



**OFFICE OF THE UNIVERSITY OMBUDSMAN  
ANNUAL REPORT  
JULY 1, 2014 TO AUGUST 31, 2015**

**Introduction**

The Office of the University Ombudsman was established in July 2014. This report covers the period ending August 31, 2015.

The Office provides independent, impartial and confidential advice. The Office also may facilitate the informal resolution of concerns and complaints in support of university policies and procedures, in accordance with best practices in organizational conflict management. Persons who, acting in good faith, have filed a complaint or sought the assistance of the Office of the Ombudsman or participated in an investigation/inquiry or made an effort to resolve a problem must be able to do so without fear of reprisal.

The University Ombudsman is Harry Smith, formerly the Coordinator of Dispute Resolution Mechanisms. The Office of the University Ombudsman supplanted the Dispute Resolution Mechanisms function. The traditional role of a University Ombudsman was, in large part, contained within the mandate of the Office of Dispute Resolution. The creation of the Office of the University Ombudsman clarified its independence from administrative structures. Going forward, it also increases accountability to the governing bodies, and enhances institutional accountability by elevating the visibility of the service. The name of the office is more easily understood by individuals both within and external to Queen's.

Accountable to the Board of Trustees through the Audit and Risk Committee, the University Ombudsman is an independent, impartial and confidential resource for students, staff and faculty to find information and receive guidance, consultation, and advice about their university-related concerns and issues relating to university policies, procedures, and decision-making structures and systems. An organizational chart is attached to this report. As an advocate for fairness, the Ombudsman may work informally to facilitate resolutions to problems and conflict and investigate complaints of unfairness that may lead to recommendations for change.

The Ombudsman publishes an Annual Report provided, for information purposes, to the Board of Trustees, the Senate, the Principal, the AMS and the SGPS.



## **Role of the University Ombudsman**

The Ombudsman interacts with all levels of administration including Associate Deans, Deans, the Provost, Vice-Provost (Student Affairs), the Principal and Vice-Principals, University Secretary and Corporate Counsel, University Counsel, and external lawyers, Health Counselling & Disability Services, and Campus Security to provide expert advice and recommendations on a wide variety of complex matters related to those and other portfolios. All activities within the Office of the Ombudsman shall be free of influence by any element of university administration, including matters of case/investigation selection, scope, procedures, frequency, timing, or report content.

The University Ombudsman was contacted by the following:

<b>NUMBER OF STUDENT CASES BY FACULTY</b>	
Arts and Science	100
Education	2
Commerce	25
FEAS	11
Law	2
Medicine	1
Graduate	22
BISC	1
Residences	15
Athletics	1
<b>SUPPORT OTHER THAN STUDENTS</b>	
Administration	166
Faculty	12
Staff	5
AMS	13
SGPS	4
External	55

Support by the Office of the University Ombudsman is complainant driven. All students receiving sanctions for both academic and non-academic circumstances are provided with the Office of the University Ombudsman's contact information pursuant to Section 12 of the Queen's University Senate Policy on Student Appeals, Rights and Discipline (SARD).



### **Role of the Associate, Policy and Appeals**

The Associate, Policy and Appeals is Gail MacAllister, formerly Manager, Senate Operations and Policy, Office of the University Secretariat. Reporting to the University Ombudsman, the Associate, Policy and Appeals provides a range of confidential advice and support to members of the University community in relation to dispute resolution and provides assistance to students regarding the administration of grievance and complaint procedures.

<b>NUMBER OF CASES BY FACULTY</b>	
Arts and Science	108
Commerce	26
Engineering and Applied Science	12
Residences	11
Nursing	9
Registrar	1
Medicine	1
<b>NATURE OF CASES</b>	
Requirement to Withdraw	42
Academic Integrity	31
Late Add/Drop	28
Various	23
21 Day Waiver	21
Residence Rule Violation	11
Board of Studies Appeal	5
Academic Probation	4
Letter of Permission	2

Many student questions or requests for assistance can be addressed within a one hour meeting, although a follow-up meeting or a review of a draft appeal document/supporting documents is often requested by students. These requests are often accomplished by email. This works efficiently where the issues are relatively straight-forward and the route of appeal is clearly set out. Several cases were more complex and required multiple meetings with the student involved and with related parties in an effort to monitor/manage a situation or to avoid a more formal dispute resolution process.

The Associate, Policy and Appeals also provided policy interpretation and guidance to respondents to appeals regarding the process for the University Student Appeal Board.



Several times throughout the year, parents of students in receipt of a sanction make the initial contact with the Associate, Policy and Appeals. Parents are given policy information and an outline of the support offered to the student. No information regarding student specifics is released to parents, however, it is helpful to discuss the process and service offered by the Office of the University Ombudsman should the student wish to receive support or advice. In each case, the student ultimately sought the support of the Associate directly.

### **University Student Appeal Board**

The Associate, Policy and Appeals is secretary to the University Student Appeal Board (USAB). The USAB received 12 appeals between July 1, 2014 and August 31, 2015. Chair Nicholas Bala (Faculty of Law) heard 3 cases and reviewed 2 appeals which were withdrawn by the appellant. Chair David Freedman (Faculty of Law) heard 6 cases and reviewed one appeal which was withdrawn by the appellant. The USAB reviewed or heard cases from Residences, Health Sciences, Arts and Science, and Engineering and Applied Science.

### **University Dispute Resolution Advisors**

Currently, there are seven members of faculty appointed by the Senate to serve as University Dispute Resolution Advisors: Michael Blennerhassett (Health Sciences), Gordon Dueck (Arts and Science), Tony Noble (Arts and Science), Patrick Oosthuizen (Mechanical Engineering), Kate Robotham (Business), Marsha Singh (Arts and Science), and Christopher Ward (Health Sciences). The Ombudsman provides training to the University Dispute Resolution Advisors and provides guidance to them on an as-needed basis to aid in the fulfillment of their responsibilities.

During the period of this report there were 31 referrals to University Dispute Resolution Advisors and they supported students at Academic Integrity meetings, USAB hearings, Board of Studies hearings, and meetings with Wellness Services (formerly the Disability Services Office). Subsection 5(b) of the Senate Policy on Student Rights, Appeals and Discipline states the function of the University Dispute Resolution Advisor is:

to provide information and advice to students who are facing adverse academic decisions or other difficulties related to their academic program at Queen's. Dispute Resolution Advisors are invaluable resources for providing students with information and advice about Queen's policies and procedures. Advisors promote the informal resolution of academic and non-academic discipline-related concerns by helping students to identify and evaluate options for resolution.

It is the right of the student to have a dispute resolution advisor at any meeting during any stage of a dispute.



### **Harassment/Discrimination Complaint Board (H/DCB)**

The Chair of the Harassment/Discrimination Complaint Board (H/DCB) during this period was Professor David Freedman (Faculty of Law). One case was brought before the Board. However, it was ruled that the matter would not be heard due to the number of extensions given without the perfecting of the appeal. The matter was closed without a hearing. Professor Nick Bala was available as an alternate chair to this Board during the reporting period.

### **Safe Disclosure Reporting and Investigation Policy**

Queen's University's Safe Disclosure Policy outlines the process to confidentially report concerns about professional or financial misconduct. Although such concerns may be reported to a direct supervisor or university administrator, another option is to contact the University Ombudsman to make a report. It is possible to report concerns about professional or financial misconduct confidentially to the Ombudsman, who is also the Safe Disclosure Officer by direct telephone line at 613-533-2030 or at [ombuds@queensu.ca](mailto:ombuds@queensu.ca). Queen's University also has a variety of channels in place for addressing other more specific concerns at the university but contacting the Ombudsman remains an option if someone is uncertain where in the university to go with an issue or concern.

An Ad Hoc Committee to review Queen's University Policy and Procedure for Safe Disclosure Reporting and Investigation was established in March 2014. The review of the Safe Disclosure Policy and Procedure is ongoing and will be linked to a project being done in Employment and Labour Relations to outline various resources available to employees if they are experiencing difficulties in the workplace relating to issues like harassment, discrimination, bullying, etc. The policy is expected to go to both the Senate and the Board for approval in March or May 2016. This should be followed by a robust communications strategy through the Office of the Ombudsman, to increase awareness of the policy and procedure and to ensure it functions as an effective mechanism to mitigate general health and safety, financial, and legislative/regulatory risks.

The Safe Disclosure Annual Report for 2014 – 2015 is submitted as a separate report.

### **Committee Service**

The Ombudsman was a member of the Sexual Assualt Prevention and Response Working Group (SAPRWG) policy subcommittee. The SAPRWG is a network of students, faculty and staff convened to mobilize efforts to prevent and respond to sexual assault on campus. The working group is advisory to the Vice-Provost and Dean of Student Affairs and works collaboratively to effect change at the individual, institutional and cultural levels, thereby contributing to a safer campus environment for Queen's students. The Ombudsman attended the



four open meetings that were held as part of a campus-wide consultation process for campus community members. The SAPRWG policy subcommittee contributed to the development of an interim Sexual Assault Support and Response Protocol for the university (December 2014). The Sexual Assualt Prevention and Response Working Group's Report and Recommendations prepared for Principal Daniel Woolf were submitted April 30, 2015 and included recommendations to guide the university in addressing sexual assault, and a draft sexual misconduct policy.

As an initial response to the recommendations of the Sexual Assault Prevention and Response Working Group, the Provost's Office established a Sexual Assault Prevention and Response Implementation Team. The University Ombudsman serves on the team for the 2015-2016 academic year. The implementation team is responsible for exercising oversight of, and setting priorities and timelines for, implementing the report's recommendations. More specifically, the committee will:

- Determine resource requirements related to each recommendation.
- Assess budgetary and organizational impact for any new initiatives.
- Ensure the university is compliant with all government regulations.
- Evaluate priorities and set realistic timelines for implementation.
- The implementation team will work in consultation with the working group and its policy subcommittee.

The team began meeting in July 2015.

The Ombudsman chairs the Ad Hoc Working Group Regarding Practicums, which was created by the Senate Committee on Academic Procedures (SCAP). The working group was formed following a report to Senate by the University Student Appeal Board regarding concern in some instances about fair treatment in the assessmet of practicum students. There was interest in identifying ways to enhance the value of clinical learning by having appropriate policies to improve the supervision that students receive and to address problems that may arise during assessment. The working group membership was determined in late December 2014. In addition to the Chair of the ad-hoc working group, membership includes:

- 1 Administration/Faculty member – Faculty of Health Sciences
- 1 Administration/Faculty member – Faculty of Education
- 1 Student representative – Faculty of Health Sciences
- 1 Student representative – Faculty of Education

The working group met several times during the 2015 winter term and a report to SCAP should be submitted during the 2016 winter term.



During the summer, the Ombudsman and the Associate, Policy and Appeals met with the SGPS Committee to Review the Student Advisor Program to offer feedback to the committee regarding interaction with the advisors and overall experience with the program.

The Associate, Policy and Appeals served as an advisor on the selection committee for the student advisor program for the Society of Graduate and Professional Students.

The Associate, Policy and Appeals provided support and coordination for the Ad Hoc Committee to Review the Queen's University Policy on the Safe Reporting and Investigation (mentioned above). The University Ombudsman is a member on the committee.

### **Outreach**

During the spring and summer of 2015, a logo and signage was developed for the Office. A Queen's preferred supplier was selected to prepare promotional material to increase awareness of the Office, its location, and the services it provides. Promotional items were prepared for distribution to students at the AMS shinerama day held on University Avenue, September 11, 2015. Twenty-six hundred welcome letters for first year students informing them of the services of the Office were prepared for placement in the first year backpacks provided by the AMS.

The Ombudsman made a presentation regarding conflict resolution, the university's policies and procedures, and the various resources available to the university community in October 2014 as part of the School of Graduate Studies Expanding Horizons Workshop.

The Ombudsman attended the Joint Board/Senate Retreat in September 2014 to hear the discussion regarding the broader student learning experience within a changing post-secondary environment.

The Ombudsman attended meetings of the Senate Committee on Non-Academic Discipline and Senate Committee on Academic Procedure as an observer, and participated in Residences Student Conduct Committee discussions – a non-decision-making body that reviews effectiveness of residence rules and proposes revisions for consideration at the Senate Residence Committee.

### **Advisory Committee**

The Ombudsman shall meet at least once per year with an Advisory Committee. The Advisory Committee is comprised of the Secretary of the University as Chair, the Provost or delegate, a faculty member (as chosen by the Senate), University Counsel, the President of the AMS or delegate, and the President of the SGPS or delegate.



The Committee provides guidance, advice, and support to the Ombudsman without becoming involved in the substance of matters and subject to the confidentiality rules governing the Office. The Committee may advise and assist the Ombudsman in the following matters:

- a. reviewing the financial and other resource requirements of the Office to ensure adequate support and commitment to support fulfillment of the mandate of the Office;
- b. making recommendations regarding improvements to the visibility and effectiveness of the Office;
- c. maintaining the independence and impartiality of the Office;
- d. organizing a review of the Office from time to time;
- e. reviewing and commenting on the Annual Report and ensuring its' wide distribution; and
- f. planning for the future of the Office.

The Committee is advisory only and does not have any management authority over the Office of the Ombudsman or its employees. The first meeting of the Advisory Committee will be held in the fall of 2015.

### **Conclusion**

In closing, thank you to the many faculty members, staff, and senior administrators called upon at various times throughout the year either for assistance or to gather information and clarify circumstances. The cooperation received by the Office of the University Ombudsman often makes it possible to narrow the scope of a dispute, to focus on the main issues in question, and sometimes to resolve disputes without resorting to formal and lengthy procedures. It is noteworthy also that it appears more common for members of the university community to contact the Office of the University Ombudsman for guidance to ensure their approach to an issue observes the principles of procedural fairness with respect to meetings and decision-making. This is a positive and pro-active trend effective in reducing the potential for procedural issues to complicate the substantive matter to be addressed.

The service of faculty and student Senators who have given their time to sit as members of the University Student Appeal Board also is greatly appreciated.

Respectfully submitted,

Harry Smith, LLB, MIR, LLM  
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QUEEN'S UNIVERSITY  
OFFICE OF THE UNIVERSITY OMBUDSMAN

Organizational chart

