

Terms of Reference
UBC Vancouver Office of the Ombudsperson for Students
(Amended September 2011)

Developed by the *ad hoc* Ombuds Proposal Committee consisting of:

Martin Adamson, UBC Faculty Association
Joshua Caulkins, Graduate Student Society Advocacy Coordinator (Chair)
Anne DeWolfe, UBC VP Students Office
Lauren Hunter, Graduate Student Society VP Academic and External
Hubert Lai, UBC University Counsel and designate for President Stephen Toope
Mark Crosbie, UBC University Counsel
Ryan Lee, Alma Mater Society Advocacy Coordinator
Mariana Payet, Alma Mater Society Services Coordinator (2006 - 2007)
Margaret Sarkissian, UBC Equity Office
Lisa Robbins, Alma Mater Society Ombudsperson

Authority

The jurisdiction of the Ombudsperson is restricted to the activities of the Vancouver Campus of the University and all references to the University in this document are to be read in that context.

The Ombudsperson shall be independent. The Ombudsperson reports to the President, as defined below. Requests by the Ombudsperson for information should be handled in a mutually convenient and expeditious manner by all members of the campus community.

The role of the Ombudsperson is to provide guidance to students on existing resources, provide advice to students and to faculty members and staff members who deal with students, to carry out investigations in response to complaints from students, to report on findings resulting from such investigations, to make recommendations where appropriate based on such findings, and, through such recommendations, to serve as an effective influencer for positive change. The Ombudsperson will carry out all investigations in a fair manner, which will include permitting all persons or University units to have the opportunity to respond to any allegations made against them. While the Ombudsperson does not have the power to compel disclosure of files or the power to compel people to give evidence in an investigation, faculty, staff and students are expected to cooperate with the Ombudsperson. The Ombudsperson, and other members of the UBC community, may consult with the Office of the University Counsel regarding issues related to file disclosure. In addition, all members of the UBC community are entitled to request information in the manner provided for by the *Freedom of Information and Protection of Privacy Act*.

The Ombudsperson may consider whether or not the overall structure of processes used by the various internal tribunals is fair, equitable, and appropriate. However, the UBC Office of the Ombudsperson for Students does not function as an appeal body regarding decisions made by existing UBC internal tribunals and it is not the role of the Ombudsperson to second-guess the findings of UBC internal tribunals or to comment on the merits of any particular decision of an internal tribunal.

Mandate

The services of the Office of the Ombudsperson for Students will be available to students enrolled in a program of study or registered in credit or non-credit courses and, at the discretion of the Ombudsperson, former students and student applicants at UBC Vancouver.

The functions of the Ombudsperson are:

- 1) To investigate, in an impartial fashion, any complaints brought forward by any student. Complaints dealt with by the Ombudsperson are restricted to complaints about UBC and UBC employees or agents although the Ombudsperson may provide advice to students on how to seek assistance in other types of cases (i.e. from the BC Ombudsperson). The Ombudsperson will ensure that all other avenues for referral or resolution have been exhausted prior to initiating an investigation.
- 2) To serve as a general information centre for students about university resources, procedures, policies, practices and rules. The Ombudsperson will advise students of their rights and responsibilities in university situations. The Ombudsperson is expected to search actively for the answers to any pertinent questions with reasonable promptness.
- 3) To make written recommendations to those in authority with a view to remedying unfairness in the situation of an individual student, as appropriate. The Ombudsperson will ensure that, prior to issuing written recommendations, all persons or University units will have had an opportunity to respond to any allegations made against them.
- 4) To recommend to those in authority changes or procedures that would have the effect of making UBC fairer to students in its operations and to address or investigate systemic problems within UBC.

Access to Information

University members and staff are encouraged and expected to work with the Ombudsperson by providing relevant information to the Ombudsperson including copies of relevant documents.

Confidentiality

The Ombudsperson will treat all information obtained through the course of her or his duties in a professional and discreet manner such that utmost care and respect will be held for all individuals concerned. The Ombudsperson shall conduct her or himself in a manner consistent with UBC's standards for privacy protection.

The Ombudsperson shall not disclose the names of complainants without the express permission of the complainant(s). Certain disclosure of information on a need-to-know basis may be required and in such cases, the complainant will be notified prior to disclosure as required by the *Freedom of Information and Protection of Privacy Act*. In most cases, investigations require certain disclosures of information in order to proceed, such as releasing the identity of the complainant and circumstances of the complaint to the person against whom the complaint has been filed.

The Ombudsperson, and her or his delegate, will not be compelled to give evidence or release information acquired in the course of their duties, in an internal University process. The University will also endeavour to protect the Ombudsperson and her or his delegate from subpoena issued by parties within or outside the University.

Appointment and Reporting

The Ombuds Advisory Committee will make a recommendation regarding the selection of the Ombudsperson to the President, who shall make the final hiring decision. In the event that the President deems a candidate unsuitable, the Ombuds Advisory Committee shall be given the opportunity to put forward a second name.

The Ombudsperson will be provided with administrative assistance and adequate, accessible office space and computer resources on the Point Grey campus. Note that the Ombudsperson will be subject to UBC's employee probationary review to be conducted after one year. The Ombuds Advisory Committee may give input but this review is independent of the Ombuds Advisory Committee annual review (discussed below).

The Ombudsperson shall submit an annual report to the President, Vancouver Senate, the Alma Mater Society and the Graduate Student Society which will then be made public to the rest of the University community via the website of the Ombudsperson. The report shall include statistics of usage and recommendations that have been made to UBC authorities. The Ombudsperson may at any time make a written report and/or recommendations to the Ombuds Advisory Committee and the President regarding recurring or systemic issues encountered by the Ombudsperson.

Ombuds Advisory Committee

The Ombuds Advisory Committee has the following functions:

- 1) To act as a selection advisory committee to make a recommendation regarding the selection of an Ombudsperson to the President. The committee may make a recommendation for termination if necessary, which will be considered by the President.
- 2) To receive, review and respond to the complaints or comments concerning the performance or function of the Ombudsperson, which shall be submitted directly to the Chair of the Committee, provided that the Committee will not be permitted to review, overturn or otherwise interfere in any finding or recommendation of the Ombudsperson with respect to any individual case.
- 3) To conduct service reviews at least annually and make recommendations as appropriate.
- 4) To recommend changes to these Terms of Reference to the President as needed.
- 5) To meet at least once per semester to address any concerns, questions or issues relating to the UBC Office of the Ombudsperson for Students.
- 6) For privacy reasons, the Committee will not hear details that would reveal the identity of individuals involved in specific cases.

The Ombuds Advisory Committee will be comprised of nine (9) voting members, upon appointment by the President:

- 1) Five (5) Members from offices such as VP Students, Access and Diversity, Equity, Office of the University Counsel, and the Faculties.
- 2) One (1) Faculty Association designate (to be nominated by the Faculty Association)
- 3) One (1) Graduate Student Society designate (to be nominated by the GSS council)
- 4) Two (2) Alma Mater Society designates (to be nominated by the AMS council)

Appointments to the Ombuds Advisory Committee will be staggered such that half of the members will remain each year so as to maintain continuity and institutional memory.

The Ombudsperson and the Ombuds Officer may attend meetings of the Committee unless requested otherwise, but they are not members of the Committee.

The Chair will be chosen from the Committee members by majority vote of the Committee and may be any member of the Committee. Members are appointed to the Committee for two year terms, which may be renewed. If a case comes to the UBC Office of the Ombudsperson for Students concerning any member of the Ombuds Advisory Committee, that person will be temporarily recused from the Committee until such time as the case is closed or the annual term of the Committee is ended. The

Committee will select a temporary member from whatever representative group the member in question has been designated from.

If any designate member of the Committee misses more than two (2) scheduled meetings in a row, her or his representative group shall be notified by the Chair of the Committee. Representative groups have the authority to replace their voting member in the event that she or he is not fulfilling the duties of a Committee member in an adequate manner. Members of the Committee are eligible for a renewed seat at the end of their terms, subject to the approval of or election by their representative groups.

The Vice-President Students and the Vice-President Academic and Provost may sit on the Committee as regular members but may not serve as chair of the Committee.

Limits

The Ombudsperson may decline to initiate an investigation or pursue informal enquiries on the grounds that the complaint is not in her or his jurisdiction, is out of time, frivolous, vexatious or made in bad faith.

The Ombudsperson does not make University policy or replace proper legal channels; she or he acts solely in an advisory or intermediary role.

The Ombudsperson exercises no powers that are beyond the legal scope of the University. She or he can only make recommendations regarding actions or policies that fall within the authority of the University.

The UBC Office of the Ombudsperson for Students is not an office of record and information received by the Office does not constitute notice to the University of British Columbia.

No Reprisal

No person who files a complaint or participates in an investigation in good faith should be subject to reprisal.

Funding

The composition of the Committee as noted above is predicated upon ongoing financial contributions to the operation of the UBC Office of the Ombudsperson for Students by the Graduate Student Society, the Alma Mater Society, and UBC itself. Despite this, student seats on the Committee will be retained even if the student financial contribution is reduced.