

Terms of Reference Office of the Ombudsperson Dalhousie University

Mandate

The Office of the Ombudsperson is a resource to assist all members of the University and Student Union in achieving fairness, natural justice, equity and reasonable outcomes in decision-making affecting students.

The Office of Ombudsperson is committed to promote fairness for the benefit of students, the Student Union and the University by providing guidance, promoting the review and discussion of systemic concerns and bringing policy and procedural discrepancies related to Dalhousie's and the Dalhousie Student Union's policies, procedures and practices to the attention of those in authority.

Overview

The Office of Ombudsperson supports accountability and fairness in all University student-serving systems by:

- a. providing an independent, impartial, and confidential (with certain exceptions clarified below) process through which students and any member of the University Community or Student Union, may find assistance and advice in the just, fair and equitable resolution of University and Student Union related concerns;
- b. providing information and guidance on policy and procedure and assisting in the access to processes and support to address a concern;
- c. raising awareness by taking steps, such as carrying out an informal review and making recommendations, where the Ombudsperson is of the opinion that established processes and procedures and administrative channels for addressing such concerns have been ineffective or unfair, have been subject to unreasonable delay or are inappropriate in the circumstances; and
- d. identifying trends and patterns, policies and procedures, or issues of fairness in their application that generate concerns or conflicts, promoting discussion of systemic student-related concerns, making recommendations for addressing such matters including the review and possible revision of policies, procedures and processes, to the appropriate University or Student Union authority.

At no time does the Office of Ombudsperson carry out advocacy work on behalf of a student, faculty or staff member and/or in defense of the University or Student Union.

The Office of the Ombudsperson shall carry out the responsibilities of the office independently of all student, Student Union, staff, faculty, and administrative bodies within the University and will work in consultation with the Ombudsperson Advisory Committee (OAC).

Statement of Principles

Services provided by the Office of the Ombudsperson are founded on a number of general principles including independence, impartiality, confidentiality, informality, accessibility and fairness.

The Ombudsperson shall devote their attention to the Office of the Ombudsperson and not hold or maintain any other offices or engage in any other occupation that would interfere with the performance of the duties of the Office of the Ombudsperson.

The Office of the Ombudsperson, in carrying out their duties, shall comply with the University's Policy on Conflict of Interest.

1. Independence
 - a. operate independently from administrative structures, organizational entities and compliance functions to the extent permitted by law;
 - b. work in consultation with the Ombudsperson Advisory Committee (OAC); and
 - c. have discretion over whether and how to act and to initiate action when deemed appropriate within the scope of their role.

2. Impartiality
 - a. open to provide advice to all members of the University and Student Union on policies, procedures, processes and fairness, equity and principles of natural justice;
 - b. responsible to consider the legitimate concerns and interests of all individuals/bodies affected by the matter under consideration;
 - c. not participate in advocacy for individuals and/or defense of the University or Student Union; and
 - d. establish and maintain collegial ties to and relationships with all areas of the University and Student Union.

3. Confidentiality
 - a. All dealings with the Office of the Ombudsperson are deemed to be confidential, and may only be revealed as needed with written consent of the complainant. Notwithstanding this, the Office of the Ombudsperson is not expected to maintain confidentiality when disclosure is required by law, including Freedom of Information and Protection of Privacy Act (FOIPOP) or to ensure the safety and well-being of members of the University community, Student Union or the student's own physical or emotional safety and well-being.
 - b. The Office of the Ombudsperson shall respect the confidentiality of information or materials to which they have access.
 - c. The Office of the Ombudsperson does not comply with requests for information, does not testify in internal processes of the institution or any staff, faculty or student organization, and resists testifying in any external processes to the full extent of the law.

4. Informality
 - a. Informality shall be the prevailing atmosphere of dealings with the Office of the Ombudsperson, unless formal steps become a necessity as required by law. Whenever practical, the Office of the Ombudsperson shall seek the resolution of a student's concern at the appropriate level within the organization using educational and restorative approaches.
 - b. Communication with the Office of the Ombudsperson does not constitute formal notice to the institution, the Student Union or to the student, faculty or staff association.
5. Accessibility
 - a. The Office of the Ombudsperson is directly accessible and free of charge to any member of the University community and Student Union to seek the assistance of the office.
 - b. The Office of the Ombudsperson ensures that the office purpose, functions and roles are well publicized, and that office procedures and ways of accessing the office are simple and clear. The office will have multiple access points i.e. telephone, email, website, face to face etc.
 - c. Members of the University community and Student Union will have opportunities to provide feedback about the Office and their experience through various survey instruments.
6. Fairness
 - a. The Office of the Ombudsperson is committed to the elements of relational, procedural and substantive fairness, ensuring that rights and responsibilities are described in policies and procedures and examining whether principles of fairness and natural justice are observed by decision makers. The different aspects of fairness can be at issue at an individual or systemic level.

Jurisdiction

The Office of the Ombudsperson is not meant to replace established channels of assistance within the University or Student Union but may be used if an individual needs assistance in identifying where to go, would prefer to discuss a problem with a neutral party, or has already gone through established channels without satisfaction. The Office of the Ombudsperson, however, is not an avenue of appeal of any of these established channels.

The Office of the Ombudsperson can consider any concern related to a student-serving system within the University or Student Union. They shall not, however, have actual authority to impose remedies or sanctions, or to enforce any policy, rule or procedure.

The Office of the Ombudsperson is not an office of record: advising the Office of the Ombudsperson of a situation is not a substitute for advising the appropriate authority.

Limitations on jurisdiction includes:

- no advocacy on behalf of individual during the review of concerns
- no authority to accept notice on behalf of any party including the University
- cannot be voting member of a University or Dalhousie Student Union body
- no involvement on matters covered by a collective agreement
- no involvement in matters being heard in a legal forum or where both parties have retained legal counsel;

- no authority to impose remedies, make, enforce or alter policy; and
- no involvement in matters where there may exist a conflict of interest.

Functions of the Office

For a full description of the duties of the Ombudsperson, refer to the Ombudsperson Job Description.

1. **Policy & Process Advisor** - The Office of the Ombudsperson serves as an independent resource to all members of the University community and Student Union for providing objective guidance regarding navigating University and Student Union policies and procedures in the context of student matters.
2. **Policy and Process Review** - Well versed in policies and procedures within the University and Student Union, the Office of the Ombudsperson supports accountability and fairness for all University student-serving systems through independent review of procedural fairness including but not limited to complex intersecting policy gaps, occasions when established processes break down, produce unusual and unfair outcomes, or involve unreasonable delay. The Office of the Ombudsperson will consider complaints, make informal inquiries and recommend measures to address concerns, whether individual cases or systemic issues, with the appropriate position of authority.
3. **Outreach & Education** - The Office of the Ombudsperson will identify, build and maintain strategic and constructive relationships with all constituencies of the University and Student Union, including faculty and staff members, administrators, students and other individuals and groups. These relationships are integral to the Ombudsperson's ability to influence change.
4. **Independence & Impartiality** - The Office of the Ombudsperson will establish their office as impartial, independent, confidential and accessible within the University and Student Union communities. This will be done through education and outreach to senior administrators, faculty, staff, student groups and students, and through demonstrating these principles through their actions and holding all members of the University community and Student Union equally accountable to them.
5. **Administration & Reporting** - As an independent office, the Office of the Ombudsperson is responsible for administering the role in keeping with the 4 key principles of impartiality, independence, confidentiality and accessibility and balancing this with administrative support provided by the Provost Office.

Process for Consideration of Ombudsperson Recommendations

Any member of the University Community or Student Union to whom an inquiry or recommendation is addressed is expected to make a reasoned and timely response. The University member to whom an inquiry is being directed will have an opportunity to review the findings or recommendation and provide feedback.

Any individual or office making reprisals or threats may be subject to corrective action by the University or the Student Union.

The Ombudsperson Advisory Committee (OAC) will regularly review the recommendations of the Office of the Ombudsperson and the response of applicable units. This information will be reported to the OAC– see reporting.

The Office of the Ombudsperson, supported by the Ombudsperson Advisory Committee, will use their discretion to bring recommendations to a higher level, if deemed necessary.

Access to Information

The Office of the Ombudsperson will have reasonable access to University personnel, Student Union and University files which include but are not limited to records, reports and information pertinent to the mandate of the Office of the Ombudsperson.

University officials will assist with all reasonable requests for information pertinent to the mandate of the office as described in these Terms of Reference and respond to requests in an open, accurate, complete and timely manner.

The Office of the Ombudsperson will be entitled to copies of student records when accompanied by appropriate written authorization of the student(s) concerned.

Records and Information Management

The Office of the Ombudsperson is responsible for the development, recommendation and the implementation of appropriate procedures to protect an individual's use of the services of the Office. The Office of the Ombudsperson must establish records management protocols to ensure that the collection, use, disclosure and destruction of information by the office is consistent with privacy obligations.

This includes:

- a. Establish and maintain suitable records management protocols for collection, storage, use, disclosure and destruction of information;
- b. Keep files secure and ensure exclusive use of and accessible only to the Office of the Ombudsperson.
- c. No release of information unless required by law or with consent of affected person(s).
- d. Information collected by the Office of the Ombudsperson becomes the property of the Office of the Ombudsperson.

Reports

The Office of the Ombudsperson will file the following reports:

1. Semester Summaries – To the Ombudsperson Advisory Committee (OAC) at the end of the following periods: September 1 to December 31 and January 1 to April 30 with a summary of file statistics, current activities and trends analysis and resulting recommended initiatives. This will allow the Ombudsperson Advisory Committee (OAC) to provide counsel and support the workload of the Office of the Ombudsperson.

2. Annually – To the Provost & Vice President Academic related to activities pertaining to the University and to the President of the Student Union and Council related to activities pertaining to the Student Union. The Ombudsperson Advisory Committee (OAC) would receive copies of these reports. The annual reports will be submitted by August 30th of each year, outlining cases handled, general trends, systemic issues, recommendations and forward strategic and operational planning.

Reporting Structure

The Ombudsperson will report to the Provost & Vice President Academic. Decisions regarding the objectives and priorities of the Office of the Ombudsperson will be taken in consultation with the Ombudsperson Advisory Committee (OAC). Employment related decisions will be at the discretion of the Provost and Vice President Academic.

In the absence of an Ombudsperson, the Provost will consult with the DSU on a transition plan for extended absences to identify alternatives and appropriate referrals for student support.

While the Office of the Ombudsperson is an independent office, administrative support will be provided by the Provost Office.

The Ombudsperson Advisory Committee will be composed of:

- a designated chair;
- 3 members appointed by the DSU to include at least 1 graduate student and 1 student from the Carleton, Sexton or Truro campuses;
- the Vice-Provost, Student Affairs or designate;
- the Manager of Discipline and Appeals, University Secretariat
- one Associate or Assistant Dean, appointed by Deans Council
- one member appointed by Senate;
- two members appointed by the Provost, from among the Vice-Provost Equity and Inclusion (or designate), Indigenous Student Advisor, Black Student Advisor, General Counsel (or designate); and
- the Ombudsperson (non-voting).

Procedures of the Ombudsperson Advisory Committee (OAC):

- terms of office on other than ex-officio members shall be three years, staggered to the degree possible to ensure continuity over time;
- the Ombudsperson Advisory Committee (OAC) will meet at least 6 times per year at the call of the Chair;
- quorum shall be any five members in addition to the Chair;
- the Ombudsperson Advisory Committee (OAC) shall keep notes of meetings;
- the Ombudsperson Advisory Committee (OAC) may establish additional rules or procedures for the conduct of its functions;
- the Ombudsperson Advisory Committee (OAC) may establish ad hoc committees as it deems appropriate;

Function of the the Ombudsperson Advisory Committee (OAC):

- a. to support the selection of the Ombudsperson through selected members participating in the hiring process;
- b. to provide general guidance, advice and support to the Office of the Ombudsperson, subject to confidentiality requirements and without becoming involved in the substance of student-related matters in which the Office of the Ombudsperson is engaged and with special regard to:
 - maintain the independence and impartiality of the Office;
 - identify policies and practices to assist the Office of Ombudsperson to operate in accordance with the Terms of Reference and to meet the needs of the University and the Student Union;
 - monitor the alignment of the operations of the Office with the Terms of Reference;
 - support the Office of the Ombudsperson with strategic planning for the Office and review and give guidance on the Office of the Ombudsperson's annual priorities and deliverables;
 - maintain and improve the visibility and awareness of the Office within the University, develop a communications plan, with support of University Communications;
 - identify needs for training, education and resources to enhance the ability of members of the University and Student Union to understand and navigate policy, procedures and decision-making processes;
- c. to require the timely production of reports and to review with the Office of the Ombudsperson these reports, discuss statistics, trends and themes, make any recommendations arising out of such reports and advise on the dissemination of the reports;
- d. to report as the Ombudsperson Advisory Committee (OAC) to any person in authority, the Senate or Board or any of their committees, the Student Union or any of their committees on the operations and effectiveness of the Office of Ombudsperson, or any other matter it thinks appropriate or may be requested by these persons/bodies;
- e. to conduct a review of the operations of the Office and services provided at least every two years and make recommendations as appropriate;
- f. to advise the Provost & Vice President Academic and Dalhousie Student Union President on office space and support needs of the Office of Ombudsperson;
- g. to review and revise, in collaboration with the Office of the Ombudsperson, the Terms of Reference including its own composition and mandate, and report these to Provost & Vice President Academic and Dalhousie Student Union;
- h. to receive and respond to complaints about the Office of the Ombudsperson as provided for in the Terms of Reference and provide feedback to the Ombudsperson on the performance of Office functions and responsibilities;
- i. to review and report to the Provost & Vice President Academic and the President of the Student Union on the operations and effectiveness of the office after the second Annual report.

Appointment & Terms of Employment

The Ombudsperson shall be selected in accordance with applicable Dalhousie University Human Resource policy and procedures.