



**OFFICE OF THE UNIVERSITY OMBUDSMAN
ANNUAL REPORT
JULY 1, 2015 TO AUGUST 31, 2016**

Introduction

The Office of the University Ombudsman was established in July 2014. This report covers the period from September 1, 2015 ending August 31, 2016.

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. 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. 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 counsel and external lawyers, Student Wellness Services (formerly HCDS), 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:

NUMBER OF CASES	
Arts and Science	53
Education	2
Commerce	14
FEAS	4
Law	2
Health Sciences	8
Graduate	40
BISC	1
Residences	8
Athletics	2
ADDITIONAL CONTACTS AND SUPPORT	
Administration	170
Faculty	11
Staff	10
Non-Academic Misconduct	14
External	50

Support by the Office of the University Ombudsman is query or complainant 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).

Role of 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.



NUMBER OF STUDENTS¹ BY FACULTY	
Arts and Science	97
Commerce	22
Engineering and Applied Science	14
Residences	16
Education	4
Nursing	18
Health Sciences (Physical Therapy and Medicine)	6
NATURE OF CASES	
Requirement to Withdraw	30
Academic Integrity	43
Late Add/Drop	11
Marks/Final Grade	31
21 Day Waiver	6
Residence Rule Violation	16
Examinations	6
Course/Program inquiry	8
Miscellaneous	28

¹ Note that some students may seek support more than once per year (for example, a student may proceed through three levels of appeal, but will only be counted once. However, if the nature of the concern is completely new, the student may be counted twice).

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 University Student Appeal Board received 14 appeals between July 1, 2014 and August 31, 2015. Chair Nicholas Bala (Faculty of Law) heard 5 cases. Chair David Freedman (Faculty of Law) heard 7 cases of which one case was determined to be outside the jurisdiction of the Board and did not go to a hearing. The four cases withdrawn by the appellants were due to a mediated agreement or to go to a different appeal body. The Board reviewed or heard cases from Residences, Nursing, Arts and Science, Commerce, and Engineering and Applied Science.

Outcome	Number of Cases
Decision reversed by respondent	2
No Jurisdiction	1
Appeal granted to appellant	3
Appeal upheld	4
Appeal withdrawn by appellant	4

University Dispute Resolution Advisors

There are 6 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), and Christopher Ward (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 34 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. At recess, the parties were invited to consider settlement of the complaint and a settlement was agreed; the complaint was withdrawn. Professor Nick Bala is available as an alternate chair to this Board.

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. 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 nearing completion. As a result of continued consultation throughout the 2015/16 academic year, the policy is expected to go to both the Board and the Senate for approval early in 2017. This should be followed by an advertising campaign aimed 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 2015 – 2016 is submitted as a separate report.

Committee Service

Advisory Committee on Non-Academic Misconduct

During the reporting period, the Advisory Committee on Non-Academic Misconduct (ACNAM), chaired by Principal Daniel Woolf, reviewed the non-academic misconduct system, with the aim of improving the system for student safety, health and wellness. The committee



began its consultations in the fall of 2015. ACNAM met with many stakeholder groups including the Alma Mater Society (AMS), Athletics and Recreation, Residences, the Senate Committee on Non-Academic Discipline (SONAD), Society of Graduate and Professional Students (SGPS) Council, Senate, and the Board of Trustees. The committee hosted consultations for several key external stakeholder groups. A second round of consultation occurred with the primary stakeholders again in the winter term.

While the review was taking place, the university instituted an interim protocol for the initial management and direction of cases of student non-academic misconduct. The interim protocol described what constituted university-level non-academic misconduct, created a Central Intake Office to assess reports of non-academic misconduct against the interim protocol's general description of the most common types of major non-academic misconduct violations, and developed a process through the Provost's Office for dealing with those reports deemed by the Central Intake Office to be university-level non-academic misconduct cases.

The Central Intake Office was created to receive and record all university-level non-academic misconduct cases and to assess and direct these cases to the appropriate non-academic misconduct case managers. The Central Intake Office also provided a central repository for all non-academic misconduct cases once they were addressed and closed. Due to the sensitive nature of the material to be received by the Central Intake Office, and the task of determining where to direct each case considering the nature of the misconduct and the origins of the report, it was determined that the Central Intake Office be positioned as part of the Office of the University Ombudsman Robert Sutherland Hall.

The interim protocol was replaced with a revised Student Code of Conduct approved by the Board of Trustees on May 6, 2016. The Queen's Student Code of Conduct policy now provides the foundation for the university's non-academic misconduct system (NAM). It provides a process for identifying and addressing misconduct within the Queen's community while encouraging the informal resolution of misconduct complaints where appropriate.

With the passing of the new Student Code of Conduct, the Central Intake Office became an ongoing entity, identified as the Non-Academic Misconduct Intake Office. Reports of Category 2 misconduct, as defined in the Student Code, are initially managed by the NAM Intake Office, with referral to one of five possible NAM units on campus: AMS, SGPS, Athletics and Recreation, Residences, or the Student Conduct Office.

As a member of ACNAM, and a member of the drafting committee for the Student Code of Conduct, I commend the efforts of Principal Woolf as Chair of ACNAM, as well as the other members of this group, for the extensive consultation that occurred and the consideration given to the varying interests and perspectives that were heard during this process. Student governments, in particular, participated in these consultations emphasizing the contributions they have to offer while keeping an open mind to, and in fact acknowledging, the current



environment in which non-academic misconduct must be addressed on university campuses. The new Student Code of Conduct is a significant accomplishment that will serve the interests of the university community.

The Interim Procedures under the Student Code of Conduct create a Student Conduct Panel to hear cases when it is determined that informal resolution is not possible or appropriate. Normally, the Student Conduct Panel consists of one faculty member, one student, and one staff member. The Office of the University Ombudsman sent out a request to the University community seeking an expression of interest to serve on the Student Conduct Panel. The response was encouraging and made possible a roster of individuals to draw upon. However, to the credit of the Student Conduct Office, all Category 2 cases were addressed through informal resolution. Therefore, a Student Conduct Panel was not required during the reporting period.

The Ombudsman was a member of the Sexual Assault 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 Board of Trustees approved the university Sexual Violence Policy on March 4, 2016. The policy sets out Queen's commitment to maintaining a positive learning and living environment in which any form of sexual violence will not be tolerated. This commitment includes awareness training and education programs, support for those who have experienced sexual violence including counselling, medical care, academic accommodation and other support as required, and clear, appropriate, and fair processes for handling reports and complaints of sexual violence covered by this and other university policies.

The Provost's Office established a Sexual Assault Prevention and Response Implementation Team. The University Ombudsman serves on the team again for the 2016-2017 academic year. The Implementation Team is responsible for ensuring the university is compliant with all government legislation relating to sexual violence.

On January 1, 2015, the Ontario Ombudsman began accepting and investigating complaints about universities as a result of legislation passed by the Ontario government that expanded the jurisdiction of the Ontario Ombudsman to include municipalities, universities, and school boards. The Ontario Ombudsman invited ombuds from Ontario universities to attend a one day training session to respond to questions regarding the new oversight and to discuss how they do intake, triage and prioritize complaints, and their process for working with existing complaint mechanisms. The University Ombudsman attended this information session in Toronto on November 12, 2015.



The University Ombudsman is a member of the Association of Canadian College and University Ombuds (ACCUO). Mr. Paul Dubé was appointed Ontario Ombudsman beginning April 1, 2016. In August 2015, the University Ombudsman and the President of the ACCUO, Lucie Allaire, Ombudsman at the University of Ottawa, on behalf of the eastern region of the ACCUO, met with Mr. Dubé and Ms. Barbara Finlay, Deputy Ombudsman of Ontario, to discuss their approach to investigating complaints regarding universities.

The University Ombudsman also serves on a working group reviewing a guide for graduate students and their supervisors regarding their rights and responsibilities within their academic relationship. The working group is chaired by Irène Bujara, Director and University Advisor on Equity and Human Rights.

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

In September 2015, the Office of the University Ombudsman participated in the frosh week sidewalk sale day (September 11, 2015) to increase awareness in the University community of the confidential services offered. Stress balls, pens, carabiners, and magnets with the logo and URL for the Office of the University Ombudsman were very popular promotional items with students.

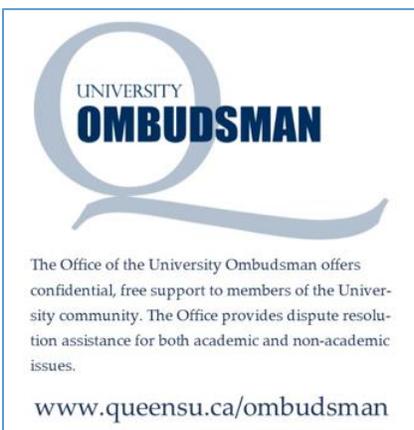




The Office of the Ombudsman also placed 2500 one page information sheets, introducing the Office, in the ASUS backpacks, which were provided to all first year students. To encourage reading the information provided, a tear-off section with a ballot to win a gift card at the Campus Book Store was incorporated into the one-page information sheet.

Faculty and staff were also encouraged to learn more about the Office of the Ombudsman and a separate draw for a gift card to the Campus Book Store was available to academic and non-academic staff who submitted a ballot.

The Office of the University Ombudsman continued its outreach throughout the academic year by placing notices in the Queen's Journal. The following information appeared in the Journal on October 30, 2015; November 13, 2015; February 11, 2016; February 26, 2016; March 11, 2016 and 24 March 2016. Publication dates were chosen based on key academic periods; midterm and prior to examinations in fall term 2015, prior to and following reading week, and at end of term in winter 2016. These corresponded with mark release dates and end of term deadlines for undergraduate students. The Office wanted to ensure that students were aware help and support was available during particularly stressful periods in the academic year.



The Ombudsman attended meetings of the Senate Committee on Non-Academic Discipline and Senate Committee on Academic Procedure as an observer. However, these meetings were fewer in number compared to previous years given that the NAM Interim Protocol was in effect.

The Associate, Policy and Appeals 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 terms of reference for the Office state that the University Ombudsman shall meet at least once per year with the 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 is advisory only and does not have any management authority over the Office of the Ombudsman or its employees. The Committee met on September 15, 2015; February 11, 2016 and June 24, 2016.

Conclusion

During the reporting period, and as noted last year, it appears more common for members of the university community to contact 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 number is especially high for administration and continues to indicate a positive and pro-active trend effective in reducing the potential for procedural issues to complicate the substantive matter that is being addressed. This is not atypical in an environment where the ombudsman's role may lean more toward a mediative rather than investigative mode of operation, although the latter approach remains an option when necessary.

The University Ombudsman also directed more time to discussions regarding policy development, which is becoming increasingly complex. Consequently, a significant portion of assistance to students is provided by the Associate, Policy and Appeals. The University Ombudsman continues to be involved in some graduate student issues, more complex or ongoing undergraduate student issues, and certain non-academic misconduct cases.

The Non-Academic Misconduct Intake Office adds a new dimension to the Office of the University Ombudsman. The NAMIO has a defined role within the Office of the University Ombudsman yet functions according to the same principles of independence and impartiality when receiving and referring reports of student misconduct following a preliminary assessment of the information in accordance with the criteria set out in the Student Code.

Again this year, I would like to thank 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.

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
University Ombudsman