



**OFFICE OF THE UNIVERSITY OMBUDSMAN
ANNUAL REPORT
SEPTEMBER 1, 2017 TO AUGUST 31, 2018**

Introduction

The Office of the University Ombudsman was established in July 2014. This report covers the period from September 1, 2017 through August 31, 2018.

The Office provides independent, impartial and confidential advice and support to members of the Queen's community. Whenever possible, the Office may facilitate the informal resolution of concerns and complaints. 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.

During this reporting period, the University Ombudsman was Harry Smith. The current Ombudsman is Heather Cole, acting on an interim basis until March 2019. Accountable to the Board of Trustees through the Audit and Risk Committee, the University Ombudsman is an important resource for students, staff and faculty in need of and seeking information, guidance, consultation, and advice about their university-related concerns and issues involving policies, procedures, and decision-making structures and systems. The Ombudsman does not act as an advocate for individuals but rather, strives to ensure fairness in policies, procedures and university operations and when necessary, may work with the university community and make recommendations for change where systemic problems persist.

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 students, staff and all levels of administration including Assistant and Associate Deans, Deans, the Provost, Vice-Provost (Student Affairs), the Principal and Vice-Principals, University counsel and external lawyers, Residence Life, University Athletics, Student Wellness Services (formerly HCDS), the Human Rights & Equity Office and Campus Security to provide expert advice and recommendations on a wide variety of complex matters related to those and other portfolios.



During the reporting period, the University Ombudsman was involved in a variety of complex university matters. The Ombudsman carries a significant caseload, operating independently as a single source of assistance and information. In terms of reporting on the activities of the Office, cases are reported by the sector of the Queen’s community most closely associated with the complaint brought to the Ombudsman. Complaints documented involved some matter of dispute or disagreement on the part of a student, staff member or faculty representative and include but are not limited to policy advice, procedural advice, mediation and/or dispute resolution. Information and referral is noted separately outside of caseload as resourcing typically requires less time. The role of the Ombudsman in these matters is to act as a source of support for reference and referral only.

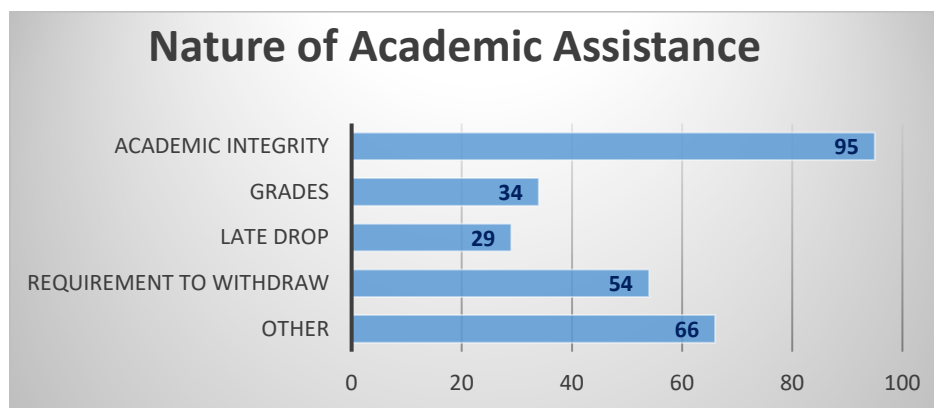
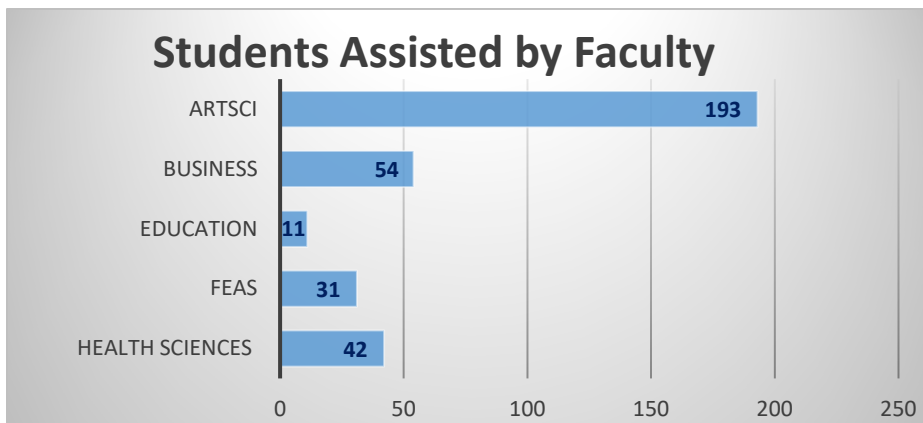
NUMBER OF CASES (TOTAL = 78)	
Undergraduate Student	22
Graduate Student	15
Administration (University Policy Related)	19
Staff/Administration	5
Non-Academic Misconduct	17
INFORMATION & REFERRAL (TOTAL = 256)	
Faculty	23
Staff*	158
Student	52
External	23

*The majority of staff contacts for information and referral dealt with student-related matters. Staff sought advice in dealing with issues concerning their service roles to students.

Support by the Office of the University Ombudsman is query and/or complaint driven. All students responding to notices of academic and non-academic misconduct or seeking to understand routes of appeal 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). The Ombudsman typically handles only complex student appeals. Academic appeal support is primarily dealt with by the Associate, Policy and Appeals.

Academic Appeal Support Provided by the Associate, Policy and Appeals

The Associate, Policy and Appeals is Gail MacAllister. 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 academic appeals procedures and dispute resolution and is responsible for the co-ordination and administration of grievance and complaint procedures provided for students. The following charts indicate the Faculties of association for students seeking assistance from the Associate as well as the nature of academic assistance sought during the reporting period.

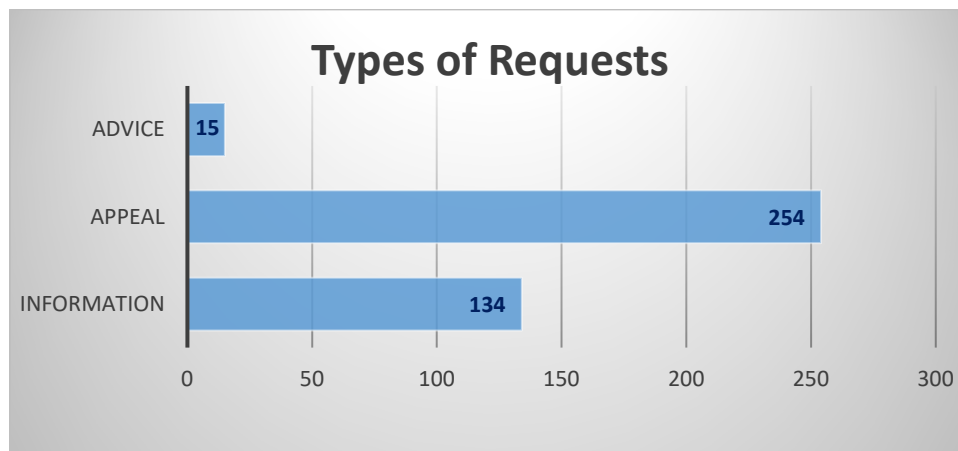


Many student questions or requests for assistance can be addressed within a one hour meeting, however, a follow-up meeting or a review of a draft appeal document/supporting documents is often requested by students. These requests are usually addressed via email. This works efficiently where the issues are relatively straight-forward and the route of appeal is clearly set out. But, some cases are more complex and require multiple meetings with the student involved

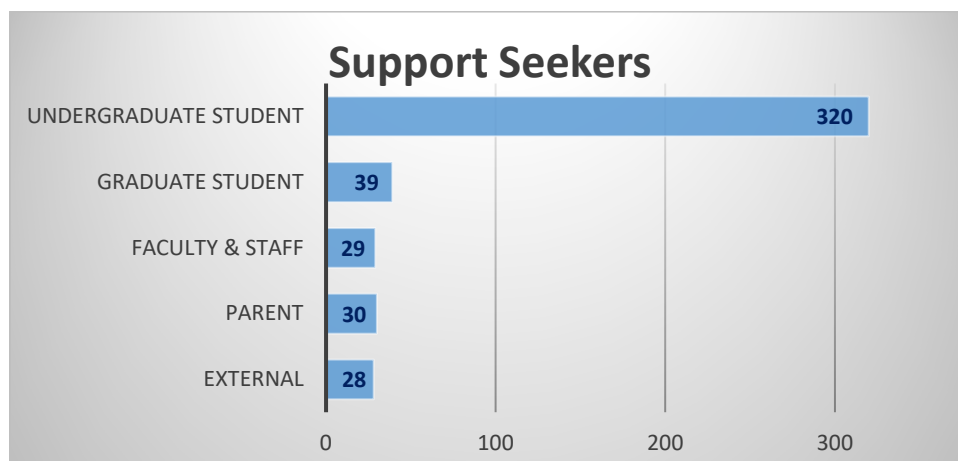


and with related parties in an effort to monitor/manage a situation or to avoid a more formal dispute resolution process.

The Associate, Policy and Appeals also provides policy interpretation and guidance to respondents to appeals regarding the process for the University Student Appeal Board. The chart that follows shows the types of requests made to the Associate during the reporting period.

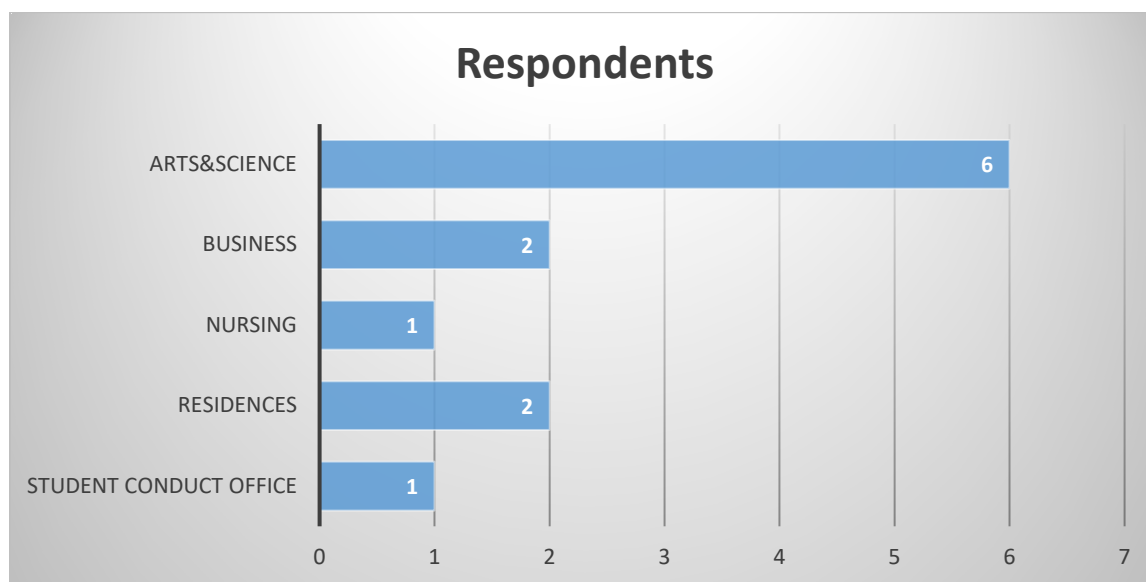
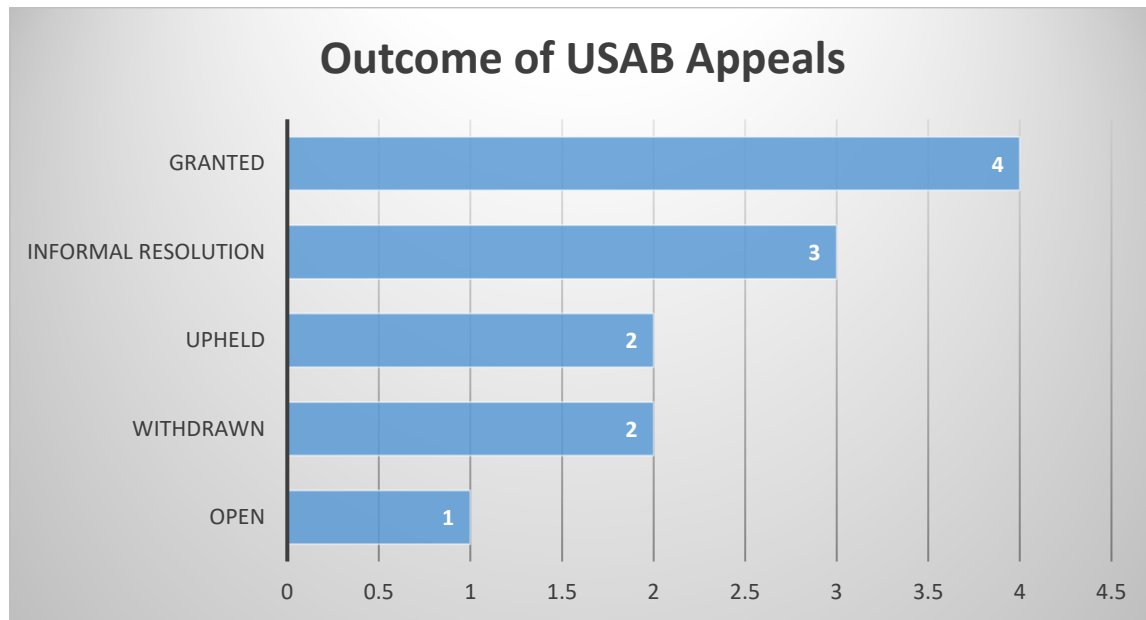


Several times throughout the year, parents of students in receipt of a sanction make the initial contact with the Associate, Policy and Appeals. Parents are given policy information and an outline of the support offered to the student. No specific student information is released to parents. However, 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. Below is a breakdown of the community members seeking support of the Associate during the reporting period.



University Student Appeal Board

The University Student Appeal Board received 12 notices of appeal over the reporting period. The outcomes of the appeals are noted below. Nine of the appeals involved academic matters while three involved non-academic matters. The associated Faculties and Offices of the respondents are set out in the second chart.







University Dispute Resolution Advisors

There are currently 4 members of faculty appointed by the Senate to serve as University Dispute Resolution Advisors: Michael Blennerhassett (Health Sciences), Gordon Dueck (Arts and Science), Kate Robotham (Business), and Myron Szewczuk (Health Sciences). The Ombudsman and Associate, Policy and Appeals provide training to the University Dispute Resolution Advisors and provide guidance to them on an as-needed basis to aid in the fulfillment of their responsibilities when assisting students.

During the period of this report there were 49 referrals to University Dispute Resolution Advisors. 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 or appeal.

Non-Academic Misconduct Intake Office

The Non-Academic Misconduct Intake Office (NAMIO) has held a carefully defined role within the Office of the University Ombudsman. NAMIO functions according to the same principles of independence and impartiality when receiving reports of student misconduct from Campus Security and Emergency Services, Residences, Athletics and Recreation, authorized agents, and the Sexual Violence Prevention and Response Coordinator. Following a preliminary assessment by NAMIO of the information reported, the case is referred according to the criteria set out in the Student Code.

During the reporting period, it was determined that responsibility for NAMIO should shift from the Office of the Ombudsman to Student Affairs to ensure impartiality could be strictly maintained by the Office of the Ombudsman. At the time of this report, the transition has only just been fully implemented. Reporting on NAMIO will no longer come under the responsibility of the Office of the Ombudsman.



Safe Disclosure Reporting and Investigation Policy

Queen's University's *Safe Disclosure Reporting and Investigation* 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. 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.

The Safe Disclosure Annual Report for 2017 – 2018 is submitted as a separate report.

Harassment and Discrimination Complaint Board

The university's *Harassment/Discrimination Complaint Policy and Procedure* was designed to reflect the university's obligations under Ontario's *Human Rights Code*. Queen's recognizes that all members of the university community have the right to be free from harassment and discrimination. The Senate policy on *Student Appeals, Rights and Discipline* (SARD) excludes from the jurisdiction of the University Student Appeal Board (USAB) cases dealt with under the *Harassment/Discrimination Complaint Policy* (SARD subs.18(b)). For some time now, boards and tribunals have been able to hear cases that have a harassment or discrimination component to the case subject matter. And, despite the exclusion set out in SARD, in keeping with this administrative law development, USAB has been hearing these student academic appeals. During this reporting period, Senate approved the removal of the exclusion set out in subs. 18(b) of SARD.

During this reporting period, the Board held one hearing under the *Harassment/Discrimination Complaint Policy*.

The Ontario Occupational Health and Safety Act (OHSA) was amended in 2016 with the passage of Bill 132, the *Sexual Violence and Harassment Action Plan*. As a result, Queen's Human resources created the *Interim Workplace Harassment and Discrimination Policy*, to ensure the University effectively addresses and responds to reports and complaints of harassment and/or discrimination in the workplace. An "interim" Policy was necessary to ensure that the University was compliant with changes made to the *Occupational Health and Safety Act*, which took effect September 8, 2016.

A working group, led by the University Secretary, has been struck to align the *Harassment/Discrimination Complaint Policy and Procedure* with the *Interim Workplace*



Harassment and Discrimination Policy and create one overarching policy. Work is ongoing and a new policy should move through the approval process during the next year.

Ontario Ombudsman

The 2017-2018 year is the second year of Ontario Ombudsman oversight of the 21 publicly assisted universities in Ontario. Mr. Paul Dubé continues in his role of Ontario Ombudsman which began in April of 2016.

According to the Ontario Ombudsman's 2017-2018 Annual Report, the Office received 268 complaints about 20 different universities. The top five Ontario universities, as determined by case volume, had between seventy-three and fourteen cases. The Ontario Ombudsman received six complaints relating to Queen's. All of the university matters were resolved through informal inquiries.

The Ontario Ombudsman's report notes the importance of institutional ombudsman in post-secondary settings. Queen's is one of 9 universities that has an institutional ombudsman position.

External Review

At the time of this report, the University is undertaking an external review of the Office of the Ombudsman. Stephen Strople, retired secretary of McGill University and 30-year career veteran of various post-secondary administrative positions has been hired to lead the review. The review has been designed to provide important information regarding the profile of the Ombudsman's Office on campus and to help identify best practices in the provision of ombuds services as well as the leading trends facing ombuds offices within the university sector.

Respectfully submitted,

Heather Cole, BAH, LLB, MPA, MEd, PhD
University Ombudsman (Interim)