!